# 1NC

### CP 1

#### Text: The United States Congress should require a declaration of war that is consistent with jus ad bellum principles of self-defense under international law for any decision to use or deploy armed forces against a nation-state in circumstances likely to lead to an armed attack.

#### Congress should define “armed attack” as: The use of force of a magnitude that is likely to produce serious consequences, epitomized by territorial intrusions, human casualties, or considerable destruction of property.

#### Congress should allow an exception in the event of an armed attack against the United States, or members of U.S. alliances or alignments making prior approval impractical. Congress should require immediate notice of such a determination, and shall require approval within 14 days.

#### The text of the plan signals an abandonment of Israel- they are not a U.S. ally

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(James D.-, June, Annual Review of Political Science, “Alliances: Why Write Them Down?”, Vol. 3, <http://arjournals>. annualreviews.org/doi/full/10.1146/annurev.polisci.3.1.63?amp;searchHistoryKey=%24{searchHistoryKey}&cookieSet=1)

Alliances should be differentiated from alignments (Dingman 1979). Alignments are not written down by states because the common interest is obvious to all. Some alignments, such as the United States and Israel, support close relations over a long period of time, whereas others, such as the United States and Syria during the Gulf War, pass with the immediate issue. The key difference is that an alignment does not carry the expectation of a continuing relationship; the shared interest carries the entire relationship, and therefore that relationship need not be negotiated formally. An alliance entails a formal commitment between the parties wherein certain specific obligations are written out. Alliances require specification because the allies need to clarify their degree of shared interests, both to each other and to others outside the alliance (Niou & Ordeshook 1994). From alignment to alliance is a significant step up in formalization of commitment, and further steps are possible that entail greater degrees of commitment. Alliances can be thought of as part of a continuum of security relationship from alignment through federation (Lake 1996, 1999, Weber 1997). Alliances allow their members to retain final freedom of action in foreign policy; tighter forms of relations cede some control over foreign policy to another state. Historically, few sovereign states have voluntarily formed tighter relationships than alliances.

#### Consistent statements in support of U.S. security assurances that the US will come to the defense of Israel if they are under attack are key to prevent Israeli lashout

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(Clark A.-, Jessica M. Yeats, Linton F. Brooks, M. Elaine Bunn, Franklin C. Miller, James L. Schoff, CSIS Workshop Proceeding and Key Takeaways, “Exploring the Nuclear Posture Implications of Extended Deterrence and Assurance”, <http://csis.org/files/publication/091218_nuclear_posture.pdf>)

U.S. security assurances to Israel probably have their greatest impact on Israel’s calculus on whether it should act preventively (as it did in the past against Iraq and Syria) against Iran. Former Israeli Deputy National Security Adviser Chuck Freilich argues that “Israel’s understanding of American strategy…would affect Israel’s determination to act unilaterally…[and] Israel’s willingness to discuss options for living with a nuclear Iran would be affected by a better appreciation of American strategy and of the deterrent options the United States would be willing to consider.” In whatever form they may take, U.S. statements and actions that strengthen Israel’s confidence in U.S. assurances, both in preventing Iran from acquiring nuclear weapons and coping with a nuclear Iran, will make it less likely that Israel will feel compelled to preemptively attack Iran’s nuclear facilities. Recent developments – particularly in missile defense cooperation – appear to be helping in this regard. In a stark change of tone, Israeli Defense Minister Eduh Barak was recently quoted saying, "Israel is strong and I do not see anyone capable of representing a threat to our existence…right now is the moment for diplomacy.”146 The Washington Post reported that this strength is derived from three parts: “its nuclear capabilities…the assumption that the United States would stand behind Israel if it came under attack…[and] the calculation that enough of the country’s air bases and military facilities would survive a first strike to retaliate effectively.”147

#### An Israeli strike collapses the global economy, heg, and sparks war with China and Russia

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(Rafael, Guest Opinion: Unilateral strike on Iran could trigger world depression, 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.

### CP 2

#### The President of the United States of America should seek the legal advice of the United States Department of Justice’s Office of Legal Counsel in the area of offensive use of military force. The OLC should publically disclose a written legal opinion that the executive branch of the United States federal government should not initiate offensive use of military force prior to receiving Congressional authorization and the President should issue an executive order complying with that advice. Other executive branch legal personnel, including the Attorney General, will defer to the advice of the OLC on this issue.

The counterplan solves --- internalizes legal norms, effectively constrains the president, establishes precedent and is sufficiently immune from political influences Bradley and Morrison, 13 --- Professor of Law at Duke, AND \*\*Professor of Law at Colombia (May 2013, Columbia Law Review, “ESSAY: PRESIDENTIAL POWER, HISTORICAL PRACTICE, AND LEGAL CONSTRAINT,” 113 Colum. L. Rev. 1097)) III. Possible Mechanisms of Constraint Having specified in the previous Part what counts as legal constraint in our view, this Part considers how legal constraints might work with respect to the presidency. It first examines two familiar potential mechanisms of constraint: the internalization of legal norms by relevant actors within the executive branch and the threat of external sanctions for violating those norms. This Part then discusses the implications of an obvious but less-discussed phenomenon - the fact that executive officials frequently engage in public dialogue about the President's constitutional authority, including his practice-based authority. It concludes by analyzing the debate over the military intervention in Libya, mentioned earlier, in order to highlight some of the challenges associated with empirically studying the ways in which the presidency may be constrained by law. A. Norm Internalization Perhaps the most obvious way that law can have a constraining effect is if the relevant actors have internalized the legal norms, whether those norms are embodied in authoritative text, judicial decisions, or institutional practice. As a general matter, the internalization of legal norms is a phenomenon that can potentially take place wherever the law is thought to operate, in both the private and public sectors. But precisely how that internalization operates, including how it affects actual conduct, depends heavily on institutional context. When speaking of legal norm internalization as it relates to the presidency, it is important first to note that Presidents act through a wide array of agencies and departments, and that presidential decisions are informed - and often made, for all practical purposes - by officials other than the President. In most instances involving presidential power, therefore, the relevant question is whether there has been an internalization of legal norms by the executive branch.The executive branch contains thousands of lawyers. n124 The President and other executive officials are regularly advised by these lawyers, and sometimes they themselves are lawyers. Although lawyers serve in a wide variety of roles throughout the executive branch, their [\*1133] experience of attending law school means that they have all had a common socialization - a socialization that typically entails taking law seriously on its own terms. n125 Moreover, the law schools attended by virtually all U.S. government lawyers are American law schools, which means that the lawyers are socialized in an ethos associated with the American polity and the American style of law and government. n126 These lawyers are also part of a professional community (including the state bars to which they are admitted) with at least a loosely shared set of norms of argumentative plausibility. Certain legal offices within the executive branch have developed their own distinctive law-internalizing practices. This is particularly true in places like OLC, which, as noted above, provides legal advice based on its best view of the law. OLC has developed a range of practices and traditions - including a strong norm of adhering to its own precedents even across administrations - that help give it some distance and relative independence from the immediate political and policy preferences of its clients across the executive branch, and that make it easier for OLC to act on its own internalization of legal norms. n127 Another example is the State Department Legal Adviser's Office, which often takes the lead within the executive branch on matters of international law and which has developed its own set of traditions and practices that help protect it from undue pressure from its clients. n128 More broadly, government legal offices may internalize legal norms even if they do not regularly focus on identifying the best view of the law. For example, an office committed not to seeking the best view of the law but to providing professionally responsible legal defenses of certain already-determined policy positions could still operate under legal constraints if it took the limits of professional responsibility seriously. [\*1134] That may well describe the typical posture of agency general counsel offices across the executive branch. As noted above, although it can be difficult to identify with consistent precision the outer boundaries of legal plausibility, a commitment to remaining within those boundaries is a commitment to a type of legal constraint. If executive branch legal offices operate on the basis of certain internalized norms that treat law as a constraint, the next question is whether those offices have any effect on the actual conduct of the executive branch. In the case of OLC, there are two key points. First, although OLC possesses virtually no "mandatory" jurisdiction, there is a general expectation that, outside the litigation context, legal questions of special complexity, controversy, or importance will be put to OLC to address. n129 Second, established traditions treat OLC's legal conclusions as presumptively binding within the executive branch, unless overruled by the Attorney General or the President (which happens extremely rarely). n130 Combined, these practices make OLC the most significant source of centralized legal advice within the Executive Branch.Still, OLC addresses only a very small fraction of all the legal questions that arise within the executive branch, and a complete picture of the extent to which executive officials internalize legal norms (or are affected by others who internalize such norms) must extend well beyond [\*1135] that office. n131 Looking across the executive branch more broadly, there may be a practical imperative driving at least some measure of legal norm internalization. The executive branch is a vast bureaucracy, or series of bureaucracies. Executive officials responsible for discharging the government's various policy mandates cannot act effectively without a basic understanding of who is responsible for what, and how government power is to be exercised - all topics regulated by law, including practice-based law. n132 Some of the understandings produced by those allocations are probably so internalized that the relevant actors cannot even imagine (at least in any serious way) a different regime. n133 Even on the more high-profile policy questions that receive the attention of the White House itself, the internalization of law may have a constraining effect. There are lawyers in the White House, of course, including the Office of Counsel to the President (otherwise known as the White House Counsel's Office). Some commentators - most notably Bruce Ackerman, as part of his general claim that the executive branch tends toward illegality - have characterized that office as populated by "superloyalists" who face "an overwhelming incentive to tell [the President] that the law allows [him] to do whatever [he] wants to do." n134 If that were an accurate portrayal, it would suggest that there is little to no internalization of the law in the White House Counsel's Office. But there are serious descriptive deficiencies in that account. n135 [\*1136] Still, the White House Counsel's immediate proximity to and close working relationship with the President and his senior political advisors surely do cause politics to suffuse much of the work of that office in a way that is not true of all of the executive branch. The more fundamental point, however, is that it is in the nature of modern government that the President's power to act often depends at least in part on the input and actions of offices and departments outside the White House. That commonly includes the input of legal offices from elsewhere across the executive branch. n136 Many of those offices are headed by political appointees, and thus politics are not likely to be wholly absent from their work either. But many of those offices are also populated primarily by nonpolitical "career" civil servants, whose work as government lawyers across presidential administrations likely increases the internalization of relevant legal norms. To the extent that the input and actions of such offices affect the President's ability to act, he may be constrained by law without regard to whether he or his most senior White House advisers think about the law. Internalization of legal norms may at least partially explain the now-famous standoff during the George W. Bush Administration between high-ranking lawyers in the Justice Department and various White House officials over the legality of a then-secret warrantless surveillance program. The program was deeply important to the White House, but the Attorney General, Deputy Attorney General, and head of OLC all refused to certify the legality of the program unless certain changes were made. When the White House threatened to proceed with the program without certification from the Justice Department, the leaders of the Department (along with the Director of the FBI and others) all prepared to resign. Ultimately, the White House backed down and acceded to the changes. n137 Some substantial part of the explanation for why the Justice Department officials acted as they did seems to lie in their internalization of a set of institutional norms that not only takes law seriously as a constraint, but that insists on a degree of independence in determining [\*1137] what the law requires. n138 Buckling under pressure from the White House was evidently inconsistent with the Justice Department officials' understanding of their professional roles.

