# 1NC

### 1NC

#### Offensive use of military force is broader than “introduction of armed forces” – plan includes weapons

Horace B. Robertson, Jr. – 1997/1998, Rear Admiral Horace B. Robertson, Jr., U.S. Navy (Ret.), United States Air Force Academy Journal of Legal Studies, 8 USAFA J. Leg. Stud. 35

The term "attacks" is also used in a broader sense than is traditionally meant in military parlance, where the term was generally used to describe the use of military force in an offensive action, particularly the launching of weapons against the enemy. As defined in Article 49, "'Attacks' means acts of violence against the adversary, whether in offense or in defense."

**Extra topicality is a reason to vote neg –**

#### Predictable limits – The United States has hundreds of different weapons systems that could be deployed by any of the 4 services across over 200 countries – These include nukes, which was its own entire topic 4 years ago

#### Ground – Deploying troops is the core question of the president’s war power because it puts troops in harm’s way – there’s no disadvantage to repositioning a forward-deployed systems

### 1NC

#### 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.

#### Plan costs PC

Lobel 9

Jules Lobel, Professor of Law at the University of Pittsburgh, “Restore. Protect. Expand. Amend the War Powers Resolution,” Center for Constitutional Rights White Paper, http://ccrjustice.org/files/CCR\_White\_WarPowers.pdf

Secondly, the War Powers Resolution correctly recognized that even congressional silence, inaction or even implicit approval does not allow the president to engage in warfare – but it failed to provide an adequate enforcement mechanism if the president did so. Under the resolution, wars launched by the executive were supposed to be automatically terminated after 60 or 90 days if not affirmatively authorized by Congress – but this provision proved unenforceable. Presidents simply ignored it, Congress had an insufficient interest in enforcing it and the courts responded by effectually saying: if Congress did nothing, why should we? Reforming the War Powers Resolution is a project that will require leadership from the President and the political will of Congress,working together in the service and preservation of the Constitution. In light of the abuses that have taken place under the Bush administration, it is the responsibility of a new administration to insist on transparency in the drafting of new legislation. There is a long history of attempts to revise the War Powers Resolution. As new legislation is drafted though, it will be important to focus on the central constitutional issues. Much time has been spent in debating how to address contingencies. It will be impossible to write into law any comprehensive formula for every conceivable situation, though; much more important will be establishing the fundamental principles of reform: The War Powers Resolution should explicitly prohibit executive acts of war without previous Congressional authorization. The only exception should be the executive’s power in an emergency to use short-term force to repel sudden attacks on US territories, troops or citizens. It is true that many potential conflict situations will be murky, complicated or divisive, and that quick congressional action may not always be forthcoming. Yet, history shows the folly of launching wars that are not supported by the American people. The United States should not use military force until a substantial consensus develops in Congress and the public that military force is necessary, appropriate and wise.

#### 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)](http://seattletimes.com/html/opinion/2022546185_dougoberhelmanprotradeoped30xml.html%29)

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

Freidberg & Schonfeld, 8 --- \*Professor of Politics and IR at Princeton’s Woodrow Wilson School, AND \*\*senior editor of Commentary and a visiting scholar at the Witherspoon Institute in Princeton (10/21/2008, Aaron and Gabriel, “The Dangers of a Diminished America”, Wall Street Journal, http://online.wsj.com/article/SB122455074012352571.html?mod=googlenews\_wsj)

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.

### 1NC

#### Text: The United States Federal Government should require Congressional authorization prior to initiating offensive use of military force, unless to repel an attack on Israel.

#### 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

Murdock 09, Sr Advisor CSIS

(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

Reuveny 10, Public Affairs Professor at Indiana

(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.

### 1NC

#### 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.

Settlement impossible

Launius 10 (2010, Roger, PhD, Curator, Planetary Exploration Programs, National Air and Space Museum, expert on Aerospace history, fellow and board member of the American Astronautical Society, “Can we ~~colonize~~ [[settle]] the solar system? Human biology and survival in the extreme space environment,” Endeavour Volume 34, Issue 3, September 2010, Pages 122-129, science direct)

Although microbial life might survive the extreme conditions of space, for Homo sapien sapiens the space environment remains remarkably dangerous to life. One space life scientist, Vadim Rygalov, remarked that ensuring human life during spaceflight was largely about providing the basics of human physiological needs. From the most critical – meaning that its absence would cause immediate death, to the least critical – these include such constants available here on Earth of atmospheric pressure, breathable oxygen, temperature, drinking water, food, gravitational pull on physical systems, radiation mitigation, and others of a less immediate nature. As technologies, and knowledge about them, stand at this time, humans are able to venture into space for short periods of less than a year only by supplying all of these needs either by taking everything with them (oxygen, food, air, etc.) or creating them artificially (pressurized vehicles, centrifugal force to substitute for gravity, etc.).10 Spaceflight would be much easier if humans could go into hibernation during the extremes of spaceflight, as did the Streptococcus mitis bacteria.

Resolving these issues has proven difficult but not insurmountable for such basic spaceflight activities as those undertaken during the heroic age of space exploration when the United States and the Soviet Union raced to the Moon. Overcoming the technological hurdles encountered during the Mercury, Gemini, and Apollo programs were child's play in comparison to the threat to human life posed by long duration, deep space missions to such places as Mars. Even the most sophisticated of those, the lunar landings of Project Apollo, were relatively short camping trips on an exceptionally close body in the solar system, and like many camping trips undertaken by Americans the astronauts took with them everything they would need to use while there. This approach will continue to work well until the destination is so far away that resupply from Earth becomes highly problematic if not impossible if the length of time to be gone is so great that resupply proves infeasible. There is no question that the U.S. could return to the Moon in a more dynamic and robust version of Apollo; it could also build a research station there and resupply it from Earth while rotating crews and resupplying from Earth on a regular basis. In this instance, the lunar research station might look something like a more sophisticated and difficult to support version of the Antarctic research stations. A difficult challenge, yes; but certainly it is something that could be accomplished with presently envisioned technologies.11 The real difficulty is that at the point a lunar research station becomes a ~~colony~~ [[settlement profound changes to the manner in which humans interact with the environment beyond Earth must take place. Countermeasures for core challenges – gravity, radiation, particulates, and ancillary effects – provide serious challenges for humans engaged in space ~~colonization~~ [[settlement]](Figure 4).

**Radiation risk is the primary barrier to space exploration – risk uncertainty and ineffective countermeasures.**

**Durante and Cucionotta 8** (2008, Marco Durante, recently appointed as the Director of the Biophysics Department at GSI, Darmstadt, Germany, former Associate Professor of Physics at the University of Naples Federico II, Italy and Adjunct Professor at the Temple University, and Francis A. Cucinotta, has served at the National Aeronautics and Space Administration (NASA) for 20 years and is currently the Chief Scientist for the NASA Space Radiation Program, leading NASA's efforts to understand and mitigate the health risks from space radiation and to determine radiation limits for astronauts on the International Space Station and the lunar and Mars missions, “ Heavy ion carcinogenesis and human space exploration,” Science and Society, Nature Reviews Cancer 8, 465-472 (June 2008), nature reviews, MGE)

**Before the human exploration** of Mars or long-duration missions on the Earth's moon, **the risk of cancer and other diseases from space radiation must be** accurately estimated and **mitigated**. Space radiation, comprised of energetic protons and heavy nuclei, has been shown to produce distinct biological damage compared with radiation on Earth, leading to large uncertainties in the projection of cancer and other health risks, and obscuring evaluation of the effectiveness of possible countermeasures. Here, we describe how research in cancer radiobiology can support human missions to Mars and other planets.

Space radiation, isolation (psychosocial problems) and microgravity-induced physiological changes are the main health problems for the exploration of the Solar system. Among the various health risks, **carcinogenesis caused by exposure to space radiation is now generally considered the main hindrance to interplanetary travel** for the following reasons: large uncertainties are associated with the projected cancer risk estimates, no simple and effective countermeasures are available, and the large uncertainties prevent determining the effectiveness of countermeasures. Optimizing operational parameters such as the length of space missions and crew selection for age and gender, or applying mitigation measures, such as radiation shielding or use of biological countermeasures, can reduce risk, but these approaches are clouded by uncertainties.

Space radiation is comprised of high-energy protons and high charge (Z) and energy (E) nuclei (HZE), whose ionization patterns in molecules, cells and tissues, and the resulting initial biological insults, are distinct from typical terrestrial radiation. Terrestrial radiation is largely characterized by low linear energy transfer (LET) radiation (X-, - or -rays), with the exception of the dose localized to the lungs caused by low-energy -particles from radon gas. HZE nuclei dominate the exposure in deep space (interplanetary travels), whereas trapped protons also contribute to the equivalent dose absorbed by crews in low-Earth-orbit (Space Shuttle flights or International Space Station). Box 1 and Fig. 1 provide a physics primer on space radiation types and the differences in energy deposition in biomolecules, cells and tissues. The relationships between the early biological effects of HZE nuclei and the probability of cancer in humans are poorly understood 1, 2, 3, and it is this missing knowledge that leads to large uncertainties in projecting cancer risks (Box 2 and Fig. 2) during space exploration.

**Sterility**

**Minkel 11** (J.R., writer for Space.com, “Love is in the air, but in space, it's a little risky”, 2-11-11, http://www.msnbc.msn.com/id/41537193/ns/technology\_and\_science-space/t/love-air-space-its-little-risky/) OP

**One hazard comes from solar flares, which spew energetic protons across the solar system.** Although the timing and intensity of such outbursts is difficult to predict in advance, these particles would be relatively easy to shield against, Straume told Space.com. "**A few centimeters of a material can knock them way down in intensity to acceptable levels," Straume said. Posing a tougher problem would be radiation streaming in from outside the solar system.** So-called galactic cosmic rays consist largely of very high-energy protons, but they also include charged atomic nuclei running up the periodic table all the way to iron, which is quite heavy, atomically speaking. **Such charged particles can blow apart biological molecules such as DNA and would easily rip through the aluminum shielding of a spacecraft traveling through interplanetary space.** Researchers' understanding of the reproductive hazards of ionizing radiation come primarily from sudden exposures such as radiotherapy for cancer and atomic bomb blasts. However, **studies in nonhuman primates have found that even relatively low doses of ionizing radiation are sufficient to kill most of the immature oocytes, or egg cells, in a female fetus during the second half of pregnancy. If those results apply to people as well, then a girl conceived in interplanetary space might well be born sterile because of damage to her eggs. "One would have to be very protective of those cells during gestation, during pregnancy, to make sure that the female didn't become sterile so they could continue the ~~colony~~** [[settlement]]," Straume said.

We’d be weightless in space – that’s biologically harmful

Crowell 9 – (Benjamin, PhD in Physics, professor of Physics at Fullerton, 6/21/09, “Biological Effects of Weightlessness”, <http://www.vias.org/physics/bk1_05_07.html>, MGE)

Worse than nausea are the health-threatening effects of prolonged weightlessness. The Russians are the specialists in long-term missions, in which cosmonauts suffer harm to their blood, muscles, and, most importantly, their bones. The effects on the muscles and skeleton appear to be similar to those experienced by old people and people confined to bed for a long time. Everyone knows that our muscles get stronger or weaker depending on the amount of exercise we get, but the bones are likewise adaptable. Normally old bone mass is continually being broken down and replaced with new material, but the balance between its loss and replacement is upset when people do not get enough weightbearing exercise. The main effect is on the bones of the lower body. More research is required to find out whether astronauts' loss of bone mass is due to faster breaking down of bone, slower replacement, or both. It is also not known whether the effect can be suppressed via diet or drugs. t / U.S. and Russian astronauts aboard the International Space Station, October 2000. The other set of harmful physiological effects appears to derive from the redistribution of fluids. Normally, the veins and arteries of the legs are tightly constricted to keep gravity from making blood collect there. It is uncomfortable for adults to stand on their heads for very long, because the head's blood vessels are not able to constrict as effectively. Weightless astronauts' blood tends to be expelled by the constricted blood vessels of the lower body, and pools around their hearts, in their thoraxes, and in their heads. The only immediate result is an uncomfortable feeling of bloatedness in the upper body, but in the long term, a harmful chain of events is set in motion. The body's attempts to maintain the correct blood volume are most sensitive to the level of fluid in the head. Since astronauts have extra fluid in their heads, the body thinks that the over-all blood volume has become too great. It responds by decreasing blood volume below normal levels. This increases the concentration of red blood cells, so the body then decides that the blood has become too thick, and reduces the number of blood cells. In missions lasting up to a year or so, this is not as harmful as the musculo-skeletal effects, but it is not known whether longer period in space would bring the red blood cell count down to harmful levels.

**Kidney stones inhibit human expansion.**

**Moran**, **7** – author of The Urologists Guide to the Galaxy (2007, Michael, MD, practices urology in Tucson, Arizona, “The Urologist's Guide to the Galaxy,” [http://www.siteground16.com/~iksi/images/uploads/The\_Urologist's\_Guide\_to\_the\_Galaxy.pdf](http://www.siteground16.com/~iksi/images/uploads/The_Urologist%27s_Guide_to_the_Galaxy.pdf) MGE)

A corollary to the immobilization-related hypercalemia and stone formation scenario is the possibility of placing humans in microgravity activity in outer space. With the advent of cooperative international endeavors such as the Space Station, plans for a manned mission to Mars, and the real probability that China might attempt a mission to the moon, these considerations have assumed a more vigorous scientific scrutiny. The physiologic changes that occur to astronauts exposed to microgravity during space flight have been increasingly investigated. Body fluid volumes, electrolyte levels, and bone and muscle undergo significant changes as the body adapts to the weightless environment. There are both short-term space missions similar to those of Gemini, Apollo, and Space Shuttle flights and long-term missions such as Shuttle-Mir or Skylab [14]. In the former short-term space missions, negative calcium balance with bone mineral loss and associated hypercalciuria was noted during Gemini, Apollo, and Space Shuttle missions [14]. Additional alterations include elevated urinary phosphate, decreased fluid intake secondary to early flight space sickness (associated nausea and vomiting) with resulting decreased urinary volume and rising formation product [15]. Citrate has been shown to fall during space flight [16]. Whitson and coworkers have demonstrated that astronauts are at greater risk of forming calcium oxalate, calcium phosphate, and uric acid stones. In follow-up investigations, this same group studied more carefully 6 male astronauts with a mean age of 42.5 (range 36- 49 years old) flying Space Shuttle missions of 11 to 16 days [16]. Urine specimens were collected before, early in the mission (2-4 days), late in the mission (10-13 days), landing day, and 7 to 10 days after landing. Nutrition recommendations were rigorously controlled. Urine volume declined during the early flight but tended to equilibrate by post flight measurements. Urine output declined by 22-52% during spaceflight. Urine pH had a tendency toward increased acidity (lower pH) which also normalized by 7-10 days post flight. Urinary calcium levels increased for all members with individual variation being large (38 to 253 mg/d). Calcium excretion continued to increase during the flight. Urinary potassium was less during the early flight and urinary citrate was lower during the flight but neither were statistically different. The relative supersaturation of calcium oxalate, brushite, sodium urate, and uric acid all rose during early space flight. The calcium oxalate and brushite supersaturations remained statistically elevated throughout the entire space flight [16]. Whitson and colleagues further speculate that dietary factors of the astronauts also play a role in risk for urolithiasis formation. Fluid restriction, protein and calorie ingestion all increase urinary calcium and uric acid concentrations while decreasing urinary citrate. Dietary sodium can also promote renal calculus disease. Diets high in potassium and magnesium may have beneficial effects [16]. Zerwekh reviewed this metabolic data and generated specific nutritional recommendations for crew members on longer space missions. Pharmacologic intervention can raise urinary volumes, diminish bone losses and prevent reductions in urine pH and citrate levels [17]. There exists one published article suggesting that some cosmonauts have in fact formed stones during space missions [18-19]. Another report from NASA's Life Sciences Division suggests this to be a real probability [20]. In Pak's earlier investigations in stone formation by astronauts, he suggested that stone risk factors among applicants for spaceflight programs were environmental in origin [21].