### DA 1

#### Trade promotion is a top priority and will pass if Obama invests capital --- he can overcome opposition

Schneider, 12/17 (Howard, 12/17/2013, “Obama, to sell trade pacts, will outline the benefits of globalization,” <http://www.stltoday.com/business/local/obama-to-sell-trade-pacts-will-outline-the-benefits-of/article_3bebc586-6ed7-50dd-879c-3f331fd54363.html>))

WASHINGTON • After months of international negotiations over two new trade treaties, the Obama administration is planning a major push to make the case that the agreements will put Americans to work at a decent wage and not further winnow the country's manufacturing base. European and U.S. negotiators are in Washington this week to continue work on an agreement that would mesh the world's two largest economies more closely together. A second proposed treaty, the 12-nation Trans-Pacific Partnership (TPP), may be finished early next year, creating a trade zone covering 40 percent of world economic output and reaching from Chile to Japan. The legislation needed for both agreements to clear Congress is expected to be introduced early in 2014, and the administration "is beginning to ramp up" for what could be the most extensive debate in more than a decade over the opportunities and risks of globalization, said an official who was not authorized to speak publicly about the administration's strategy. "We will be mobilizing a whole administration effort to build public and congressional support," the official said. LIKELY TO BE CONTROVERSIAL It is likely to be a controversial battle, forcing President Barack Obama to stump for policies that some of his strongest political allies — particularly organized labor and environmental groups — are likely to oppose. It is a debate set against the backdrop of 7 percent unemployment and concern about the loss of U.S. jobs that coincided with the rise of manufacturing power in countries such as China. The measures under consideration would cover the bulk of global economic activity and reshape economic relations around the globe — setting the first rules for new industries that are thriving thanks to the Internet and renegotiating standards for old ones such as shoemaking. Obama has focused much of his recent economic policy on boosting trade and global investment. He will now need to make the case that a broad new set of trade agreements will help U.S. workers and not merely shift jobs overseas or benefit a small clique of global corporations, as many trade skeptics argue has happened before. SETTING 'THE RULES OF THE GAME' These agreements "will set the rules of the game … in a way that levels the playing field and allows our workers to compete more effectively. If we don't do that, the rules will be set by others," U.S. Trade Representative Michael Froman said Tuesday. Chinese economic influence in Asia is a particular concern. "At the end of the day, when the deal is done, we will be able to explain to everybody the balances that we struck and we will have support for the substance of it," Froman said. The countries involved range from long-standing U.S. industrial allies such as Germany and Japan to developing nations such as Vietnam and Malaysia, each posing its own challenges in completing the agreements and winning support in the United States. A more open Japanese auto market could be of great benefit to U.S. manufacturers, for example, while the administration envisions Vietnam becoming a geopolitically important model of how a government-planned economy can transition to a system of stronger individual rights and more market-based rules for state-run enterprises. DOMESTIC OPPOSITION Several major union leaders, as well as some corporate executives and civil society groups, have been skeptical that those benefits will ever be realized and argue that the TPP in particular is being negotiated with such little public disclosure that it is hard to judge the potential effects. On Capitol Hill, there is ill will to overcome from the recent government shutdown and controversy over the rollout of the health-care law. Unemployment is high and a core group of Democrats feels that prior trade agreements — from Clinton-era treaties with Mexico and Canada to the decision to let China join the World Trade Organization — have helped hollow out America's manufacturing middle class. Democrats who favor trade — including important figures such as Rep. Sander Levin, D-Mich., — want tougher guarantees in any upcoming treaty, including enforceable rules to ensure that major trading partners don't unfairly manipulate the value of their currencies to gain advantage. Civil society groups have raised a myriad of complaints, and the usually pro-trade GOP may splinter as members affiliated with the tea party movement argue against providing Obama with the same authority that presidents since Gerald Ford have been given to negotiate trade treaties without fear of congressional amendment. FIRST BATTLE: 'FAST-TRACK AUTHORITY' In fact, the first battle will be over not a trade agreement but that "fast-track" authority. Fast-track rules let Congress set negotiating parameters for the administration but requires any subsequent treaty to receive a quick up-or-down vote without amendment — a way to assure negotiating partners that deals will not be returned with a long list of congressional changes to barter over. The Republican and Democratic chairmen of the House Ways and Means Committee and the Senate Finance Committee are working on a trade promotion authority bill expected to be introduced early in 2014. That will be the forum to work out some of the major fears or complaints lawmakers have voiced over the TPP and the Transatlantic Trade and Investment Partnership with Europe. Obama "needs to make clear this is important," said Jake Colvin, a vice president of the National Foreign Trade Council, a business lobby. "Potentially there is a significant amount of support in the center among Democrats and Republicans to get it over the line."Free-trade agreements with South Korea, Colombia and Panama have been approved under Obama. But they originally dated to the Bush administration and were covered by fast-track laws that have since expired. POLITICALLY FRAUGHT DEBATE The last debate over trade promotion authority, in 2002, showed how narrow and politically fraught the margins can become: The measure was approved 215 to 212 in the House on a largely party-line vote. The politics of trade since then have arguably become more intense. The U.S. sway over the world economic system was rocked by the financial crisis, and China's rapid growth has led U.S. unions, politicians and others to insist that future trade agreements not only open markets but also ensure that U.S. workers are not left at a disadvantage. New "21st century" issues such as the transfer of data across national borders, intellectual property rules for biotechnology, and appropriate regulations for state-owned enterprises are being negotiated for the first time, alongside age-old disputes over agriculture and whether cheese from somewhere other than Roquefort-sur-Soulzon smells just as sweet. When the latest round of Pacific talks ended this month in Singapore, House Ways and Means Committee Chairman Dave Camp, R-Mich, said there had been "considerable bipartisan and bicameral progress" on a trade promotion bill. He said he felt legislation could pass "early next year, if we have the administration's active participation."

#### Only this leadership and prioritization by Obama will ensure passage

Business Times Singapore, 12/17 (“Obama must make the case for freer trade,” 12/17/2013, Factiva))

The TPA bill, which is expected to be introduced in January, will face fierce opposition from Democratic legislators affiliated with the labour unions and environmentalist forces who warn that free trade accords such as the TPP encourage American companies to relocate operations to low-wage emerging economies that don't adhere to environmental standards. There will also be pushback from conservative Republican lawmakers with ties to the Tea Party movement who don't want to strengthen the power of President Barack Obama by granting him a new TPA. So the president now has his work cut out. He must place the goal of liberalising global trade on the top of his policy agenda and exert leadership to ensure that the TPA legislation gets approved by Congress early, before Democrats and Republicans start preparing for next year's midterm Congressional elections. But he must articulate a coherent global trade narrative which highlights the benefits that liberalising trade, especially with Asia, can bring to the American economy - by creating new jobs and investments, while strengthening US global leadership.

#### The plan will roil key factions in the administration, congress and the public --- wrecks other agenda priorities

Scheuerman, 13 --- Professor of Poli Sci at Indiana University (Spring 2013, William E., Constitutional Commentary, “BOOK REVIEW: BARACK OBAMA'S WAR ON TERROR: POWER AND CONSTRAINT: THE ACCOUNTABLE PRESIDENCY AFTER 9/11,” 28 Const. Commentary 519))

Last but by no means least, the Obama Administration has gone beyond anything President Bush attempted in one major area: he has dramatically ramped up the targeted killing of suspected terrorists abroad, even claiming legal authority to kill - and then proceeding to do so - a U.S. citizen, Anwar al-Aulaqi, and then turning to Bush-era legal doctrines to beat back a courtroom challenge from the ACLU (pp. 13-14, 18-19). As Newsweek journalist Daniel Klaidman shows in his aptly entitled Kill or Capture: The War on Terror and the Soul of the Obama Presidency, an insightful account of the Administration's internal battles about counterterrorism, targeted killings, preferably by means of drones, quickly became the Administration's favored device for combating terrorism for a mix of interlocking political and legal imperatives. n16 They allow the Administration to minimize unnecessary U.S. military casualties in a seemingly endless war on terror, while typically garnering strong public support and permitting Obama to accentuate his image as a strong leader tough on national [\*525] security issues. n17 Just as conveniently, they do not require capturing and detaining dangerous terrorists, which has become a political and legal morass given congressional hostility to trying foreign terrorists in ordinary courts as well as the Administration's own commitment to downsize Gitmo and other offshore detention centers. n18 Despite widespread condemnation from abroad, the Administration continues to favor targeted killings as its weapon of choice in the war on terror. In fact, they have even garnered the unlikely imprimatur of one of the Administration's most prominent liberal jurists, State Department Legal Advisor and Yale Law School professor Harold Koh, who interprets them - when targets are properly selected - as legitimized by the U.S. declaration of war against Al-Qaeda. n19 Nonetheless, they remain controversial for one straightforward reason: President Obama has taken it upon himself to serve as judge, jury, and executioner even in cases involving U.S. citizens. Civil libertarians may be exaggerating somewhat when they dub Obama's war on terror "Bush Lite." Nonetheless, a powerful case can be made that Obama has in fact mostly followed in his predecessor's footsteps, and that at least in one arena (i.e., targeted killings) he has in fact radicalized employment of one suspect, controversial Bush-era antiterrorism tool. II. BARACK OBAMA AS ENIGMA Such continuities leave us with an obvious enigma. As Goldsmith recounts, in 2008, Obama campaigned aggressively against the Bush Administration's counterterrorism program and its embrace of torture (p. 4). Of course, presidents often fail to fulfill promises made on the campaign trail. Yet Obama's commitment to a fundamental overhaul seemed to represent something more than the usual political tool employed to win over some segment of the electorate. A longstanding and eloquent defender of the rule of law, former editor of the Harvard Law Review, protege of some of our most prominent liberal jurists (e.g., Laurence Tribe), and former law professor at [\*526] the University of Chicago, Obama seemed genuinely committed to dramatic policy and legal changes. Based on his own legislative record, as well as his soaring rhetoric, and last but not least the fact that popular anxiety about terrorism was no longer dominating the U.S. political landscape by 2008 and 2009, many observers quite sensibly expected that we would see major changes in counterterrorism. Adding to the enigma's complexity is a large body of recent evidence corroborating the deeply rooted nature of Obama's constitutionalist and legalist instincts; Klaidman's Kill or Capture describes numerous episodes in the last four years when the President at least initially joined forces with so-called "idealistic" defenders of the rule of law (in particular, Attorney General Holder) in opposition to political operatives (e.g., Rahm Emmanuel) whose primary job was to guarantee their boss's political success rather than restore the rule of law. n20 At least on some occasions (for example, when supporting the release of secret documents about U.S. interrogation practices), he did so at considerable political risk. So why has Obama failed to transform U.S. counterterrorism policy? The most obvious answer is one Goldsmith fails to examine at length, even though it has garnered a sizeable following among Obama's disappointed liberal supporters as well as some journalists like Klaidman. It zeroes in on Obama's failings as a political leader: his Administration has simply messed things up, with an indecisive chief executive too often ineptly overseeing an array of top-level officials and advisors deeply divided over how and when to overturn Bush-era policies on terrorism. President Obama has failed decisively to set the agenda, either vis-a-vis his own cabinet, or in relation to the public at large. As David Cole has recently pointed out in this vein, President Obama has given up even trying to employ the presidential bully pulpit, here as in other policy arenas too often letting demagogical critics define the terms of the debate. n21 Predictably perhaps, he has ended up deferring at crucial junctures to the "old hands" in the federal security and intelligence apparatus. As Goldsmith accurately chronicles, many of Obama's top advisors on terrorism have in fact been rather conservative political figures, a number of whom worked for President Bush (Secretary of Defense Robert Gates, for example) (p. 27). His point man on counterterrorism, CIA [\*527] Director John Brennan, previously spent twenty-five years in intelligence and served as George Tenet's Chief of Staff while the Bush Administration pursued its new interrogation program (pp. 28). Not surprisingly, when push came to shove, Obama opted to pursue a cautious path, following the advice of those deeply enmeshed in the apparatus of the national security state while regularly ignoring dissenting voices from the human rights community and his own home base, the liberal legal academy. Even if this explanation carries some weight, it suffers from one glaring weakness: as Klaidman's own useful play-by-play political account nicely lays out, when in 2009 Obama did arguably try to lead the way in pursuing an alternative policy course, in part by means of a series of forceful public pronouncements about the need to redesign counterterrorism more in sync with U.S. legal ideals, his efforts ignited destructive political fires within his "own" Democratic Congress and outside of it as well. Most obviously, his modest but eloquently articulated efforts to close down GTMO and try Al-Qaeda leaders like Khalid Sheik Mohammed in federal court were aggressively rebuffed by Congress, which quickly and overwhelmingly moved to prohibit him from transferring detainees to prisons within the U.S. n22 (The vote in the Democratic controlled Senate was 90-6 against Obama, with only six Democrats supporting his efforts; the House vote in favor of the revealingly entitled "Keep the Terrorists Out of America Act" drew similarly massive bipartisan support. n23) Revealingly, Klaidman chronicles that with Obama's stamp of approval, Attorney General Holder released classified materials about Bush-era torture practices in part probably hoping for a public outcry which might then open the door to a congressional investigation and perhaps criminal prosecution. n24 Holder in fact got his outcry; however, it took a different tone than he apparently expected: the conservative right - in alliance with Fox News and other major media outlets - provided the Attorney General with his first (of many) political shellackings. n25 Obama and Holder soon found themselves running for political cover, mercilessly abandoned even by Senator Harry Reid and other [\*528] prominent members of the president's own party when word leaked about the plan to relocate Uighur GTMO detainees. n26 So it is perhaps wishful thinking to believe that if Obama had been more effective at using his political capital he might also have been much more successful in changing Bush-era policies. Even if political errors were undeniably made, this explanation underplays the key role of what now appears to be deeply rooted opposition within both Congress and what now passes in the U.S. for civil society to a genuine liberalization of U.S. counterterrorism. Needless to say, this political climate raises many fundamental questions about contemporary U.S. democracy and the apparent willingness of so many of its key players to sacrifice basic legal protections and rule of law guarantees in the face of terrorist threats, real or otherwise. These unsettling trends perhaps stem in part from the modern presidential executive's oftentimes neglected links to traditional monarchy, whose main function as "protector of the realm" had far-reaching institutional as well as symbolic implications. n27 Not surprisingly perhaps, contemporary proponents of an outsized executive increasingly seem willing to embrace and even celebrate the U.S. presidency's monarchical origins. n28 In any event, Obama perhaps should have done more to change the political climate. However, one can also easily understand why competing political pressures (e.g., his commitment to getting health care reform through Congress) soon encouraged him to place the battle for a revised counterterrorism program on the back burner: the opposition to real change seemed so deep, and the political costs of challenging it correspondingly exorbitant.