STONES IN SPACE Space flight is a hazardous activity. There are published well documented investigations into the pathophysiologic problems encountered [22]. In flight medical events for U.S. astronauts during the space shuttle program from April 1981 to January 1998 show a 42% incidence of space sickness but no definite reports of urinary colic and/or urolithiasis. Medical events reported from Russia's Mir from March 1995 to June 1998 likewise fail to reveal any stone events. But space exploration and manned flights are still infrequent compared to terrestrial explorations in other hazardous environments, such as deep sea and polar. Antarctic databases on health hazards also disclose no episodes of evacuation for urinary colic. The incidence of evacuation from U.S. submarines from 1993 to 1996 reveal 23 episodes of acute colic and stone passage out of 332 total emergency evacuations.

Stone disease represents a real risk to our human habitation in micro- or zerogravity environments. The physiology behind this increased risk is well known and preventative strategies have been developed. The fact that stones in space have not been reported does not mean that they have not occurred. Astronauts as well as pilots in general have an obvious bias against coming forward in reporting these episodes, due to the fear of being grounded. In addition, the system would find that the cost of training specific individuals might outweigh the risk of stone formation in the "highly selected" individuals and efforts to keep them flying might outweigh and justify avoiding reporting. But stone disease in space is potentially serious, especially if exploration expands and extraterrestrial work environments are created that would prolong microgravity exposure times. NASA's "Bioastronautics Roadmap" calls renal stone formation "Risk 4." [23] The National Space Biomedical Research Institute calls stone disease "Risk 12." One published article only suggests that some cosmonauts have, in fact, formed stones during space missions. Detailed data from 79 U.S. space missions, involving 219 person-flights, and 175 astronauts do demonstrate 23 genitourinary problems (1.2% or 0.07 incidence per 7 days) but no further details are available. Conflicting data exists regarding actual space mission risk and stone incidence during submarine duty, but all would agree that the risk of stone disease in space is real. Attempts to evaluate both diagnostic and therapeutic interventions are being pursued actively and the funding for such endeavors is ongoing. As mankind strives to gain access to the final frontier of outer space, hazards must be assumed and methods for adapting to these risks must be found. Arthur C. Clarke stated, 'Two possibilities exist: either we are alone in the Universe—or we are not. Both are equally terrifying."

**Can’t find pure water or maintain a temperature stable enough for a hydrological cycle to function.**

**Ayres 7** – (2007, Robert, PhD, Mathematical Physics, Kings College, University of London, Emeritus Professor of Economics and Political Science and Technology Management, and professor of Management and the Environment, Institut Européen d'Administration des Affaires (international business school and research institution), Visiting Professor at Chalmers University Gothenburg, Adjunct Professor of Mineral Economics at Pennsylvania State University, “On the practical limits to substitution,” Ecological Economics 61 (2007) 115-128, elsevier, MGE)

(2) As animals we also require considerable amounts of fresh drinking water, both for cooling and for metabolic waste disposal (via the kidneys). Plants–needed for oxygen production, as well as food–also require water for essentially the same reasons, plus the fact that water is essential for photosynthesis. Yet fresh water is becoming worryingly scarce (Frederick and Gleick, 1990; Gleick, 1992; La Riviere, 1989; Raskin et al., 1994; Tyler, 1993). Most industrial processes today also require large amounts of extremely pure water, obtained at considerable energy cost, for a variety of purposes. Absent a colossal investment in desalination, or until all the plants and animals (except ourselves) can be genetically modified to be salt tolerant, a hydrological cycle is therefore essential.

A viable hydrological cycle absolutely requires, in turn, that average ambient temperatures remain above the freezing point and below the boiling point of water, over whatever portion of the earth is being utilized by plants and animals. Budyko showed that albedo feedback can lead to runaway glaciation if ice reaches a critical latitude, around 30° North or South of the equator (Budyko, 1969). It is now clear that ‘snowball earth’ has actually happened at least three times in the past, most recently 750 million years ago (Donnadieu et al., 2004; Harland and Rudwick, 1964; Hoffman and Schrag, 2002; Kirschvink, 1992).

**Won’t cause extinction**

**Shapiro et al 2009 --** Harvard-Smithsonian Center for Astrophysics, Chair (Irwin, “Near-Earth Object Surveys and Hazard Mitigation Strategies.” National Academies of Sciences, report, http://www.spacepolicyonline.com/pages/images/stories/Prepublication\_NEOInterimReport\_for\_0812.pdf) CMR

The uncertainties in the damaging effects of asteroids increase as the size of the asteroid increases. A 1-kilometer-diameter asteroid is generally accepted as the lower boundary for an impactor with global consequences—asteroids below this size probably will not have globally catastrophic effects, although most estimates place the boundary for catastrophic effects starting at around 1.5 to 2 kilometers. Such an asteroid would be expected to produce a continent-sized fireball and form a crater approximately fifteen times the diameter of the asteroid, similar in size to many craters known from the geologic record; it could instead produce a devastating tsunami if it hit in an ocean. On average, such craters form at about 1-million-year intervals, but there is no known association between impact craters of this size and biologic extinctions. However, modern human civilization, with its strong dependence on agricultural crops and intricate distribution networks, is presumably much more fragile than the mere survival of humans or other animals as a species. We would thus want to avoid any impact that caused a large fraction of surviving humans to die of starvation, even though **humans as a species would endure**.

**SQ tracking 93% of extinction level NEOs**

**The Register 11** (“NASA: 'Asteroid armageddon less likely than we feared'.” <http://www.theregister.co.uk/2011/09/30/neowise_asteroid_survey/>)\*\*\*911/981=92.8% CMR

First the good news: there are fewer Earth-threatening asteroids than previously thought. The bad news: there are still plenty of dinosaur extinction–sized globe crushers out there, awaiting their turn.

"The risk of a really large asteroid impacting the Earth before we could find and warn of it **has been substantially reduced**," said Tim Spahr, the director of the Harvard Smithsonian Center for Astrophysics' wonderfully named Minor Planet Center when [announcing](http://www.nasa.gov/mission_pages/WISE/news/wise20110929.html) the results of a multi-year NASA survey.

You'll notice, however, that Spahr spoke only of the ability to warn of an impending extinction event – or even a smaller metro-mashing. He didn't say anything about doing something to stop an asteroid with mayhem on its mind.

Still, though, it's nice to know what's out there – and thanks to the latest development in the two-decade Spaceguard project, what's out there is a wee bit less threatening than boffins had feared. New estimates, well, estimate that there are "only" about 19,500 – not 35,000 – midsize near-Earth asteroids.

Unfortunately, we don't know exactly where most of those space rocks are – their number is an educated estimate, not a one-by-one census.

We have a far better idea of where the big boys reside. According to NASA estimates, there are 981 near-Earth asteroids of diameters of one kilometer and larger, and we've got tabs on 911 of them. Of those 911, Nasa notes reassuringly, "None of them represents a threat to Earth in the next few centuries."

**NASA** also **believe that it has the addresses** and flight paths of each and **every one of the massive 10-kilometer** earth **exterminators**, kinsmen to the one that dropped by 65 million years ago to say goodbye to the dinosaurs.

### Warfighting

#### Presidents have political incentives to cooperate with Congress over offensive operations – but requiring cooperation sends a signal of weakness to adversaries and hamstrings power projection

Michael A. Newton – 2012, Professor of the Practice of Law, Vanderbilt University Law School

Inadvertent Implications of the War Powers Resolution, Case Western Reserve Journal of International Law, vol 45, Fall 2012, [http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.10.Article.Newton.pdf](http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1%262.10.Article.Newton.pdf)

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 factspecific 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.

#### **Statutory restriction of Presidential War Powers makes warfighting impossible**

Yoo 12 – prof of law @ UC Berkeley

(John, War Powers Belong to the President, ABA Journal February 2012 Issue, http://www.abajournal.com/magazine/article/war\_powers\_belong\_to\_the\_president) <we do not endorse the ableist language used in this card, but have left it in to preserve the author’s intent. we apologize for the author’s inappropriate use of the word “paralyze”>

The framers realized the obvious. Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation. Instead, they can demand swift, decisive action—sometimes under pressured or even emergency circumstances—that is best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. Congress is too large and unwieldy to take the swift and decisive action required in wartime. Our framers replaced the Articles of Confederation, which had failed in the management of foreign relations because they had no single executive, with the Constitution’s single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, Congress’ loose, decentralized structure would paralyze American policy while foreign threats grow. Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure. Congress’ track record when it has opposed presidential leadership has not been a happy one. Perhaps the most telling example was the Senate’s rejection of the Treaty of Versailles at the end of World War I. Congress’ isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed the Neutrality Acts designed to keep the United States out of the conflict. President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president’s foreign adventurism, the real threat to our national security may come from inaction and isolationism. Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War and the passage of the ineffectual War Powers Resolution. Congress passed the resolution in 1973 over President Richard Nixon’s veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it. Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare war.” But these observers read the 18th century constitutional text through a modern lens by interpreting “declare war” to mean “start war.” When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain—where the framers got the idea of the declare-war power—fought numerous major conflicts but declared war only once beforehand. Our Constitution sets out specific procedures for passing laws, appointing officers and making treaties. There are none for waging war because the framers expected the president and Congress to struggle over war through the national political process. In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent danger as will not admit of delay.” This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive. Presidents, of course, do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. Only Congress can raise the military, which gives it the power to block, delay or modify war plans. Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military. Congress’ check on the presidency lies not just in the long-term raising of the military. It can also block any immediate armed conflict through the power of the purse. If Congress feels it has been misled in authorizing war, or it disagrees with the president’s decisions, all it need do is cut off funds, either all at once or gradually. It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action. Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation. The framers expected Congress’ power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war. Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’ funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo or Korea, it is only because Congress has chosen not to exercise its easy check. We should not confuse a desire to escape political responsibility for a defect in the Constitution. A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy. The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

#### Unfettered executive war power key to effective warfighting

Tabo 9/12, Center for Legal Pedagogy at Texas Southern University

(13, Tamara, Obama’s Right To Be Wrong: Presidential Power And Military Action, abovethelaw.com/2013/09/obamas-right-to-be-wrong-presidential-power-and-military-action/

When the framers drafted the Constitution, they rejected the diffuse power structure of the Articles of Confederation and took steps to consolidate authority. This, in part, recognized the need for a nimble executive who could act quickly and decisively in ways that neither Congress nor state governments could. Nowhere is this executive power so vital as military involvement in foreign affairs. Moreover, the framers of the Constitution likely appreciated the difference between “declaring war” and engaging in military hostilities. In the 17th and 18th centuries, declarations of war served primarily as formal statements about the diplomatic relationship between nations, not as indications of whether boots were on the ground or swords were drawn. There’s good historical reason to think that, though Alexander Hamilton and his ilk were wary of too much power vested in a monarch, they acknowledged the need for a strong commander-in-chief capable of directing military action without first seeking a Congressional declaration of war.

#### strong presidential power is vital to preventing global problems like environmental destruction, aids, economic collapse, and war

Deans 2k (Bob, The Atlanta Journal and Constitution, 1/23, lexis)

Yet the U.S. presidency, long regarded as the most powerful institution in the world, arguably has assumed more authority and reach than at any time in its history. While no one can doubt the growing impact of the Internet, Silicon Valley and Wall Street on the daily lives of all Americans, only the president can rally truly global resources around American ideals to further the quest for equality and to combat the timeless ills of poverty and war. It is that unique ability to build and harness a worldwide consensus that is widening the circle of presidential power. ''The presidency will remain as important as it is or will become more important,'' predicted presidential scholar Michael Nelson, professor of political science at Rhodes College in Memphis, Tenn. The voice of all Americans The taproot of presidential power is the Constitution, which designates the chief executive, the only official elected in a national vote, as the sole representative of all the American people. That conferred authority reflects the state of the nation, and it would be hard to argue that any country in history has possessed the military, economic and political pre-eminence that this country now holds. And yet, the nation's greatest strength as a global power lies in its ability to build an international consensus around values and interests important to most Americans.¶ On Clinton's watch, that ability has been almost constantly on display as he has patched together multinational responses to war in the Balkans, despotism in Haiti, economic crises in Mexico, Russia, Indonesia and South Korea, and natural disasters in Turkey and Venezuela. The institutions for putting together coalition-type action --- the United Nations, the North Atlantic Treaty Organization, the International Monetary Fund, the World Bank and the World Trade Organization among them --- are hardly tools of American policy. But the United States commands a dominant, in some cases decisive, position in each of those institutions. And it is the president, far more than Congress, who determines how the United States wants those institutions to be structured and to perform. ''Congress is a clunky institution of 535 people that can't negotiate as a unit with global corporations or entities,'' said Alan Ehrenhalt, editor of Governing magazine. ''It's the president who is capable of making deals with global institutions.''¶ It is the president, indeed, who appoints envoys to those institutions, negotiates the treaties that bind them and delivers the public and private counsel that helps guide them, leaving the indelible imprint of American priorities on every major initiative they undertake. ''That means, for example, that we can advance our interests in resolving ethnic conflicts, in helping address the problems of AIDS in Africa, of contributing to the world's economic development, of promoting human rights, '' said Emory University's Robert Pastor, editor of a new book, ''A Century's Journey,'' that elaborates on the theme.

**Won’t cause extinction**

**Shapiro et al 2009 --** Harvard-Smithsonian Center for Astrophysics, Chair (Irwin, “Near-Earth Object Surveys and Hazard Mitigation Strategies.” National Academies of Sciences, report, http://www.spacepolicyonline.com/pages/images/stories/Prepublication\_NEOInterimReport\_for\_0812.pdf) CMR

The uncertainties in the damaging effects of asteroids increase as the size of the asteroid increases. A 1-kilometer-diameter asteroid is generally accepted as the lower boundary for an impactor with global consequences—asteroids below this size probably will not have globally catastrophic effects, although most estimates place the boundary for catastrophic effects starting at around 1.5 to 2 kilometers. Such an asteroid would be expected to produce a continent-sized fireball and form a crater approximately fifteen times the diameter of the asteroid, similar in size to many craters known from the geologic record; it could instead produce a devastating tsunami if it hit in an ocean. On average, such craters form at about 1-million-year intervals, but there is no known association between impact craters of this size and biologic extinctions. However, modern human civilization, with its strong dependence on agricultural crops and intricate distribution networks, is presumably much more fragile than the mere survival of humans or other animals as a species. We would thus want to avoid any impact that caused a large fraction of surviving humans to die of starvation, even though **humans as a species would endure**.

Settlement impossible

Launius 10 (2010, Roger, PhD, Curator, Planetary Exploration Programs, National Air and Space Museum, expert on Aerospace history, fellow and board member of the American Astronautical Society, “Can we ~~colonize~~ [[settle]] the solar system? Human biology and survival in the extreme space environment,” Endeavour Volume 34, Issue 3, September 2010, Pages 122-129, science direct)

Although microbial life might survive the extreme conditions of space, for Homo sapien sapiens the space environment remains remarkably dangerous to life. One space life scientist, Vadim Rygalov, remarked that ensuring human life during spaceflight was largely about providing the basics of human physiological needs. From the most critical – meaning that its absence would cause immediate death, to the least critical – these include such constants available here on Earth of atmospheric pressure, breathable oxygen, temperature, drinking water, food, gravitational pull on physical systems, radiation mitigation, and others of a less immediate nature. As technologies, and knowledge about them, stand at this time, humans are able to venture into space for short periods of less than a year only by supplying all of these needs either by taking everything with them (oxygen, food, air, etc.) or creating them artificially (pressurized vehicles, centrifugal force to substitute for gravity, etc.).10 Spaceflight would be much easier if humans could go into hibernation during the extremes of spaceflight, as did the Streptococcus mitis bacteria.