#### TPA is key to reverse slow growth and ensure U.S. global competitiveness

Oberhelman, 12/30 --- chairman and CEO of Caterpillar in Illinois and chairman of Business Roundtable’s International Engagement Committee (Doug, 12/30/2013, “Guest: Should Congress give Obama fast-track authority for trade deals? Yes,” <http://seattletimes.com/html/opinion/2022546185_dougoberhelmanprotradeoped30xml.html)>

LIKE most Americans, I’m frustrated with the slow rate of economic growth in the United States over the last several years. Most proposals to fix the problem focus on domestic issues — government spending, taxes and infrastructure projects, to name a few. As the chairman and chief executive officer of Caterpillar, I particularly like to talk about the need to invest in our nation’s infrastructure, which helps to make America more competitive in the world economy. But while all of these issues are critically important to the U.S. economy, the opportunity to increase U.S. investment, growth and jobs requires us to go beyond America’s border. Ninety-six percent of the world’s consumers live outside of the United States. In fact, in the last five years, Caterpillar has exported more than $82 billion in products manufactured at our factories in the United States, supporting tens of thousands of jobs. Creating opportunities for American companies to reach these consumers through new and expanded free-trade agreements can help to get our economy back on track and keep our nation globally competitive. Today, trade supports more than one in five American jobs. U.S. exports have grown more than twice as fast as GDP since 2002, accounting for 14 percent of GDP in 2012. And workers in U.S. companies that export goods earn on average up to 18 percent more than those in similar jobs in non-exporting companies. The United States is currently pursuing one of the most ambitious trade agendas in a generation, trade agreements that would open markets in the Asia-Pacific region and in Europe. Also being negotiated is an agreement aimed at knocking down barriers to boost the global competitiveness of U.S. services companies. But to realize the economic benefits of these pending trade deals, Congress must update and pass Trade Promotion Authority legislation. A partnership between Congress and the Administration, TPA legislation helps shape a strategic vision for U.S. trade policy and the goals the United States wants to accomplish in trade negotiations. It provides a framework for Congress and the president to work together to craft that vision, and it helps define the critical constitutional relationship between Congress and the president with respect to foreign commerce. From the 1930s until 2007, Congress has authorized every president to pursue trade agreements that open markets for U.S. goods and services. Such authority was last passed by Congress in 2002 and expired in 2007. Updated TPA legislation would provide clear guidance on Congress’ requirements for trade agreements. It would also provide our trade negotiating partners with a degree of comfort that the United States is committed to the international trade negotiating process and the trade agreements we negotiate. In the coming weeks it is expected that Congress will introduce updated TPA legislation. Congress should seize the opportunity to shore up the benefits of current and future trade agreements — increased U.S. investment, growth and jobs — by passing updated TPA legislation. Working with the president to do so would ensure that the United States continues to pursue trade agreements that not only would allow companies like Caterpillar to remain globally competitive, but also would benefit America.

#### The impact is global nuclear war

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With the global financial system in serious trouble, is America's geostrategic dominance likely to diminish? If so, what would that mean? One immediate implication of the crisis that began on Wall Street and spread across the world is that the primary instruments of U.S. foreign policy will be crimped. The next president will face an entirely new and adverse fiscal position. Estimates of this year's federal budget deficit already show that it has jumped $237 billion from last year, to $407 billion. With families and businesses hurting, there will be calls for various and expensive domestic relief programs. In the face of this onrushing river of red ink, both Barack Obama and John McCain have been reluctant to lay out what portions of their programmatic wish list they might defer or delete. Only Joe Biden has suggested a possible reduction -- foreign aid. This would be one of the few popular cuts, but in budgetary terms it is a mere grain of sand. Still, Sen. Biden's comment hints at where we may be headed: toward a major reduction in America's world role, and perhaps even a new era of financially-induced isolationism. Pressures to cut defense spending, and to dodge the cost of waging two wars, already intense before this crisis, are likely to mount. Despite the success of the surge, the war in Iraq remains deeply unpopular. Precipitous withdrawal -- attractive to a sizable swath of the electorate before the financial implosion -- might well become even more popular with annual war bills running in the hundreds of billions. Protectionist sentiments are sure to grow stronger as jobs disappear in the coming slowdown. Even before our current woes, calls to save jobs by restricting imports had begun to gather support among many Democrats and some Republicans. In a prolonged recession, gale-force winds of protectionism will blow. Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that **rogue states may choose to become ever more reckless with their nuclear toys**, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures. As for our democratic friends, the present crisis comes when many European nations are struggling to deal with decades of anemic growth, sclerotic governance and an impending demographic crisis. Despite its past dynamism, Japan faces similar challenges. India is still in the early stages of its emergence as a world economic and geopolitical power. What does this all mean? There is no substitute for America on the world stage. The choice we have before us is between the potentially disastrous effects of disengagement and the stiff price tag of continued American leadership.

### DA 2

#### Korea is the most volatile hotspot in the world and risk of North Korean miscalc is high – US deterrence across the DMZ is key

MARTHA RADDATZ and LUIS MARTINEZ – 4/2/13, U.S. General Says North Korea Situation Is 'Volatile' and 'Dangerous', http://abcnews.go.com/International/us-general-north-korea-situation-volatile-dangerous/story?id=18863864&singlePage=true

Gen. James Thurman, the top U.S. commander in South Korea, said that in his two years on the job he has never seen things as tense as they are right now, telling ABC News the situation on the Korean peninsula is "volatile" and "dangerous." Thurman said in his exclusive interview with ABC News that his " job is to prevent war," but that his greatest fear is a "miscalculation" that causes "a kinetic provocation." In military parlance, kinetic refers to combat. Thurman said North Korea's recent rhetoric has made the situation on the Korean peninsula "a dangerous period," but he added, "I think we're managing it quite well because on this side of the line we're very calm. And we're confident." Thurman commands the 28,500 American military forces based in South Korea and also serves as the commander of United Nations Command. The interview was conducted in one of the buildings at Panmunjon along the Demilitarized Zone (DMZ) where South Korean and North Korean military forces face off just steps away from each other. Thurman believes the "tough talk" from Kim Jong Un, North Korea's young leader, is him "trying to play to his internal audience." However, Thurman said that more importantly Kim is also trying "to intimidate the South Koreans and intimidate the region And we're not going to let that happen." The general thinks South Korea is serious when it says it will respond militarily to any offensive action by North Korea. "I believe they will because we have a right to protect ourselves. And again we're not going to let the North Koreans intimidate us," said Thurman. Thurman said with the North Korean rhetoric at such a high level his greatest fear is "a miscalculation. An impulsive decision that causes a kinetic provocation." The general said he has to take North Korea's rhetoric seriously. Asked if he thought they were empty threats Thurman said "No, I don't think that they are. We've got to take every threat seriously." With so little known about Kim Jong Un, Thurman said he is not sure what his true intentions are :because he's kind of reckless right now with his talk and all that." North Korea's latest provocation came today when it announced that it was restarting the nuclear reactor at Yongbyon that it had closed down in 2007. The plant could be used to produce additional plutonium for its nuclear weapons program. While he described North Korea's missiles as their largest threat, Thurman pointed across the DMZ and noted "there's 14,000 tubes of artillery just across this line beyond that far mountain range over there." That artillery poses a direct threat to Seoul, the South Korean capital which is located just 27 miles from the DMZ. But if North Korea launches an offensive operation against South Korea Thurman said "I think we got to be ready to go." "We will defend ourselves. We don't want to respond to some type of deceptive move into a rapid escalation into a conflict ... My job is to prevent war." Thurman said the North Korean ballistic missile threat have the range to potentially hit the United States though "they haven't demonstrated the full capabilities that they can do an intercontinental ballistic missile as far as the delivery... I think they have a long way to go in my assessment." "I think as we look at the missile portfolio North Korea has, we protect the homeland number one and make sure all our assets are available so we can provide protection if necessary." Thurman would not discuss what those protection options might be though "everything is on the table." On Monday the U.S. Navy confirmed that it had sent the guided missile destroyer, USS John S McCain, to the waters off of South Korea. The ship carries SM-3 missiles capable of shooting down North Korean ballistic missiles. And today the Pentagon confirmed that an additional destroyer, the USS Decatur, was ordered to remain in the Pacific region. Thurman explained that the ships' movements, as well as the public acknowledgement that long range American bombers had conducted training missions over South Korea, were about sending a message of deterrence to North Korea. "Defending the Republic of Korea against aggression is all about deterrence. And I think we've got good deterrence," said Thurman. "I'm confident as the commander here in what we need to do should hostilities break out." While North Korea's rhetoric has raised tensions Thurman believes the situation will "calm down. I'm confident it will. I'm optimistic about it." He pointed to the practical reason that North Korea routinely uses its military to work the fields during the farming season "so that they can have a good harvest."

#### Changes in US defense commitments below the nuclear threshold collapse extended deterrence in Korea

Linton Brooks and Mira Rapp-Hooper - Oct 2013, Extended Deterrence, Assurance, and Reassurance in the Pacific during the Second Nuclear Age, Brooks = badass, former nuclear sub commander, and nonresident senior adviser at CSIS, http://www.nbr.org/publications/element.aspx?id=706#.Uoi1Mfl1ySo

The need to simultaneously deter China and North Korea, assure multiple allies, and reassure China, combined with regional nuclear dynamics, makes extended deterrence more complex now than during the Cold War. Particularly challenging is deterring low-level confrontations in the maritime sphere and, in the future, the cyber domain. The Asia-Pacific region is subject to a “security trilemma,” where U.S. actions to deter North Korea can have negative consequences for U.S. and allied security relations with China, making both assurance and reassurance much more difficult. Japan and South Korea have unique assurance requirements and need separate consideration. Reassuring China is particularly important but particularly difficult. Policy Implications Because both China and U.S. allies (especially Japan) are concerned about extended-deterrence commitments below the nuclear threshold, the U.S. should review the management of those commitments and use the results of that review to expand dialogue with allies and China. Because assuring its allies is inherently difficult, the U.S. should continue extensive consultations on extended deterrence, especially with Japan and South Korea, should make no major changes in declaratory policy on nuclear use, and should maintain rough strategic nuclear parity with Russia to avoid allied perceptions of U.S. inferiority. Because China believes the U.S. seeks to deny it an effective deterrent, U.S. leaders should reassure China by privately conveying Washington’s acceptance of mutual vulnerability as a fact of life and by working to implement modest confidence-building measures.