Resolving these issues has proven difficult but not insurmountable for such basic spaceflight activities as those undertaken during the heroic age of space exploration when the United States and the Soviet Union raced to the Moon. Overcoming the technological hurdles encountered during the Mercury, Gemini, and Apollo programs were child's play in comparison to the threat to human life posed by long duration, deep space missions to such places as Mars. Even the most sophisticated of those, the lunar landings of Project Apollo, were relatively short camping trips on an exceptionally close body in the solar system, and like many camping trips undertaken by Americans the astronauts took with them everything they would need to use while there. This approach will continue to work well until the destination is so far away that resupply from Earth becomes highly problematic if not impossible if the length of time to be gone is so great that resupply proves infeasible. There is no question that the U.S. could return to the Moon in a more dynamic and robust version of Apollo; it could also build a research station there and resupply it from Earth while rotating crews and resupplying from Earth on a regular basis. In this instance, the lunar research station might look something like a more sophisticated and difficult to support version of the Antarctic research stations. A difficult challenge, yes; but certainly it is something that could be accomplished with presently envisioned technologies.11 The real difficulty is that at the point a lunar research station becomes a ~~colony~~ [[settlement profound changes to the manner in which humans interact with the environment beyond Earth must take place. Countermeasures for core challenges – gravity, radiation, particulates, and ancillary effects – provide serious challenges for humans engaged in space ~~colonization~~ [[settlement]](Figure 4).

### Congress

#### Weakening treaty clause is good, enhance US engagement with the international legal system.

Oona A. Hathaway 8, Associate Professor of Law at Yale, Treaties' End: The Past, Present, and Future of International Lawmaking in the United States, The Yale Law Journal, Vol. 117, No. 7 (May, 2008), pp. 1236-1372

A B S T R A C T. Nearly every international agreement that is made through the Treaty Clause ¶ should be approved by both houses of Congress as a congressional-executive agreement instead. ¶ In making this case, this Article examines U.S. international lawmaking through empirical, ¶ comparative, historical, and policy lenses. U.S. international lawmaking is currently haphazardly ¶ carved up between two tracks of international lawmaking, with some areas assigned to the ¶ Treaty Clause route, others to the congressional-executive agreement route, and many ¶ uncomfortably straddling the two. Moreover, the process for making international law that is ¶ outlined in the U.S. Constitution is close to unique in cross-national perspective. To explain how ¶ the United States came to have such a haphazard and unusual system, this Article traces the ¶ history of U.S. international lawmaking back to the Founding. The rules and patterns of practice ¶ that now govern were developed in response to specific contingent events that for the most part ¶ have little or no continuing significance. The Treaty Clause process is demonstrably inferior to ¶ the congressional-executive agreement process as a matter of public policy on nearly all crucial ¶ dimensions: ease of use, democratic legitimacy, and strength of the international legal ¶ commitments that are created. Thus, this Article concludes by charting a course toward ending ¶ the Treaty Clause for all but a handful of international agreements. By gradually replacing most ¶ Article II treaties with ex post congressional-executive agreements, policymakers can make ¶ America's domestic engagement with international law more sensible, effective, and democratic.

#### Solves problems with withdrawal and enhances US credibility.

Oona A. Hathaway 8, Associate Professor of Law at Yale, Treaties' End: The Past, Present, and Future of International Lawmaking in the United States, The Yale Law Journal, Vol. 117, No. 7 (May, 2008), pp. 1236-1372

This Article makes the case for a new direction: nearly everything that is ¶ done through the Treaty Clause can and should be done through ¶ congressional-executive agreements approved by both houses of Congress. The ¶ congressional-executive agreement includes the House of Representatives in ¶ the lawmaking process, is less subject than is a treaty to stonewalling by an ¶ extreme minority, and rarely requires the passage of separate implementing ¶ legislation to enter into effect. Moreover, the agreement is often easier to enforce and can be subject to more stringent rules regarding unilateral withdrawal, thus allowing the United States to make stronger and more ¶ consistent international commitments. A congressional-executive agreement ¶ might seem to lack the "'dignity' of a treaty."8 But in fact a congressional ¶ executive agreement that is expressly approved by Congress is more legitimate ¶ and more reliable than a treaty, and it can and should be used for even the most ¶ important international commitments.9

#### Treaty clause is unpopular. No chance of increased restrain.

Oona A. Hathaway 8, Associate Professor of Law at Yale, Treaties' End: The Past, Present, and Future of International Lawmaking in the United States, The Yale Law Journal, Vol. 117, No. 7 (May, 2008), pp. 1236-1372

Why the backlash against the Treaty Clause? There were several reasons - ¶ the emergence of the Cold War, the growing hegemony of the United States, ¶ and rising isolationism, among others.19'6 Yet even more central than the ¶ geopolitical backdrop was an emerging backlash against the human rights ¶ revolution that had been led by the United States - a backlash that continues to ¶ inspire opposition to international law in the United States even today.

#### International treaties irrelevant

Eric A. Posner 9, Kirkland and Ellis Professor of Law at the University of Chicago Law School. The Perils of Global Legalism, 34-6

34 ¶ Most global legalists acknowledge that international law is created and enforced by states. They believe that states are willing to expand international law along legalistic lines because states’ long-term interests lie in solving global collective action problems. In the absence of a world govern- ment or other forms of integration, international law seems like the only way for states to solve these problems. The great difﬁculty for the global legalist is explaining why, if states create and maintain international law, they will also not break it when they prefer to free ride. In the absence of an enforcement mechanism, what ensures that states that create law and legal institutions that are supposed to solve global collective action prob- lems will not ignore them? ¶ For the rational choice theorist, the answer is plain: states cannot solve global collective action problems by creating institutions that themselves depend on global collective action. This is not to say that international law is not possible at all. Certainly, states can cooperate by threatening to retaliate against cheaters, and where international problems are matters of coordination rather than conﬂ ict, international law can go far, indeed.7 But if states (or the individuals who control states) cannot create a global government or q uasi-g overnment institutions, then it seems unlikely that they can solve, in spontaneous fashion, the types of problems that, at the national level, require the action of governments. ¶ Global legalists are not enthusiasts for rational choice theory and have ¶ 35¶ grappled with this problem in other ways.8 I will criticize their attempts in chapter 3. Here I want to focus on one approach, which is to insist that just as individuals can be loyal to government, so too can individuals (and their governments) be loyal to international law and be willing to defer to its requirements even when self-i nterest does not strictly demand that they do so. International law has force because (or to the extent that) it is legitimate.9 ¶ What makes governance or law legitimate? This is a complicated ques- tion best left to philosophers, but a simple and adequate point for present purposes is that no system of law will be perceived as legitimate unless those governed by that law believe that the law does good — serves their interests or respects and enforces their values. Perhaps more is required than this — such as political participation, for example — but we can treat the ﬁ rst condition as necessary if not sufﬁ cient. If individuals believe that a system of law does not advance their interests and respect their values, that instead it advances the interests of others or is dysfunctional and helps no one at all, they will not believe that the law is legitimate and will not voluntarily submit to its authority. ¶ Unfortunately, international law does not satisfy this condition, mainly because of its institutional weaknesses; but of course, its institutional weaknesses stem from the state system — states are not willing to tolerate powerful international agencies. In classic international law, states enjoy sovereign equality, which means that international law cannot be created unless all agree, and that international law binds all states equally. What this means is that if nearly everyone in the world agrees that some global legal instrument would be beneﬁ cial (a climate treaty, the UN charter), it can be blocked by a tiny country like Iceland (population 300,000) or a dictatorship like North Korea. What is the attraction of a system that puts a tiny country like Iceland on equal footing with China? When then at- torney general Robert Jackson tried to justify American aid for Britain at the onset of World War II on the grounds that the Nazi Germany was the aggressor, international lawyers complained that the United States could not claim neutrality while providing aid to a belligerent — there was no such thing as an aggressor in international law.10 Nazi Germany had not agreed to such a rule of international law; therefore, such a rule could not exist. Only through the destruction of Nazi Germany could international law be changed; East and West Germany could reenter international so-¶ 36¶ ciety only on other people’s terms. How could such a system be perceived to be legitimate? ¶ There is, of course, a reason why international law works in this fash- ion. Because no world government can compel states to comply with inter- national law, states will comply with international law only when doing so is in their interest. In this way, international law always depends on state consent. So international law must take states as they are, which means that little states, big states, good states, and bad states, all exist on a plane of equality. ¶

#### No uniform standard for how states need to implement

Oona A. Hathaway 8, Associate Professor of Law at Yale, Treaties' End: The Past, Present, and Future of International Lawmaking in the United States, The Yale Law Journal, Vol. 117, No. 7 (May, 2008), pp. 1236-1372

International law provides strikingly little guidance to states about how ¶ they ought to make international law. The 1972 Vienna Convention on the Law ¶ of Treaties, which incorporates widely accepted principles of international law, ¶ provides states with some guidance. It dictates that in order for a state to bind ¶ itself to an international agreement, it must express its consent. But how that ¶ consent is expressed or determined is left entirely to domestic law.82 As a ¶ consequence, there is a wide variety of practices among states. The only way to know how states make internationalaw, then, is to look ¶ to the domestic legal rules that govern the process. Working with a team of ¶ researchers, I have taken a step in this direction by compiling a comprehensive ¶ database of the treaty-making and domestic lawmaking practices of every ¶ country in the world that had a constitution in the year 2007. It turns out that ¶ the U.S. Treaty Clause stands out as a remarkably unusual method of making ¶ international law. Only five other countries in the world-Algeria, Burundi, ¶ Iraq, Micronesia, and the Philippines - require a supermajority vote in their ¶ legislature in order for the country to ratify a treaty.83 By contrast, most states ¶ require that internationalaw be made through a simple or absolute majority ¶ vote in the legislature.

# 2NC

## PIC

### Impact OV

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

Reuveny 10, Public Affairs Professor at Indiana

(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.

#### Israeli feelings of vulnerability will cause them to adopt a launch on warning posture- risks miscalc, war, and nuclear escaltion

Schoenfeld 98– SENIOR EDITOR COMMENTARY

*THINKING ABOUT THE UNTHINKABLE*, COMMENTARY, DECEMBER

If preemption is largely ruled out as an option, what then? To reduce its vulnerability--enemy missiles can arrive within ten minutes from firing--Israel may well be compelled to adopt a "launch-on-warning" posture for both its conventional and nuclear forces. For the purpose of considering this eventuality, we may assume that Israel has indeed developed a secure retaliatory force of the kind Tucker saw as essential to stability. Even so, however, this would not offer much reassurance. Unlike its neighbors, and unlike the U.S., Israel is a tiny country, and in a nuclear environment it would not have the luxury of waiting to assess the damage from a first strike before deciding how to respond. Thus, in any future crisis, at the first hint from satellite intelligence or some other means that a missile fusillade was being prepared from, say, Iran or Iraq, Israel, to protect its populace, would have to punch first. And it would have to strike not only at missile sites, some of which it might well miss, but at a broader range of targets--communications facilities, air bases, storage bunkers, and all other critical nodes--so as to paralyze the enemy and thus rule out the possibility of attack. These are the implications of launch-on-warning. Clearly, such a posture presents grave problems. Lacking secure second-strike forces of their own, and aware that Israel would no doubt try to hit them preemptively, Iran and Iraq would be under tremendous pressure to launch their missiles first--to "use them or lose them." In other words, what this scenario leads to is the prospect of both sides' moving to a permanent position of hair-trigger alert. It is a nightmarish prospect. The possibility that nuclear war might break out at any moment--by accident, miscalculation, or design--would inevitably place an intolerable strain on Israel's freedom of military movement, and take a no less heavy toll on civilian morale**.**

#### Iran strikes lead to World War III terrorism and econ collapse

Barnett 7, Fellow of Military History @ Churchill College

[Correlli Barnett, Cambridge Sunday Mail “Attack Iran and spark world war” March 4, 2007]

Responding? But how? That raises another question: is Bush simply using the Iranian nuclear program and the story about the Iranian supply of explosive devices as cover for a real purpose - that of launching a massive attack on Iran intended to topple the present Iranian state? The answer to this is truly terrifying. Because we know from recent Pentagon leaks that Centcom (the Central Command, responsible for US strategy and operations in the Middle East) is engaged in detailed military studies for a ''shock-and-awe'' aerial onslaught aimed at destroying not only Iran's nuclear facilities but also the entire military infrastructure. That is why there are now two attack-carrier task groups concentrated in the Persian Gulf, as well as Stealth bombers in readiness in the US. To achieve its targets, the Pentagon would have to unleash waves of attacks by more than 100 aircraft on the 20 widely dispersed plants of the Iranian nuclear industry. Prolonged bombing of military bases, barracks, and air-defence systems, many of them in or near great cities, would be needed. We saw it all before in the much smaller and less populated country of Iraq. The loss of life among civilians would far exceed the 7000 slaughtered during the ''shock-and-awe'' blitz on Baghdad which heralded the invasion of Iraq. If the bombers struck an already ''live'' nuclear plant, the result would be another Chernobyl. In addition, such an onslaught would inevitably mean war. AND it would mean war with a nation of 70 million people - 65 per cent of whom are under the age of 25 - at a time when the combined might of American and British armed forces have been unable to subdue a country with a population of no more than 27 million. Geographically, Iran is a mountainous country much larger than Iraq or Afghanistan, and extending from the Caspian Sea to the Persian Gulf, from Turkey to Afghanistan. While the Iranian armed forces (including the 120,000 men of the Revolutionary Guards and the 200,000 in the Basij militia, all Islamic zealots) may be far inferior to the American forces in training and hi-tech weaponry, they fought a bloody war with Saddam Hussein for six years - proving that they are well able to take appalling attrition without buckling. For them, every body-bag contained a glorious martyr. No one should therefore underestimate Iran's capacity for prolonged resistance. **War with Iran would be like Iraq plus Afghanistan multiplied by 10.** In a fresh demonstration of ''asymmetric warfare'' (where the two sides are mismatched in their military capabilities), America's colossal firepower would be countered by guerilla ambush and terrorist bombings anywhere in the world where infuriated Muslims could inflict damage on the West. Remember the Madrid train bombings? Remember London in July 2005? They would be commonplace. Because of the connection between the Shias of Iran - who make up 90 per cent of the population - those of southern Iraq, and of Hezbollah in the Lebanon, **the conflict would engulf the entire Middle East, from the Mediterranean coast to the borders of Pakistan, and very probably sucking in the Sunnis of Saudi Arabia as well in reaction**. What's more, **such a conflict would inflict terrible damage on the global economy because of its impact on oil supplies from the Persian Gulf. It would be all too easy for Iranian suicide speedboats to make the narrow Straits of Hormuz too hazardous for the passage of the giant tankers on which the industrialised First World (now including China) depends.** It would be all too tempting for the US Navy to try to clear that passage by force. In short, **an attack on Iran would effectively launch World War III.**

Cross-apply econ impact from politics

### 2NC Impact – Hezbollah

#### Enhanced Israeli security concerns cause it to escalate against Hezbollah

Kelman 07, Co-chair Middle East Seminar Harvard

(Herbert C.-, Fall, Middle East Policy, “Israeli-Palestinian Peace: Inching Toward and Looking Beyond Negotiations”, Vol. 14 #3, <http://www.mepc.org/journal_vol14/93Kelman.pdf>)

In Israel, recent events have generated profound concerns over the country’s loss of its deterrent power — both vis-à-vis Hezbollah and its presumed backers, Syria and Iran, and vis-à-vis the Palestinians. Israeli political and military leaders are worried that Israel can be seen as — and can indeed become — vulnerable to attacks from across its borders with Lebanon in the north, with Gaza in the south, and eventually with the West Bank in the middle of the country, borders that are close to Israel’s large population centers. Loss of Israel’s deterrent power represents a nightmare scenario for its leaders. The immediate response to that evidence of vulnerability has been the use of greater military force and massive retaliation against Hezbollah and Hamas. But this strikes me as a shortsighted response to the new reality.