#### Extinction

Hayes & Hamel-Green, 10 – \*Executive Director of the Nautilus Institute for Security and Sustainable Development, AND \*\* Executive Dean of the Faculty of Arts, Education and Human Development act Victoria University (1/5/10, Executive Dean at Victoria, “The Path Not Taken, the Way Still Open: Denuclearizing the Korean Peninsula and Northeast Asia,” <http://www.nautilus.org/fora/security/10001HayesHamalGreen.pdf>)

The international community is increasingly aware that cooperative diplomacy is the most productive way to tackle the multiple, interconnected global challenges facing humanity, not least of which is the increasing proliferation of nuclear and other weapons of mass destruction. Korea and Northeast Asia are instances where risks of nuclear proliferation and actual nuclear use arguably have increased in recent years. This negative trend is a product of continued US nuclear threat projection against the DPRK as part of a general program of coercive diplomacy in this region, North Korea’s nuclear weapons programme, the breakdown in the Chinese-hosted Six Party Talks towards the end of the Bush Administration, regional concerns over China’s increasing military power, and concerns within some quarters in regional states (Japan, South Korea, Taiwan) about whether US extended deterrence (“nuclear umbrella”) afforded under bilateral security treaties can be relied upon for protection. The consequences of failing to address the proliferation threat posed by the North Korea developments, and related political and economic issues, are serious, not only for the Northeast Asian region but for the whole international community. At worst, there is the **possibility of nuclear attack**1, whether by **intention, miscalculation, or merely accident**, leading to the resumption of Korean War hostilities. On the Korean Peninsula itself, key population centres are well within short or medium range missiles. The whole of Japan is likely to come within North Korean missile range. Pyongyang has a population of over 2 million, Seoul (close to the North Korean border) 11 million, and Tokyo over 20 million. **Even a limited nuclear exchange would result in a holocaust of unprecedented proportions.** But the catastrophe within the region would not be the only outcome. New research indicates that even a limited nuclear war in the region would rearrange our global climate far more quickly than global warming. Westberg draws attention to new studies modelling the effects of even a limited nuclear exchange involving approximately 100 Hiroshima-sized 15 kt bombs2 (by comparison it should be noted that the United States currently deploys warheads in the range 100 to 477 kt, that is, individual warheads equivalent in yield to a range of 6 to 32 Hiroshimas).The studies indicate that the soot from the fires produced would lead to a decrease in global temperature by 1.25 degrees Celsius for a period of 6-8 years.3 In Westberg’s view: That is not global winter, but the nuclear darkness will cause a deeper drop in temperature than at any time during the last 1000 years. The temperature over the continents would decrease substantially more than the global average. A decrease in rainfall over the continents would also follow…The period of nuclear darkness will cause much greater decrease in grain production than 5% and it will continue for many years...hundreds of millions of people will die from hunger…To make matters even worse, such amounts of smoke injected into the stratosphere would cause a huge reduction in the Earth’s protective ozone.4 These, of course, are not the only consequences. Reactors might also be targeted, causing further mayhem and downwind radiation effects, superimposed on a smoking, radiating ruin left by nuclear next-use. Millions of refugees would flee the affected regions. The direct impacts, and the follow-on impacts on the global economy via ecological and food insecurity, could **make the present global financial crisis pale by comparison**. How the great powers, especially the nuclear weapons states respond to such a crisis, and in particular, whether nuclear weapons are used in response to nuclear first-use, could make or break the global non proliferation and disarmament regimes. There could be many unanticipated impacts on regional and global security relationships5, with **subsequent nuclear breakout** and geopolitical turbulence, including possible loss-of-control over fissile material or warheads in the chaos of nuclear war, and **aftermath chain-reaction affects involving other potential proliferant states.** The Korean nuclear proliferation issue is not just a regional threat but a global one that warrants priority consideration from the international community.

### Warfighting

#### Obama’s war powers are strong now and set precedent for an aggressive executive in the future – Libya proves

Ackerman 11 – Staff Writer @ Foreign Policy

(Bruce, Obama’s Unconstitutional War, http://www.foreignpolicy.com/articles/2011/03/24/obama\_s\_unconstitutional\_war?page=0,1)

By unilaterally going to war against Libya, Obama is bringing America closer to the imperial presidency than Bush ever did. In taking the country into a war with Libya, Barack Obama's administration is breaking new ground in its construction of an imperial presidency -- an executive who increasingly acts independently of Congress at home and abroad. Obtaining a U.N. Security Council resolution has legitimated U.S. bombing raids under international law. But the U.N. Charter is not a substitute for the U.S. Constitution, which gives Congress, not the president, the power "to declare war." After the Vietnam War, Congress passed the War Powers Resolution, which granted the president the power to act unilaterally for 60 days in response to a "national emergency created by attack upon the United States, its territories or possessions, or its armed forces." The law gave the chief executive an additional 30 days to disengage if he failed to gain congressional assent during the interim. But, again, these provisions have little to do with the constitutionality of the Libyan intervention, since Libya did not attack our "armed forces." The president failed to mention this fundamental point in giving Congress notice of his decision on Monday, in compliance with another provision of the resolution. Without an armed "attack," there is no compelling reason for the president to cut Congress out of a crucial decision on war and peace. This is particularly striking since, in the Libyan case, the president had plenty of time to get congressional support. A broad coalition -- from Senator John McCain to Senator John Kerry -- could have been mobilized on behalf of a bipartisan resolution as the administration engaged in the necessary international diplomacy. But apparently Obama thought it more important to lobby the Arab League than the U.S. Congress. In cutting out Congress, Obama has overstepped even the dubious precedent set when President Bill Clinton bombed Kosovo in 1999. Then, the Justice Department's Office of Legal Counsel asserted that Congress had given its consent by appropriating funds for the Kosovo campaign. It was a big stretch, given the actual facts -- but Obama can't even take advantage of this same desperate expedient, since Congress has appropriated no funds for the Libyan war. The president is simply using money appropriated to the Pentagon for general purposes to conduct the current air campaign. The War Powers Resolution doesn't authorize a single day of Libyan bombing. But it does provide an escape hatch, stating that it is not "intended to alter the constitutional authority of the Congress or of the President." So it's open for Obama to assert that his power as commander in chief allows him to wage war without Congress, despite the Constitution's insistence to the contrary. Many modern presidents have made such claims, and Harry Truman acted upon this assertion in Korea. But it's surprising to find Obama on the verge of ratifying such precedents. He was elected in reaction to the unilateralist assertions of John Yoo and other apologists for George W. Bush-era illegalities. Yet he is now moving onto ground that even Bush did not occupy. After a lot of talk about his inherent powers, Bush did get Congress to authorize his wars in Afghanistan and Iraq. Now, Obama is putting Bush-era talk into action in Libya -- without congressional authorization. The president's insistence that his Libyan campaign is limited in its purposes and duration is no excuse. These are precisely the issues that he should have defined in collaboration with Congress. Now that he claims inherent power, why can't he redefine U.S. objectives on his own? No less important, what is to stop some future president from using Obama's precedent to justify even more aggressively unilateral actions?

#### Obama’s Syria move increased Presidential war powers because it maintained ultimate control with the executive

Balkin 9/3, Law Prof at Yale

(Jack, What Congressional Approval Won't Do: Trim Obama's Power or Make War Legal, www.theatlantic.com/politics/archive/2013/09/what-congressional-approval-wont-do-trim-obamas-power-or-make-war-legal/279298/)

One of the most misleading metaphors in the discussion of President Obama’s Syria policy is that the president has “boxed himself in” or has “painted himself into a corner.” These metaphors treat a president’s available actions as if they were physical spaces and limits on action as if they were physical walls. Such metaphors would make sense only if we also stipulated that Obama has the power to snap his fingers and create a door or window wherever he likes. The Syria crisis has not created a new precedent for limiting presidential power. To the contrary, it has offered multiple opportunities for increasing it. If Congress says no to Obama, it will not significantly restrain future presidents from using military force. At best, it will preserve current understandings about presidential power. If Congress says yes, it may bestow significant new powers on future presidents -- and it will also commit the United States to violating international law. For Obama plans to violate the United Nations Charter, and he wants Congress to give him its blessing. People who believe Obama has painted himself into a corner or boxed himself in might not remember that the president always has the option to ask Congress to authorize any military action he proposes, thus sharing the responsibility for decision if the enterprise goes sour. If Congress refuses, Obama can easily back away from any threats he has made against Syria, pointing to the fact that Congress would not go along. There is no corner. There is no box. Wouldn’t congressional refusal make the United States look weak, as critics including Senator John McCain warn loudly? Hardly. The next dictator who acts rashly will face a different situation and a different calculus. The UN Security Council or NATO may feel differently about the need to act. There may be a new threat to American interests that lets Obama or the next president offer a different justification for acting. It just won’t matter very much what Obama said about red lines in the past. World leaders say provocative things all the time and then ignore them. Their motto is: That was then, and this is now. If Congress turns him down, won’t Obama be undermined at home, as other critics claim? In what sense? It is hard to see how the Republicans could be less cooperative than they already are. And it’s not in the interest of Democrats to fault a president of their own party for acceding to what Congress wants instead of acting unilaterally. Some commentators argue (or hope) that whatever happens, Obama’s request for military authorization will be an important precedent that will begin to restore the constitutional balance between the president and Congress in the area of war powers. Don’t bet on it. By asking for congressional authorization in this case, Obama has not ceded any authority that he ­or any other president ­has previously asserted in war powers. Syria presents a case in which previous precedents did not apply. There is no direct threat to American security, American personnel, or American interests. There is no Security Council resolution to enforce. And there is no claim that America needs to shore up the credibility of NATO or another important security alliance. Nor does Obama have even the feeble justification that the Clinton Administration offered in Kosovo­: that congressional appropriations midway through the operation offered tacit and retroactive approval for the bombings. It is naive to think that the next time a president wants to send forces abroad without congressional approval, he or she will be deterred by the fact that Barack Obama once sought congressional permission to bomb Syria. If a president can plausibly assert that any of the previous justifications apply -- ­including those offered in the Libya intervention -- the case of Syria is easily distinguishable.

#### Strong executives are key to coalition support

Ashraf 2011 – PhD from Pitt (April 5, A.S.M. Ali, “THE POLITICS OF COALITION BURDEN-SHARING: THE CASE OF THE WAR IN AFGHANISTAN ” <http://d-scholarship.pitt.edu/7898/1/ThePoliticsOfCoalitionBurden-Sharing.pdf>)

Domestic Political Regime. Domestic political regime acts as the first intervening variable in shaping a state's coalition decisions. There is a rich body of domestic politics literature, which shows that key decisions regarding a state's burden-sharing behavior are taken by the chief executive of an incumbent government.5 Hence, the strength of a chief executive's decision-making power vis-a-vis other organs of the government will play a decisive role in shaping a state's coalition contribution.5\* This means that the legislative or judicial oversight may act as a constraining factor in shaping a chief executive's decision power on foreign policy issues, including participation in a military coalition. Most domestic political regime theories examine the distribution of power among various political institutions such as the chief government executive and the legislature. In an analysis of states' crisis time bargaining behavior, Susan Peterson defines executive strength as the relative autonomy of the office of chief executive from legislative pressures.39 Auerswald defines executive strength in relation to the entities that have the "power to terminate office tenure."60 Two such entities are more relevant: the mass public and the legislature. In Auerswald's analysis, the support of the general voters as well as the members of the legislative assembly is crucial for a president, prime minister, or premier in a liberal democratic country. As discussed below, Sarah Kreps discards the importance of public opinion, and shows that elite consensus among the parliamentary parties matter more than public opinion.61 Auerswald's typology of executive strength is useful in predicting coalition burden-sharing. He suggests three types of executive strength—strong, weak, and medium. Each type of chief executive is likely to pursue a distinct burden-sharing policy toward a military coalition. First, a strong chief executive with less legislative oversight and strong elite consensus is likely to favor the use of force, if such a decision serves the national interests, or if such a decision is taken to please the domestic constituents. Second, a weak chief executive with varying degree of legislative control and elite disagreement will be constrained to take a bold decision on the use of force, and avoid participating in the coalition for fear of losing the election. Third, a medium executive will craft a policy that balances between the competing demands from legislature, elite consensus, and public opinion.

#### Rapid response is key to warfighting – only unfettered executive deployment of armed forces can keep up

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(John Paul, “War Powers and the Age of Terrorism,” http://www.thepresidency.org/storage/Fellows2011/Royal-\_Final\_Paper.pdf)

The international system itself and national security challenges to the United States in particular, underwent rapid and significant change in the first decade of the twenty-first century. War can no longer be thought about strictly in the terms of the system and tradition created by the Treaty of Westphalia over three and a half centuries ago. Non-state actors now possess a level of destructiveness formerly enjoyed only by nation states. Global terrorism, coupled with the threat of weapons of mass destruction developed organically or obtained from rogue regimes, presents new challenges to U.S. national security and place innovative demands on the Constitution’s system of making war. In the past, as summarized in the 9/11 Commission Report, threats emerged due to hostile actions taken by enemy states and their ability to muster large enough forces to wage war: “Threats emerged slowly, often visibly, as weapons were forged, armies conscripted, and units trained and moved into place. Because large states were more powerful, they also had more to lose. They could be deterred" (National Commission 2004, 362). This mindset assumed that peace was the default state for American national security. Today however, we know that threats can emerge quickly. Terrorist organizations half-way around the world are able to wield weapons of unparalleled destructive power. These attacks are more difficult to detect and deter due to their unconventional and asymmetrical nature. In light of these new asymmetric threats and the resultant changes to the international system, peace can no longer be considered the default state of American national security. Many have argued that the Constitution permits the president to use unilateral action only in response to an imminent direct attack on the United States. In the emerging security environment described above, pre-emptive action taken by the executive branch may be needed more often than when nation-states were the principal threat to American national interests. Here again, the 9/11 Commission Report is instructive as it considers the possibility of pre-emptive force utilized over large geographic areas due to the diffuse nature of terrorist networks: In this sense, 9/11 has taught us that terrorism against American interests “over there” should be regarded just as we regard terrorism against America “over here.” In this sense, the American homeland is the planet (National Commission 2004, 362). Furthermore, the report explicitly describes the global nature of the threat and the global mission that must take place to address it. Its first strategic policy recommendation against terrorism states that the: U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power (National Commission 2004, 367). Thus, fighting continues against terrorists in Afghanistan, Yemen, Iraq, Pakistan, the Philippines, and beyond, as we approach the tenth anniversary of the September 11, 2001 attacks. Proliferation of weapons of mass destruction (WMD), especially nuclear weapons, into the hands of these terrorists is the most dangerous threat to the United States. We know from the 9/11 Commission Report that Al Qaeda has attempted to make and obtain nuclear weapons for at least the past fifteen years. Al Qaeda considers the acquisition of weapons of mass destruction to be a religious obligation while “more than two dozen other terrorist groups are pursing CBRN [chemical, biological, radiological, and nuclear] materials” (National Commission 2004, 397). Considering these statements, rogue regimes that are openly hostile to the United States and have or seek to develop nuclear weapons capability such as North Korea and Iran, or extremely unstable nuclear countries such as Pakistan, pose a special threat to American national security interests. These nations were not necessarily a direct threat to the United States in the past. Now, however, due to proliferation of nuclear weapons and missile technology, they can inflict damage at considerably higher levels and magnitudes than in the past. In addition, these regimes may pursue proliferation of nuclear weapons and missile technology to other nations and to allied terrorist organizations. The United States must pursue condign punishment and appropriate, rapid action against hostile terrorist organizations, rogue nation states, and nuclear weapons proliferation threats in order to protect American interests both at home and abroad. Combating these threats are the “top national security priority for the United States...with the full support of Congress, both major political parties, the media, and the American people” (National Commission 2004, 361). Operations may take the form of pre-emptive and sustained action against those who have expressed hostility or declared war on the United States. Only the executive branch can effectively execute this mission, authorized by the 2001 AUMF. If the national consensus or the nature of the threat changes, Congress possesses the intrinsic power to rescind and limit these powers.

#### Broad unilateral presidential power key to effective use of armed forces to prevent terrorist attacks

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(John, Applying the War Powers Resolution to the War on Terrorism, Green Bag, http://www.greenbag.org/v6n2/v6n2\_article\_yoo.pdf)

In short, Presidents throughout U.S. history have exercised broad unilateral power to engage U.S. Armed Forces in hostilities. Congress has repeatedly recognized the existence of Presidential constitutional war power, in the War Powers Resolution of 1973 and more recently in S.J. Res. 23. And the courts have supported this view as well. As the Supreme Court noted in Hamilton v. Dillin (1874), it is “the President alone, who is constitutionally invested with the entire charge of hostile operations.”38 Significantly, the courts have never stopped the President from deploying U.S. Armed Forces or engaging them in hostilities – most recently, in the case of Campbell v. Clinton. 39 That said, although the last Administration, like its predecessors, questioned the wisdom and the constitutionality of the War Powers Resolution,40 it is our belief that Government works best when the two branches cooperate in matters concerning the use of the Armed Forces. Accordingly, we are committed to close consultations with Congress whenever possible regarding the need to use force to combat terrorism and to protect our national interest. We value the views of Congress regarding the appropriate use of military force, as evidenced by our close and meaningful consultations with Congress after the attacks of September 11, and before the introduction of U.S. Armed Forces into combat action in Afghanistan on October 7, 2001. In addition to the President himself addressing a Joint Session of Congress on September 20,41 senior members of the Administration briefed Members of Congress and their staffs on over 10 occasions in that short time period. One result of these consultations was the enactment of S.J. Res. 23, which the President welcomed.42 At the same time, however, we must recognize that we are in a war against, to use Chairman Feingold’s words again, “a loose network of terrorists,” and not “a state with clearly defined borders.” When fighting “a highly mobile, diffuse enemy that operates largely beyond the reach of our conventional war-fighting techniques,” extensive congressional discussions will often be a luxury we cannot afford. Our enemy hides in the civilian populations of the nations of the world. As Chairman Feingold pointed out, “there can be no peace treaty with such an enemy.”43 Likewise, there can be no formal, public declaration of war against such an enemy. The attacks of September 11 introduced the United States into an unprecedented military situation. This Administration is confident that the allocation of war powers contemplated by the Founders of our Constitution is fully adequate to address the dangers of the Twenty First Century, and that, armed with the war powers conferred upon him by the Constitution and recognized by the War Powers Resolution, the President will be able to work effectively with this Committee and with Congress to ensure the protection of the United States from additional terrorist attack.

#### Libya and Iran prove soft power fails — Chinese counterbalancing also moots effectiveness — our evidence assumes a best case scenario

**Ungar, Political Studies Professor 11**, Dr Ariel Ungar is a Professor at the Department of Political Studies, Judea and Samaria College, PhD from Columbia University, The limits of soft power, <http://www.haaretz.com/opinion/the-limits-of-soft-power-1.361425>

Even under the best conditions, in which it is administered effectively, soft power is a slow-acting treatment. Muammar Gadhafi has scoffed at economic sanctions by first camouflaging, then reclaiming most of his assets, and spiriting them back to Tripoli to finance the civil war. The Iranians have successfully evaded sanctions, particularly as major flouters of those sanctions − China, Turkey, etc. − can continue trading, investing and arming without penalty.

Soft power appeared effective when its levers were concentrated financially and intellectually in the hands of the relative good guys. But it has been increasingly dispersed and is skillfully employed by countries that either do not subscribe to the agenda of human freedom or actively seek to subvert it.

The murmurings in Congress about cutting off aid to Pakistan are toothless because the United States and the Western Europeans no longer control the purse strings. China, with its trillions in reserves, can easily step in as an “all-weather friend” to Pakistan both to spite the United States and to maintain a valuable counterweight against its regional rival India. China also exercises soft power against Europe − rather than the reverse − when it dangles offers to purchase European debt and alleviate the financial crisis in the eurozone in return for silence on Chinese protectionist trade practices and human rights violations.

#### And it trades off with hard power — the impact is World War

**Ungar, Political Studies Professor, 11**, Dr Ariel Ungar is a Professor at the Department of Political Studies, Judea and Samaria College, PhD from Columbia University, The limits of soft power, <http://www.haaretz.com/opinion/the-limits-of-soft-power-1.361425>

The decline of soft power’s efficacy as a force for good should make Western Europe and those favoring a Europeanized American foreign policy take notice. A Western world denuded of its military capabilities can no longer rely on soft power any more than the **League of Nations** in the 1930s **could provide an effective bulwark against aggressors** by simply invoking its name. Unless Europe ceases its headlong rush into disarmament, the halfhearted intervention in Libya may prove to be the **swan song** of humanitarian intervention, as soft power has been exposed as a poor excuse for its military abdication.

### UN

#### **Your author says 6 other factors DESTROY the U.N.**

Thakur 12 – Ramesh Thakur, Professor of International Relations and Foundation Director of the Centre for Nuclear Nonproliferation and Disarmament at the Australian National University, “The United Nations in Global Governance: Rebalancing Organized Multilateralism for Current and Future Challenges”,<http://www.un.org/en/ga/president/65/initiatives/GlobalGovernance/Thakur_GA_Thematic_Debate_on_UN_in_GG.pdf>

The challenge of global governance – governance for the world to produce order, stability and predictability even in the absence of a world government – is sixfold: 1. The evolution of international organizations to facilitate robust global responses lags behind the emergence of collective action problems; 2. The most pressing problems – nuclear weapons, terrorism, pandemics, food, water and fuel scarcity, climate change, agricultural trade – are global in scope and require global solutions: problems without passports in search of solutions without passports. But the policy authority and legal capacity for coercive mobilization of the required resources for tackling them remain vested in states; 3. There is a disconnect between the distribution of decision‐making authority in international institutions and the distribution of military, diplomatic and economic power in the real world; 4. There is also a disconnect between the concentration of decision‐making authority in intergovernmental forums and the diffusion of decision‐shaping influence among nonstate actors like markets, corporations and civil society actors; 5. There is a mutually undermining gap between legitimacy and efficiency. Precisely what made the G8 summits unique and valuable – informal meetings between a small number of the world’s most powerful government leaders behind closed doors on a first name basis, without intermediaries and with no notes being taken – is what provoked charges of hegemonism, secrecy, opaqueness, and lack of representation and legitimacy. The very feature that gives the United Nations its unique legitimacy, universal membership, makes it an inefficient body for making, implementing and enforcing collective decisions; 6. During the Cold War, the main axis around which world affairs rotated was East– West. Today this has morphed into a North–South axis. The Copenhagen conference on climate change was suboptimal in outcome in part because of the colliding worldviews of the global North and South. The net result of the sixfold governance deficits is to disempower, disable and incapacitate joint decision‐making for solving collective action problems. As a corollary, the fundamental challenge for the international community is how to restructure and reform the United Nations in order to reposition it at the centre of collective efforts to manage current and anticipated global problems over the next quarter and half century.

#### **The U.N. fails and they can’t solve global lack of support**

Kenny 8/26, Kenny is a fellow at the Center for Global Development and the New America Foundation., <http://www.businessweek.com/articles/2013-08-26/the-united-nations-isnt-failing-its-members-are>

Last week was a grim one for the reputation of the United Nations. In the face of mounting evidence of a large-scale chemical weapons attack by the Syrian regime, and with more than one million children made refugees by the civil war, the U.N. Security Council responded with a statement of “serious concern.” It is doubtful that this was much comfort to the victims and their families.

It is hardly the first time the international body dedicated to global peace and development has looked irrelevant in the face of crisis. But for all of those failures, alongside the corruption and byzantine bureaucracy of the organization, two recent academic studies suggest that adequately supported U.N. operations have often had a big role in promoting peace and stability—significantly reducing civilian deaths in conflict and helping to consolidate democracies. This suggests that the blame for the U.N.’s failures should be borne in large part by the countries that provide the authorization, troops, and funding for operations, not the organization itself.

There are 92,000 police and troops alongside 19,000 volunteers and civilian personnel [currently engaged](http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml) in 15 separate peacekeeping operations around the world. That includes operations with more than 8,000 troops in Sudan and South Sudan, Cote d’Ivoire, Lebanon, and Democratic Republic of Congo. U.N. peacekeeping operations have been complicit in no shortage of calamities over the years—from the failure to prevent genocide in Rwanda, through a massacre in[Srebrenica](http://www.nytimes.com/1999/11/16/world/un-details-its-failure-to-stop-95-bosnia-massacre.html) and rapes in DR Congo, and on to the introduction of cholera in [Haiti](http://www.economist.com/blogs/americasview/2013/07/cholera-haiti) via U.N. forces. Most shamelessly, the organization has often resorted to stonewalling and inaction when it comes to compensating victims.

Despite these appalling cases, the U.N. has become increasingly central in the global effort to “to save succeeding generations from the scourge of war,” the first aim of the United Nations charter. Multilateral peacekeeping operations cost a little over $7 billion—or less than half a percent of the global military budget. But research suggests they’re having a significant impact on reducing global levels of violence. In an effort to assess the effectiveness of UN peacekeeping, Jacob Kathman of SUNY Buffalo, with Lisa Hultman at Uppsala University and Megan Shannon of Florida State University, [analyzed](https://www.gspia.pitt.edu/LinkClick.aspx?fileticket=jwfVC_dMuig%3D&tabid=1406) (PDF) monthly data on the number and type of U.N. peacekeepers—alongside civilian deaths—from 1991 to 2008 in armed conflicts in Africa. Based on their sample, they find that an average of 106 civilians are killed in a given month in conflicts that lack UN presence. In places with a blue-helmet presence of at least 8,000—the size of the UN’s larger operations—the expected number of civilian deaths per month drops to fewer than two.

“Peacekeeping successfully reduces civilian suffering if the UN commits larger numbers of appropriately tasked personnel to a conflict” the researchers conclude.  The relationship may not always be that simple—peacekeeping operations often ramp up only after the worst of the fighting has passed. Nonetheless, it does appear that a large U.N. presence can contain violence.