#### Renewed conflict with Hezbollah spreads throughout the region – draws in Iran

Gerges 10, Professor Middle East Politics London School of Economics

(Fawaz, July, “The Next War? The Danger of the Lebanese-Israeli Border Igniting” Institute for Social Policy and Understanding, http://ispu.org/pdfs/315\_PB\_ISPU-Next%20War.pdf)

London: In an important and alarming report to the U.N. Security Council in early July 2010, Secretary-General Ban Ki-Moon warned that rising tensions between Lebanon and Israel could lead to a new war with potentially devastating consequences for the entire region. He cited dozens of examples whereby the two warring camps - Israel and Hezbollah - almost came to blows and accused them of violating the 2006 cease-fire resolution that ended the 34-day war in 2006: Hezbollah maintains "a substantial military capacity," and Israel continues to conduct daily over-flights of Lebanon and refuses to withdraw from the disputed northern border village of Ghajar. Ban said Israeli accusations in April 2010 that neighboring Syria had provided Scud missiles to Hezbollah -- an allegation later raised by American officials and categorically denied by Lebanese and Syrian authorities -- "greatly increased tensions" among Israel, Lebanon, and Syria. "Rhetoric escalated rapidly, creating a perception in the public that a resumption of conflict was imminent," the secretary-general said. But for the moment, he added, tensions appear to have subsided. Nonetheless, he went on to say that the increased tension "raised the spectre of a miscalculation by either party leading to a resumption of hostilities, with potentially devastating consequences for Lebanon and the region." The U.N. general-secretary is not alone in warning of a possible Lebanon-Israel conflict. There is a real fear inside and outside the region that the southern Lebanon-Israel border area, one of the most militarized zones in the world, might supply the spark that ignites a regional conflagration. This fear is based on the fact that tensions between the Jewish state and its small Arab neighbor have recently escalated to the boiling point. On the one hand, Israel accuses Syria and Iran of supplying Hezbollah with long-range missiles that reach deep into its urban centers and threaten to tilt the balance of power in favor of the resistance camp. On the other hand, Hezbollah demands that Israel withdraw from occupied Lebanese land and stop violating Lebanese sovereignty. After the 2006 war, the Israeli army tried to learn the lessons of its dismal performance against Hezbollah and conducted huge military exercises on the Lebanese and Syrian borders. There is general agreement within the Israeli foreign policy and military establishment that the status quo is unacceptable and that Israel must repair the damage done to its deterrence capabilities in 2006. The conventional wisdom in Israel says that this would require cutting Hezbollah down to size and destroying its missile depots. Similarly, Hezbollah has acquired a greater missile capability and has positioned itself for the next round. Desperate to restore Israel's deterrence at all costs, the right-wing governing coalition has reportedly prepared contingency plans to reoccupy southern Lebanon. In the past year, Israeli officials have repeatedly threatened to wage an all-out war against Hezbollah and the Lebanese state; nothing would be spared, including Lebanon's civilian infrastructure and institutions. Although some observers might dismiss these threats as rhetoric designed to deter Hezbollah, Syria, and Iran, past Israeli conduct and history show a consistent pattern of military recklessness and disregard of common sense. Time and again, Israel has preempted any neighboring Arab state that sought to obtain a credible deterrence. Therefore, understanding Israel's official mindset and relations with neighboring Lebanon provide a context and a key to unlocking the riddle of the next war. A new book by David Hirst, the Guardian's long-term Middle East correspondent - Beware of Small States: Lebanon, Battleground of the Middle East - has just come out. In it, he warns that the next Arab-Israeli war might break out on the Lebanese-Israeli front. Statesmen and soldiers ignore Hirst's warning at their own peril. Beware of Small States is a history of the Arab-Israeli conflict as seen through the prism of its impact on the internal development of neighboring Arab states, particularly tiny, fragile Lebanon, the sectarian state par excellence and historic battleground for other peoples' conflicts. Few people are as qualified as Hirst to venture such a forecast and to write a history of Lebanon, the war-torn country in which he has resided and studied for half a century. He has witnessed and reported on most of the events described in this book, a fact that gives his narrative the intellectual credibility and intensity often lacking in other accounts. For him, the starting point is Israel's 1982 invasion of Lebanon, a pivotal development that changed the face of the entire region. In the 1970s Lebanon was plunged into all-out civil war and, by the time of the Israeli invasion, Hirst notes that “Greater-Israel expansionists” such as right-wing Likud Prime Minister Menachem Begin and Defense Minister Ariel Sharon saw in Lebanon's disintegration a historic opportunity to redraw the geopolitical map of the Middle East in a way that would allow Israel to secure the whole of Palestine for themselves and extinguish any rival claims to the Occupied Territories (p. 131). Hirst writes astutely that Israel's imperial hubris coincided with the advent of the Reagan administration; as Begin acknowledged, there had never been an administration so favorable to Israel as this one. No wonder then, he says, that before Begin and Sharon sent their army into Lebanon - 90,000 soldiers, 1,300 tanks, and 1,500 armored personnel carriers - they got a green light from Secretary of State Alexander Haig that was so phrased that a man like Sharon could only see it “as a hunting licence” (pp. 136-37). The 1982 war killed 20,000 people, mostly civilians. Israel besieged an Arab capital (Beirut), drove out Yasser Arafat and the PLO leadership and destroyed the guerrilla state-within-the state, and presided over the Lebanese Forces' slaughter of 3,000 Palestinian civilians in the Sabra and Shatila refugee camps. Far from learning from history, targeting civilians has emerged as the very essence of Israel's deterrence, as demonstrated by its more recent wars against Hezbollah (2006) and Hamas (2009) (pp. 116, 160). The significance of the 1982 war (which lasted until 2000) lies in how it transformed Lebanese domestic politics and the Arab-Israeli conflict. The war inflicted irreparable damage upon Israel's aura of invincibility and created a new Shiite enemy from whose ranks arose a grass-roots resistance movement, Hezbollah, that would prove to be far more formidable than the largely bureaucratic and corrupt PLO. “Had the enemy not taken this step,” said its leader Hassan Nasrallah many years later, “I don't know whether something called Hezbollah would have been born. I doubt it” (p. 183). Hezbollah now projects itself as the spearhead of the whole Arab/Muslim struggle against the Jewish state, and much of the global Muslim community seems to see it that way too. According to the author, Israel's colossal strategic and moral failure in Lebanon further delegitimized such pro-American “moderate” Arab regimes as Egypt and Saudi Arabia and strengthened the Islamo-nationalist resistance camp led by Iran and Syria. In his post-2006 war speech, Nasrallah told the immense, euphoric throng that the victory they were celebrating had transformed Lebanon from a “small” state in the Middle East into a “great” one. Hirst agrees that Lebanon is no longer the hapless object of others' actions but an active agent in its own right because of Hezbollah's powerful influence in the region. “Lebanon - the eternal victim - has now become the perpetrator too, posing no less a threat to greater states than they habitually posed to it.” That is a mixed blessing. Hirst cites Israeli leaders who say they are readying themselves for the “next war,” the “second round” against Hezbollah and the Lebanese state, which they deem to be all but inevitable. And while Hezbollah has evolved into a conventional political party with a domestic agenda, he argues that it still possesses a potent armed militia with an external, visionary, Islamist agenda and is aligned with Iranian and even Syrian foreign policy (p. 426). In other words, Lebanon remains a battlefield for its neighbors' wars. The only difference now is that if Israel fires the first shot in the “seventh Middle Eastern war,” the war might not remain confined to Lebanon. Other members of the Islamo-nationlist camp, such as Hamas, Syria, and heavyweight Iran, might join in. Thus, war would come to the entire Middle East.