Kathman and colleagues point to Sierra Leone as an example. As violence increased in the late 1990s, the local UN observer mission called for greater support. An expanded mission was launched in 1999 and as troops arrived, violence declined. In separate research, Madhav Joshi of the University of Notre Dame suggests that U.N. peacekeeping operations may also help to support democracy building—sustaining peace and rights, even after missions have ended.

All of which suggests that the failings of U.N. peacekeeping operations are due in large part to the unwillingness of U.N. member countries—and in particular, the U.N. Security Council—to support operations aggressively enough. Again, the limited capacity of the UN to deal with other global challenges, from disease to global warming, is not just about the weaknesses of the institution—it is closely connected to its pathetic levels of funding. The U.N. family’s donor budget for maintaining planetary public goods from climate to basic agricultural research to biodiversity amounts to about [$3 billion](http://www.cgdev.org/publication/find-me-money-financing-climate-and-other-global-public-goods-working-paper-248) a year, roughly the cost of a recently proposed street repair program for the City of Los Angeles, or what Americans spend partying on the Fourth of July.

While incompetence, inefficiency and corruption pose problems for the U.N., by far the biggest problem is incapacity. That’s mostly the fault of short-sighted, parochial, and penny-pinching member states, not the staff and diplomats at U.N. headquarters in Turtle Bay.

# Block

### North Korea DA

#### Threshold for the link is low – North Korean is prone to miscalculation

PATRICK M. CRONIN – 4/3/13, senior advisor and senior director of the Asia-Pacific Security Program at the Center for a New American Security, Tell Me How This Starts, Foreign Policy, http://www.foreignpolicy.com/articles/2013/04/03/tell\_me\_how\_this\_starts?page=0,1

The Korean Peninsula is on a knife's edge, one fateful step from war. While Koreans are accustomed to periodic spikes in tensions, the risk of renewed hostilities appears higher than at any time in the past 60 years, when American, North Korean, and Chinese generals signed an armistice agreement. Far more than 1 million people died in the Korean War, with at least that many troops and civilians injured over the course of the three-year campaign. The exact leadership dynamics at play in Pyongyang remain mysterious, but the domestic survival of the Kim family dynasty appears to hinge on maintaining a credible nuclear and missile threat -- backed up by a local great power, China. To achieve the former, Kim Jong Un appears willing to risk the latter. His regime's unrelenting verbal threats are intended to rally domestic support, and its reckless brinksmanship is aimed at forcing the outside world to back down and back off. In the past days and weeks -- adding to the tension created by its recent nuclear and missile tests -- Pyongyang has severed a hotline with Seoul, renounced the 1953 armistice, conducted cyberattacks, and, against its own financial interests, closed down the Kaesong Industrial Complex, which is the only economic thread holding together relations with the South. There is no single red line that, when crossed, would trigger war, but the potential for miscalculation and escalation is high. North Korea has a penchant for causing international incidents -- in 2010 alone it used a mini-submarine to sink the South Korean naval vessel Cheonan and shelled South Korea's Yeonpyeong Island. The brazen and unprovoked killing of military personnel and civilians shocked many South Koreans, some of whom faulted then-President Lee Myung Bak for a tepid response. The new president, Park Geun Hye (South Korea's "Iron Lady") is determined not to echo that weakness and has vowed a strong response to any direct provocation. Meanwhile, the United States, via the annual Foal Eagle and Key Resolve exercises, has many troops, ships, and planes on maneuvers in the region and, as an additional show of resolve, flew long-range B-2 stealth bombers from Missouri to Korea and dispatched F-22 fighter jets as well. The desire to show strength, the fear of looking weak, and the presence of tons of hardware provides more than enough tinder that a spark could start a peninsula-wide conflagration. An accident -- such as a straying missile, an incident at sea or in the air, a shooting near the Northern Limit Line or the Demilitarized Zone -- could trigger an action-reaction cycle that could spiral out of control if Pyongyang, running out of threats or low-level provocations, were to gamble on a more daring move. It might calculate that a bold gesture would sow doubt and dissent in South Korea, drive a risk-averse United States to back down and restrain its eager ally, and hand China a fait accompli in which Beijing has no alternative to protecting its upstart neighbor. It might be very wrong.

#### DMZ is key – quick troop response key to deterrence and quick de-escalation

MR. ERIC L. DAHLSTROM, DIA – October 2002 (last cite), DIA = Defense Intelligence Agency, ENGAGING THE HERMIT KINGDOM: A COMPREHENSIVE STRATEGY TOWARD NORTH KOREA, NATIONAL DEFENSE UNIVERSITY, http://library.uoregon.edu/ec/e-asia/readb/n035602p.pdf

The Korean Peninsula remains a fertile ground for conventional warfare. North and South Korea have technically been at war for more than fifty years and two of the most potent land armies in the world face one another across a fragile demilitarized zone (DMZ).5 The threat of invasion keeps tensions high and diverts attention and resources away from other needs and opportunities. As such, a third priority for the United States is to reduce the conventional military threat on the peninsula in a manner that gives both sides confidence that they will not be attacked. A divided Korea is a relic of the Cold War and remains an unnatural solution to a political struggle that essentially ended with the demise of the Soviet Union in 1991. In every case since World War II, people within a partitioned country have sought reunification. In Germany, this process was achieved peacefully; in Vietnam, reunification was achieved by force. Because the division of the Korean people is the main and underlying source of tension on the peninsula, the fourth, albeit long-term, priority for the United States is the peaceful reunification of the two Koreas under a democratic government. Strategic Options The United States has several means it can employ for achieving its strategic objectives on the Korean Peninsula. First and foremost is diplomacy. Bilateral relations with the North can be difficult given the vast differences between Washington and Pyongyang. Fortunately, the United States has strong Asian allies in Japan and South Korea that have common interests toward North Korea. Together, these three nations can provide a multilateral approach to modifying North Korean behavior. Moreover, North Korea is politically isolated. Barely 20 nations maintain embassies in Pyongyang and old allies, such as the former Soviet Union and China, are becoming friendlier with the United States.6 Moscow and Beijing are undergoing enormous social, political, and economic changes that, with U.S. assistance, can provide an example for Pyongyang to move in a more positive direction.7 Economically, North Korea is a failed state. South Korea possesses 30 times the GDP and twice the population of the North.8 Real economic growth in the North is declining by 3% annually with no improvement in sight.9 Although Pyongyang has an abundance of raw minerals, it is dependent upon imports of oil to keep its meager industry running. On top of this, alternating droughts and floods have decimated its agricultural sector. North Korea cannot feed its people and must rely on foreign aid to survive. These factors make economic assistance or sanctions important options for the United States and its allies. The United States, Japan, and South Korea possess the first, third, and thirteenth highest GDPs in the world.10 These countries can easily offer Pyongyang bilateral and multilateral economic aid packages (or threaten to withhold them) in return for working toward the four objectives Diplomacy and economic aid are supported by military might. The United States has the most powerful military on earth and while only 37,000 American soldiers are stationed in South Korea, Washington can quickly deploy thousands more.11 Technical superiority in firepower combined with the proximity of key regional allies and a large forward deployed force allows the United States to amass military might sufficient to defeat or deter any North Korean aggression. Moreover, U.S. and allied military power is sufficient to compel Pyongyang to change its behavior. This force can be applied directly against North Korea or indirectly in the form of blockade or quarantine.

#### North Korea is the greatest threat – fastest timeframe and highest probability

Anna Mulrine – Christian Science Monitory – 4/9/13, Top admiral worries North Korea crisis could escalate 'pretty quickly', http://www.csmonitor.com/USA/Military/2013/0409/Top-admiral-worries-North-Korea-crisis-could-escalate-pretty-quickly

North Korea is a “clear and direct threat” to the United States, according to the top US military officer in the region, who adds that – even in a decades-long cyclical relationship of threats followed by cool down periods – he can’t recall “a greater time” of tension with North Korea. The comment by came in congressional testimony Tuesday by Adm. Samuel Locklear, head of US Pacific Command, with one lawmaker likening the situation to the beginning of World War I. Sen. Angus King (I) of Maine pointed to a greater danger that there could be a “Guns of August” event – a reference to the book by Barbara Tuchman, considered required reading within the US military, that illustrates how Europe “stumbled” into World War I through a series of miscalculations. Admiral Locklear did not dismiss the statement. “I share your concern about the seriousness of a provocation that would lead to a miscalculation or an escalation that would go kind of up and out pretty quickly,” he told the Senate Armed Services Committee. So quickly, in fact, that “you could see significant combat activity from the North is a very short time line,” he added. “It is a very dangerous situation.” Pentagon officials have been trying to ratchet down tensions in recent days, deciding on Monday to delay a routine reliability test of a Minuteman-III intercontinental ballistic missile at Vandenberg Air Base in California so it would not be misconstrued by North Korea, given that it is a “particularly tenuous time” in the region. But Locklear's comments Tuesday underscore how seriously the Pentagon is viewing the threat. He told lawmakers that US assets in the region could knock down a missile fired from North Korea if it were seen to be a threat. Various intelligence reports suggest North Korea could fire a missile imminently.

#### Korean conflict will escalate to global nuclear war

STRATFOR, 10 (5/26/10, “North Korea, South Korea: The Military Balance on the Peninsula,” <http://www.stratfor.com/analysis/20100526_north_korea_south_korea_military_balance_peninsula>)

Managing Escalation

But no one, of course, is interested in another war on the Korean Peninsula. Both sides will posture, but at the end of the day, neither benefits from a major outbreak of hostilities. And despite the specter of North Korean troops streaming under the DMZ through tunnels and wreaking havoc behind the lines in the south (a scenario for which there has undoubtedly been significant preparation), neither side has any intention of invading the other. So the real issue is the potential for escalation — or an accident that could precipitate escalation — that would be beyond the control of Pyongyang or Seoul. With both sides on high alert, both adhering to their own national (and contradictory) definitions of where disputed boundaries lie and with rules of engagement loosened, **the potential for** sudden and rapid escalation **is quite real.** Indeed, North Korea’s navy, though sizable on paper, is largely a hollow shell of old, laid-up vessels. What remains are small fast attack craft and submarines — mostly Sang-O “Shark” class boats and midget submersibles. These vessels are best employed in the cluttered littoral environment to bring asymmetric tactics to bear — not unlike those Iran has prepared for use in the Strait of Hormuz. These kinds of vessels and tactics — including, especially, the deployment of naval mines — are poorly controlled when dispersed in a crisis and are often impossible to recall. For nearly 40 years, tensions on the Korean Peninsula were managed within the context of the wider Cold War. During that time it was feared that a second Korean War could all too **easily escalate into and a** thermonuclear World War III, so both Pyongyang and Seoul were being heavily managed from their respective corners. In fact, USFK was long designed to ensure that South Korea could not independently provoke that war and drag the Americans into it, which for much of the Cold War period was of far greater concern to Washington than North Korea attacking southward. Today, those constraints no longer exist. There are certainly still constraints — neither the United States nor China wants war on the peninsula. But current tensions are **quickly escalating to a level unprecedented** in the post-Cold War period, and the constraints that do exist have never been tested in the way they might be if the situation escalates much further.

### Warfighting

#### Flexibility – legislation ties the President’s had and ensures military ineffectiveness

Scowcroft 93

(Brent, Arnold, National Security Adviser Under Bush I and Ford, Undersecretary of State for Political Affairs in Bush I, The Washington Post, “Foreign Policy Straightjacket”, 10/20/1993, p. lexis)

Maneuvering in the complex environment of a Somalia -- or of a Haiti, Bosnia or the other crises that loom on and just over the horizon -- requires the agility of a ballet dancer, not the Mack truck of legislation. In a world that increasingly places a premium on a rapidly adaptable foreign policy, codifying highly detailed requirements in a public law is a recipe for ineffectiveness. It undermines the president's ability to threaten, cajole and pressure our adversaries by publicizing the costs we will and won't pay and by broadcasting the conditions and constraints under which our forces will operate. At the same time, it leaves our friends and allies, whose cooperation we seek, to wonder whether Congress will permit the president to follow through on his promises and commitments. Finally, it stays on the books, continuing to tie the president's hands as circumstances change and Congress's attention shifts to other priorities. Now more than ever, trying to legislate foreign policy is simply a bad idea.

#### 2) Delay – Increased congressional involvement bogs down warfighting

Boylan & Phelps 1 – asst prof of poli sci @ Winthrop U & prof of poli sci @ Northern Arizona University

(Timothy & Glenn, Parameters Spring 2001, The War Powers Resolution: A Rationale for Congressional Inaction)

The House and Senate debates of 10-12 January 1991 concerned the question of congressional authorization versus continued sanctions. One side argued that extending the deadline meant that Saddam Hussein and the Iraqis could improve their defenses and become better entrenched in Kuwait. If military action took place at a later date, this delay would translate into increased American casualties.[18] The opposing side did not rule out the use of force, but believed that continued sanctions would weaken Iraq's hand. A longer wait, it was thought, would better prepare coalition forces for warfare in the desert. Underlying this debate was a disquiet about the legitimacy and applicability of sending US military troops into battle by order of the United Nations.[19] But few members challenged the legitimacy of Congress in delaying this great debate until the last hour. One exception was Representative Bill Green, who concluded:¶ By inserting ourselves into the process at this late date, our ability to participate in a meaningful way is severely limited and could severely cripple the recently begun process of providing for collective security through the United Nations . . . .¶ The 101st Congress, in its waning days, did not lack opportunities to affect this process. By the time we had adjourned on October 28, 1990, we had approved a defense authorization and appropriations bill that provided funds for the stationing of troops in the Persian Gulf. Since that deployment had been in accordance with article 51 of the UN Charter and UN Resolution 655 concerning the naval and maritime blockade, our vote plainly endorsed that deployment.¶ I supported those efforts, joining over 400 of my colleagues in approving an additional $978 million for Persian Gulf related operations.¶ . . . [B]y waiting until this later hour, we have rendered ourselves extraneous to any positive policy role, unless we are prepared to try to force a change in the position taken by the United Nations.[20]¶ This admission highlights Congress's odd treatment of the War Powers Resolution. The weeks of late summer and early autumn of 1990 showed Congress wrangling over reporting and timing procedure, and delaying debate on the tough substantive issues surrounding the invasion of Kuwait. Rather than promoting consultation, the War Powers Resolution helped to delay and inhibit debate and decision. Perhaps Congress might have found a way to push a final decision to January without recourse to the War Powers Resolution. But the ability to find some other strategy of delay does not excuse the current one. This episode illustrates the larger theme--the history of the War Powers Resolution has not been just one of surprises or consequences unintended by its framers. Congress has purposely used the resolution to offer the show of debate and deliberation, while avoiding engagement with substantive policy. This is not simply a question of political adaptation. It is a clear demonstration of constitutional abdication.

#### 3) Secrecy – Congressional notification and debate causes leaks that undermine warfighting

Andrew Rudalevige 6, the Thomas Brackett Reed Professor of Government @ Bowdoin College, “The New Imperial Presidency,” UMich-Ann Arbor Press, Book, p. 264-67

That fragmentation is most obvious at the other end of Pennsylvania Avenue. Despite common grammatical usage, including in this book, Congress is not an “it” but a “they.” That is, Congress is not singular but plural and a fractious plural at that. The geographic basis of House representation— the “territorial imperative”—means that no two House members share identical interests.6 The distinctive constituencies and terms of the House and Senate generate few overlapping sympathies across the chambers. Sequential majorities and supermajorities are required for action, but only a small minority for inaction. This became even more true after the application of reforms in the 1970s designed to apply the openness and decentralization aimed at the executive branch to Congress itself. The reforms enhanced the power of subcommittees and gave party rank-and-‹le more power to override seniority in selecting committee chairs. What nineteenth-century observers like Woodrow Wilson condemned as “committee government” often atomized further into “subcommittee government” instead. As a result, one scholar noted, members of Congress can make laws “only with sweat patience, and a remarkable skill in the handling of creaking machinery.” But stopping laws is a feat “they perform daily, with ease and infinite variety.”7¶ Thus even an alert and aggressive Congress has endemic weaknesses.8 Its large size and relative lack of hierarchy hamper quick decision making. The specialized jurisdictions inherent in the committee system, so necessary for dividing labor, also divide issues and make their comprehensive consideration across functional lines nearly impossible. (Nor do House members’ two-year terms give much incentive for long-term planning.) For similar reasons Congress has difficulty in planning and agenda setting. The ready acceptance of the idea of a presidential legislative program after World War II was partly a question of legislative convenience, a way to weed through innumerable proposals and provide a focus for limited floor time. Finally, with so many members, each seeking press attention, Congress also finds it hard to keep a secret. As President George H. W. Bush’s counsel, Boyden Gray, put it, “any time you notify Congress, it’s like putting an ad in the Washington Post. Notification is tantamount to declaration.”9¶ In short, Congress has the problems inherent to any body of individuals that must take collective action. The decisions that are rational for a single member—especially those aimed at gaining particular benefits for his or her district—are not always good decisions for the body as a whole.10 James Madison wrote as early as 1791 that whenever a question of “general. . . advantage to the Union was before the House . . . [members] commonly resorted to local views.” Then, as now, coalition building had to overcome decentralized inertia, with the result that governing often comes down to, in the words of LBJ budget official Charles Schultze, “a lot of boodle being handed out in large numbers of small boodle.”11¶ Worse, fragmentation is not limited to the legislative branch. After all, Congress created most of the executive branch as well—and in its own image. The “politics of bureaucratic structure” result in a bureaucracy far different than what organization theorists would draw up on a blank page, one rarely aligned along functional lines or with clear lines of executive authority. Legislative majorities hope to institutionalize their own interests in government agencies and to structurally insulate those preferences against future majorities seeking to meddle. They hope to gain access to the bureaucratic decision-making process and to influence it whenever desirable. They hope to gain points with constituents for fixing the errors agencies make, perhaps to the point of structuring agencies that cannot help but make errors. If nothing else, the historical pattern of executive branch development has spurred a particular array of legislative committees—and organized special interests linked to both.12¶ As the size and scope of the national government grew, its organizational inefficiencies became more obvious and more meaningful. This in turn focused increased attention on the need for direction and coordination— for a chief executive who could actually manage the executive branch. The areas of homeland security and intelligence analysis are only the most recent cases where failures of communication or analysis within the bureaucracy have magnified the need for those qualities.¶ Globalization in some ways highlights the continuing limits of the presidency’s authority: its incumbent is not, after all, president of the world. Yet the practical advantages of presidential leadership vis-à-vis the legislature, at least, are further magnified in an era where rapid transportation, instantaneous communication, and huge flows of trade have changed the context of governance in ways that play to presidential strengths. Both opportunities and threats arise quickly and demand immediate response. Their resolution requires a broad national view, not territorialism; resident expertise, not the give-and-take of log-rolling compromise. Further, if, as Richard Neustadt suggested, the cold war’s omnipresent fear of nuclear war made the president for a time the “final arbiter” in the balance of power, the rise of rogue states and nonstate actors with access to similar weaponry ups the ante again. In this one sense at least the “modern presidency” described earlier may have given way to a “postmodern” one.13 As the Bush administration argued to the Supreme Court on behalf of the president’s power to designate enemy combatants,¶ The court of appeals’ attempt to cabin the Commander-in-Chief authority to the conduct of combat operations on a traditional battlefield is particularly ill-considered in the context of the current conflict. . . . The September 11 attacks not only struck targets on United States soil; they also were launched from inside the Nation’s borders. The “full power to repel and defeat the enemy” thus necessarily embraces determining what measures to take against enemy combatants found within the United States. As the September 11 attacks make manifestly clear, moreover, al Qaeda eschews conventional battlefield combat, yet indiicts damage that, if anything, is more devastating.14

#### 4) Confusion – congressional involvement creates murky lines of authority – undermines warfighting

Wall 12 – senior official @ Alston & Bird

(Andru, Demystifying the Title 10-Title 50 Debate: Distinguishing Military Operations, Intelligence Activities & Covert Action, Harvard National Security Journal)

Congress’s failure to provide necessary interagency authorities and budget authorizations threatens our ability to prevent and wage warfare. Congress’s stubborn insistence that military and intelligence activities inhabit separate worlds casts a pall of illegitimacy over interagency support, as well as unconventional and cyber warfare. The U.S. military and intelligence agencies work together more closely than perhaps at any time in American history, yet Congressional oversight and statutory authorities sadly remain mired in an obsolete paradigm. After ten years of war, Congress still has not adopted critical recommendations made by the 9/11 Commission regarding congressional oversight of intelligence activities. Congress’s stovepiped oversight sows confusion over statutory authorities and causes Executive Branch attorneys to waste countless hours distinguishing distinct lines of authority and funding. Our military and intelligence operatives work tirelessly to coordinate, synchronize, and integrate their efforts; they deserve interagency authorities and Congressional oversight that encourages and supports such integration.

5) Perception– Congressional interference sends the signal to our enemies that we don’t have the political will for warfighting

Newton 12 – prof of law @ Vanderbilt

(Michael, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45, Inadvertent Implications of the War Powers Resolution)

The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that our enemies now focus on American political will as the Achilles heel of our vast capabilities. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to “seek the cooperation of the Congress. Only with that can we give the reassurance needed to deter aggression.”62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the “risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact.”63 In his letter to Congress “consistent with the War Powers Resolution,” the president reported that the strikes “were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities” and “were intended to prevent and deter additional attacks by a clearly identified terrorist threat.”64 The following day, in a radio address to the nation, the president explained his decision to take military action, stating, “Our goals were to disrupt bin Laden’s terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden’s network is associated, which was producing an ingredient essential for nerve gas.”65 Citing “compelling evidence that the bin Laden network was poised to strike at us again” and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes.66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war.67 Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima.68 Seeking to bolster legislative support and to better explain the strategic objectives, he explained that: It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability. They are an important deterrent, a symbol of the international backing behind the legitimate Government of Lebanon, and an important weight in the scales. To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our domestic controversy over the war powers has been so disturbing. Uncertainty about the American commitment can only weaken our effectiveness. Doubts about our staying power can only cause political aggressors to discount our presence or to intensify their attacks in hopes of hastening our departure. An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our political hand.69 Following the spectacularly successful terrorist attack on the Marine barracks in Beirut, President Reagan withdrew the Marines. Osama bin Laden later cited this as an example of American weakness that could not withstand the jihadist fury he sought.70 The legal battles over the scope and effect of the War Powers Resolution have highlighted the focus on national political will as the fulcrum of successful military operations by requiring assurances that military operations are limited in nature, duration, and scope, and therefore well within the president’s constitutional authority as Commander-in-Chief and chief executive. President Obama’s report to Congress in the context of the Libya operations in 2011 cited precedent from air strikes in Bosnia that took just over two weeks and involved more than 2,300 US sorties and the deployment of US forces in Somalia in 1992 and Haiti in 1993.71 The White House released a memorandum from the OLC, similar to previous interventions, explaining how the authorization to use such force was constitutional on the basis that “‘war’ within the meaning of the [Constitution’s] Declaration of War Clause” does not encompass all military engagements, but only those that are “prolonged and substantial . . . typically involving exposure of U.S. military personnel to significant risk over a substantial period.”72 President Obama consistently maintained that the US role in Libya was limited, unlikely to expose any US persons to attack (especially given the role of missiles and drones and the utter inability of Qaddafi’s forces to strike back with conventional means), and likely to end expeditiously.73 By that logic, it did not require authorization from Congress. The administration ultimately adopted a legal analysis that the US military’s activities fell short of “hostilities,” and thus, the president needed no permission from Congress to continue the mission after the expiration of the sixty-day reporting window specified in the War Powers Resolution.74 The president’s reasoning rested on previous OLC opinions that what counts as war depends on “a fact- specific assessment of the ‘anticipated nature, scope, and duration’ of the planned military operations.”75 Present justifications for bypassing the War Powers Resolution hinge on interpretations that it requires “prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period.”76 The OLC engaged in similar reasoning in the Bosnia intervention in 1995, explaining that in deciding whether the proposed deployment into Bosnia amounted to a “‘war’ in the constitutional sense, considerable weight was given to the consensual nature and protective purposes of the operation.”77 That deployment was similarly intended to be a limited mission but that mission, in contrast to the present one, was in support of an agreement that the warring parties had reached and it was at the invitation of the parties that led to the belief that little or no resistance to the deployment would occur. Though some scholars argued that the Libya OLC Memorandum defended its reasoning for why the operation did not amount to “war,” it did not address whether the administration believed that it will have to stop operations upon expiration of the sixty-ninety-day clock under the War Powers Resolution.78 The deadline passed with little fanfare. The memorandum also relied upon quite distinguishable precedent to serve as a guiding point in this intervention. Professor Goldsmith argued the opinion broke “new ground . . . in its extension of the ‘no war’ precedents beyond the Bosnia and Haiti situations—which involved consensual peacekeeping-like introductions of ground troops but no significant uses of force—to cover two weeks of non-consensual aerial bombardments.”79 Thus, even as it incentivizes short term, limited deployments, the War Powers Resolution embeds an inevitable constitutional collision between the coordinate branches. Our enemies can rely upon constitutional carping from Congress, and in fact can adapt tactics and statements that seek to undermine political will in the US Congress and among the American people from the first days of an operation. The Resolution helps to ensure that such debates over the national political will take center stage sooner rather than later, and an asymmetric enemy can in theory erode our political will even before it solidifies.

6) Politicization – kills morale and destroys war-fighting ability

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Finally, the War Powers Resolution has the pernicious effect of incentivizing commanders to adopt a form of reverse engineering in the planning and conduct of operations. The effort to limit casualties and designed to create minimal risk relies on previous OLC reasoning that such operations would comply with the statutory mandate.80 As noted above, commanders-in-chief must ensure that there is a tight nexus between the strategic reason for ordering deployments of US forces and the optimal conduct of hostilities to secure those objectives quickly and with the least possible expenditure in terms of blood and treasure. As Private Eddie DiFranco stood guard in front of the Marine Barracks that October morning in Beirut in 1983, he was under strict Rules of Engagement that prohibited him from chambering a live round in his weapon.81 The Sergeant of the Guard, Stephen Russell, remembers the yellow Mercedes truck that sped by on its way to kill 241 Americans.82 He recalls that the driver smiled at him as he drove past the guard who was too slow to react.83 Even as crews cleared the rubble from the bombing, marines posted a chilling cartoon on a bulletin board. The cartoon undoubtedly captures the view some soldiers have of ROE in the era of the War Powers Resolution—it showed a Marine rifleman in a prone firing position behind a barricade in Lebanon.84 The president of the United States is shown whispering in his ear, “Before you fire, I want you to consider the nuances of the War Powers Act.”85 To be sure, the War Powers Resolution coincided with a set of revolutionary changes in the nature of warfare, the abolition of the national draft, and the transition to an all-volunteer force, and epochal changes in the nature of conflict as new non-state actors became the norm. It is also historically clear that the micro- management of conflict did predate the War Powers Resolution in some circumstances. One need only remember President Johnson helping to select targets in Vietnam for instance.86 It is difficult to pinpoint a causal linkage between the Resolution and the dramatically more restrictive conduct of modern operations. However, the passage of the War Powers Resolution most definitely injected an entirely unhealthy degree of politicization into the war-making function. Though it was intended to reinforce the parallel authorities of the co- equal branches of the federal government, it actually embedded great incentives for commanders to issue restrictive rules of engagement in an overall effort to limit casualties, as well as the scope of the conflict. This domestic political restriction created controversy for example during the Kosovo air campaign between the United States and its NATO allies. Of more fundamental concern to the war-fighters and the lawyers that advise them, artificial rules that go well beyond the normal bounds of the laws and customs of warfare logically lead to increased American casualties as they erode the morale of the force. To the extent that the War Powers Resolution helped to inject political sensitivity into the conduct of operations, it has led to constrained rules that may not be the optimal pathway for achieving US strategic objectives. Constrained rules in turn actually make missions longer and more costly. This is not at all of course to imply that there are inherent limits on the commander-in-chief’s war-making authority, but to the extent that the Resolution embeds artificial barriers to the accomplishment of US military objectives, it artificially impedes US success in ways that its drafters would certainly not have foreseen or sought.

### Politics

#### Will pass --- Obama is pushing, it’s a top priority, and preliminary deal has been reached

Mauldin, 12/16 (William, 12/16/2013, “Obama Huddles With Trade Team,” <http://blogs.wsj.com/washwire/2013/12/16/obama-huddles-with-trade-team/)>)

President Obama convened 17 of his top advisers, including his liaisons to Capitol Hill, Monday to discuss trade policy, a sign the White House is focusing more attention on wrapping up talks to form a Pacific trade bloc and pushing through legislation to ease the passage of trade agreements.

U.S. officials failed to achieve a year-end goal of wrapping up talks to form the Trans-Pacific Partnership with 11 other Asia-Pacific nations, but they’re hoping to negotiate an agreement next year. Meanwhile, to smooth the passage of the potential deal and other agreements in Congress, the administration is backing the renewal of legislation known as “fast track” or “trade promotion authority.”

“This remains a top priority of the president because of the positive economic benefits that come from it,” White House spokesman Jay Carney told reporters Monday.

Supporters of free-trade deals, including many Republicans, have said Mr. Obama hasn’t done enough personally to promote fast-track legislation in Congress, leaving U.S. Trade Representative Michael Froman and other officials to sell the administration’s trade policy.

“Ambassador Froman – we have a great relationship with him; he’s very, very good. But you know he can’t do it all on his own,” Rep. Devin Nunes (R., Calif.), the leader of a House trade subcommittee, said in an interview last week.

Business leaders also said Mr. Obama’s absence from a gathering of Asia-Pacific leaders during the government shutdown may have hindered progress there in October.

Monday’s meeting included Vice President Joe Biden, Mr. Froman and several cabinet secretaries, along with senior advisers to Mr. Obama, the administration’s economic experts and officials who handle communications and legislative affairs.

“To call a meeting of this cast of characters to talk about the trade agenda is a positive signal that the president and his team are ready to make the case,” said Michael Smart, a former trade adviser on the National Security Council and consultant at Rock Creek Global Advisors LLC.

Mr. Biden recently met top officials in Japan, the second-biggest economy in the trade talks, as well as officials in Korea, which has expressed interest in joining the trade framework. Mr. Froman held recent meetings in Japan and negotiations among the 12 countries involved in Singapore, another country engaged in the talks.

Basic issues on tariffs and access to overseas markets appeared to be holding up a deal this year, according to experts following the talks, with the most attention focused on Japan’s politically sensitive agricultural and car markets.

In Congress, aides in recent days said top negotiators have reached a deal on renewing fast-track authority, which sets the ground rules for how the administration gets congressional approval for trade agreements, only allowing lawmakers an up-or-down vote at the end.

A Republican congressional aide said the public announcement of the meeting shows the Obama administration wants to send a message out more broadly that it’s working to achieve trade policy goals.

#### More ev

AFP, 12/16 (Agence France Presse, 12/16/2013, “Obama highlights desire for vast Pacific trade deal,” Factiva))

The White House sent a strong signal Monday of its desire to create a huge Pacific free trade area, despite the slippage of its year-end deadline for the 12-nation project.

President Barack Obama gathered senior trade advisors in the Oval Office and invited news photographers to document the meeting, in the wake of the latest ministerial talks last week on the Trans-Pacific Partnership (TPP) in Singapore.

"This remains a top priority of the president because of the positive economic benefits that come from it," White House spokesman Jay Carney said.

"Congress and the American public have high expectations for the TPP.

"The administration is determined to get the best deal possible, and we are pleased with the progress made towards achieving an ambitious, comprehensive, high-standard agreement."

Ministers gave up last week on meeting the year-end goal of concluding the TPP, but US Trade Representative Michael Froman, who was in Singapore, and in Obama's Oval Office consultations on Monday, said significant progress had been made.

#### Trade is most important --- Obama sees it as his new legacy issue

Stelzer, 12/15 --- business adviser and director of economic policy studies at the Hudson Institute (12/15/2013, Irwin, The Sunday Times, “Obama pins his legacy on trade, not healthcare,” Factiva))

"The action is in the regionals," the University of California's Kati Suominen tells the press. And whether that "action" reduces trade barriers will depend heavily on America, the world's biggest market — putting Obama at centre stage, with Congress waiting in the wings. The president dearly wants to make successful conclusions of these regional negotiations part of his legacy. He is convinced freer trade would spur American exports, accelerate economic growth and create jobs. His hope that Obamacare would be an enduring legacy is fading. Bringing free trade to the world might have to do

#### Obama’s leadership is the critical variable to ensure passage --- winning GOP support is key

Hill, 12/23 (Patrice, 12/23/2013, The Washington Times, “Congress puts Obama on tough road for fast-track trade deals,” Factiva))

President Obama has stepped up efforts to negotiate far-reaching trade deals with Asia and Europe in his second term, but he faces an uphill battle next year in Congress to gain the same authority his predecessors had to finalize such agreements.

Without "fast-track" authority, many trade analysts say, Mr. Obama's hopes to enact trade deals before he leaves office may be doomed. They say longtime opposition to freer trade among congressional Democrats and wariness among some Republicans about giving Mr. Obama such sweeping authority endanger legislation in what could be a cliffhanger vote early next year.

The chairmen of the House and Senate tax-writing committees are negotiating a bipartisan bill to revive fast-track authority, which expired in the seventh year of George W. Bush's presidency.

Fast-track authority restricts Congress to an up-or-down vote on any presidentially negotiated trade agreements with no opportunity to change them. Trade analysts say no other major country would be willing to negotiate concessions if they knew Congress could amend what is considered to be their final deal.

Mr. Obama must navigate difficult political waters to regain fast- track power.

Ralph Nader's Public Citizen group, a leading member of the powerful progressive coalition of labor unions and environmentalists opposed to the legislation, has declared it dead on arrival, based on evidence that at least 25 House Republicans and 151 Democrats will vote against it in the 435-member House, where 218 votes are needed to pass.

As in years past, the president will have to rely heavily on Republicans and a smattering of centrist Democrats to win fast- track authority. But that coalition has been frayed by distrust of Mr. Obama among tea party and other conservative groups - one among many signs that the traditional Republican enthusiasm for free trade is waning among the party's more populist elements.

The fast-track fight is becoming even more urgent as Mr. Obama has entered into two of the most ambitious free trade accords in years: the Trans-Pacific Partnership with 11 other Pacific Rim countries (and possibly two more) and the Transatlantic Trade and Investment Partnership with 28 members of the European Union.

"President Obama must seek to win substantial Republican support" if he hopes to get fast-track authority and win approval of a trans- Pacific trade agreement next year, and he will have to act quickly early in the year, said Scott Miller, an analyst with the Center for Strategic and International Studies.

Polls show declining public support for free trade agreements, which can be difficult even for legislators who believe in opening markets. To avoid the pitfalls of election politics, "the president needs to make this issue his own and exert leadership to get the bill enacted before summer 2014, when the election season kicks into high gear," Mr. Miller said.

Asian deal in doubt

The lack of fast-track authority has undermined the administration's effort to secure the Asian trade deal before the end of this year - a goal once espoused by proponents, Mr. Miller said. Other parties to the treaty among nations around the thriving Pacific region - including Vietnam, Canada and Japan - have been wary about making concessions and sensitive trade-offs when Congress could reject, reopen or pick apart the deal under ordinary legislative procedures, Mr. Miller said.

"Given the skepticism of the other parties about the U.S. ability to deliver on its commitments, a final agreement is unlikely" unless Congress first passes Trade Promotion Authority, as the fast-track bill is formally called in Congress, he said.

A defeat of fast-track legislation could deal a debilitating blow to the trans-Pacific deal, which is "at the heart of the administration's rebalancing strategy" toward Asia, and would seriously damage Mr. Obama's second-term trade and diplomatic agenda, Mr. Miller said.

"Beyond the lost economic opportunities, lack of a TPP agreement would feed perceptions in Asia that the rebalance is mainly about military positioning," he said. "It would also raise questions about the U.S. ability to champion the rules of the road in economic affairs."

After giving only tepid support to free trade in his first term, Mr. Obama has embraced fast-track legislation. He hopes to expand trade to support his "pivot to Asia" and to achieve his goals of strengthening the U.S. manufacturing sector and doubling exports. Although exports have been stellar during the economic recovery, growing by 35 percent since the recession and recently exceeding pre- recession levels, they have far from doubled.

#### TPA passage will require bipartisan coalition

Inside U.S. Trade, 12/13 (“Camp Sees Fast-Track Vote 'Early Next Year' If Administration Engages,” 12/13/2013, Vol. 31, No. 49, Factiva))

**\*\*\*Note --- Rep. Ron Kind (D-WI)**

Kind also emphasized that a fast-track bill will face opposition in Congress from both sides of the aisle, not just Democrats. "I also don't discount the challenge we have with some of our Republican colleagues on this issue, to be quite honest," Kind said in a Dec. 11 press conference. "So it's gonna require a good bipartisan coalition to come together to make this happen."