#### Middle east war draws in major powers and causes global nuclear war

Russell 09, Editor of Strategic Insights

(James- Senior Lecturer Department of National Security Affairs, Spring, “Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East” Security Studies Center Proliferation Papers, http://www.analyst-network.com/articles/141/StrategicStabilityReconsideredProspectsforEscalationandNuclearWarintheMiddleEast.pdf)

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

### 2NC Link Wall

#### 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

Murdock 09, Sr Advisor CSIS

(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

#### We’ll isolate several links

#### 1) Paranoia - Israeli insecurity and dependence forces them to carefully monitor changes in the U.S.’s military posture and roles - the plan will be vetted for clues about the future direction of American policy. They’ll be left asking why the U.S. crafts a policy that specifies who it defends and leaves them out

Steinberg 98

(Gerald-, Bar Ilan, Professor of Political Studies, Dec, MERIA, Vol. 2 #4)

Given the intensity of the relationship with the United States and degree of dependence, Israeli policymakers and analysts have carefully monitored and studied the implications of perceived changes in the American role, especially in the Middle East. Signs of increasing isolation at the political level, as well as changes in military posture and preparedness, military budgets, deployments, R&D programs, etc. are scrutinized in the search for clues regarding the future direction of the United States. Since the end of the Cold War, Israelis have become concerned regarding the role and capabilities of the United States. The history of isolationism is well known among the Israeli "foreign policy elite," and the emphasis on domestic policies during the 1992 presidential election, and particularly on the part of Clinton, raised some concerns regarding American disengagement. In addition, the Republican-controlled Congress exhibited increasingly isolationist tendencies, as evidenced by the policies of Senator Jesse Helms, who headed the Senate Foreign Relations Committee. Nevertheless, in practice, the Clinton administration turned out to be relatively pro-active in the Middle East, taking a major role following the agreement between Palestinian and Israeli negotiators (the Oslo agreement). Although isolationist elements in Congress had an increasingly important effect globally, it is difficult to discern a direct impact on American policy with respect to Israel.

#### 2) Reassurance - we don’t have to win the plan destroys all of relations only that it undermines the current strategy of consistent statements of commitment to Israel’s defense that’s key to maintain Israeli confidence and prevent pre-emption- that’s Murdock and also

Morrow 2K, Hoover Institute

(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 operate in the shadow of war. They are explicit records of the allies' expectations of action in the case of war, and they specify the conditions under which the obligations are activated. However, states cannot be made to live up to their obligations to their allies. Obligations must be self-enforcing to be effective in international politics. Other states must believe that a state will live up to its alliance commitments, and when tested, a state will do so only if it is in its interest at that time. This first point of the necessity of self-enforcement is well understood in the literature on alliances and more generally in international politics. Alliances are not sufficient for the effective assistance of other states.

#### 3) Confidence – the plan undermines it by confirming Israeli suspicions that the world is against them. Even though under the plan congress could declare war to authorize a defense of Israel, the idea that it would have to do that for them but not France or Germany enhances threat perception and increases the risk of lashout

Halevi 2k, Editor New Republic

(Yossi Klein-, June 26, The Economist, “How Despair is Transforming Israel”, [http://www.factsofisrael.com/blog/ archives/000154.html](http://www.factsofisrael.com/blog/%20archives/000154.html))

The growing pessimism threatens Zionism's great psychological achievement: protecting the Jews from a fatal, post-Holocaust bitterness. Israel's founding preempted a massive Jewish rejection of the world, allowing survivors to turn rage into reconstruction. Israel even forced the Jews to make their peace with Europe. When David Ben-Gurion negotiated the German reparations agreement in the early '50s, resisting the violent opposition led by Begin, he compelled Israelis to choose pragmatism over history. But that choice should not be taken for granted. Perhaps the Holocaust's deepest long-term wound on the Jewish psyche isn't the actions of the murderers but the passivity of the onlookers. Jews must continually resist the suspicion that even the enlightened world cares little for their survival. The consequences--political, social, and theological--of feeding that suspicion could be shattering. Most Israelis, of course, still realize that "the world" doesn't hate the Jews. Even now, says Klieman, many Israelis insist on distinctions within the Arab world, let alone the world generally: "We still speak of Egypt and Syria rather than `the Arabs.'" The expansiveness of the '90s remains imprinted on the Israeli psyche and won't be easily forfeited. That's why Israelis seize on every sign of support from abroad. A recent pro-Israel demonstration in Rome, for example, received more coverage in the Israeli press than far larger demonstrations by American Jews, precisely because most of the participants in the Italian protest were reported to have been non-Jews. Most of all, it's American support that keeps Israelis from total despair. The United States is the great exception that doesn't prove the rule. It challenges the subversive Jewish voice that whispers, "Don't trust the goyim; at the moment of truth, they'll betray you." Israelis know that in moments of truth, the United States has stood with them and presumably will do so again. President George W. Bush's tacit endorsement, in his Rose Garden speech this week, of Sharon's strategy--denying Arafat's terrorist war any political gain--has reinforced Israeli faith in the United States.

#### 4. Crisis – geographic proximity increases the need for a timely response by the US in the case of an attack on Israel. After the plan Israel would be unsure whether congress would declare war so the US could deploy troops in time if they are attacked. That increases preemptive pressures

Kramer 13, President of Shalem College

(Martin, 9/17, Israel Likes Its U.S. Presidents Strong, www.commentarymagazine.com/2013/09/17/israel-likes-its-u-s-presidents-strong-2/

Why was Obama’s recourse to Congress so alarming? Israel has long favored strong presidential prerogatives. That’s because the crises that have faced Israel rarely ever leave it the time to work the many halls of Congress. Israel discovered the dangers of presidential weakness in May 1967, when Israel went to President Lyndon Johnson to keep a commitment—a “red line” set by a previous administration—and Johnson balked. He insisted he would have to secure congressional support first. That show of presidential paralysis left Israel’s top diplomat shaken, and set the stage for Israel’s decision to launch a preemptive war.

### AT: Permutation

#### The permutation is severance because the counterplan is LESS of a restriction then the plan.

#### Restrict means the aff must define the conditions in which use of armed forces is allowed

Cambridge Dictionary of American English 09

([http://dictionary.cambridge.org/define.asp?key=restrict\*1+0&dict=A](http://dictionary.cambridge.org/define.asp?key=restrict*1+0&dict=A);)

restrict verb [T] to limit (an intended action) esp. by setting the conditions under which it is allowed to happen

## DA

### Impact OV

#### Comparatively highest risk

Moore 9 --- Shanghai correspondent for the Telegraph (6/14/2009, Malcolm, “North Korea claims US could provoke nuclear war.” http://www.telegraph.co.uk/news/worldnews/asia/northkorea/5532319/North-Korea-claims-US-could-provoke-nuclear-war.html)

A commentary in the North's state-run Rodong Sinmun newspaper claimed the US had 1,000 nuclear weapons in South Korea ready to strike. Meanwhile, the Tongbil Sinbo newspaper said that North Korea is "completely within the range of US nuclear attack and the Korean peninsula is becoming an area where **the chances of nuclear war are the highest in the world**." Over the weekend, North Korea angrily responded to fresh United Nations sanctions by threatening to build as many nuclear weapons as possible. Until now, it said, it had only reprocessed one-third of its spent fuel rods into weapons-grade plutonium. Analysts believe the rogue state could end up with enough plutonium to make eight to nine bombs. The rogue state also claimed to have a uranium-enrichment programme, the first time it has admitted to one. The claim is alarming, said Professor Yang Moo-Jin, of Seoul's University of North Korean Studies. "The North has abundant natural uranium of good quality, which, if combined with technology and facilities, would result in a great nuclear arsenal," he said. The new UN sanctions include the mandatory inspection of any ship suspected of carrying drugs, weapons or counterfeit money, the main sources of income for the impoverished country.

### 2NC Link Wall

#### 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.

# 1NR

## Warfighting

### OV

#### 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.

#### Credible warfighting key to deter Russia

Dowd, 11, Senior Fellow of the Fraser Institute

(The Big Chill: Energy Needs Fueling Tensions in the Arctic,” https://www.fraserinstitute.org/research-news/news/display.aspx?id=2147483979)

One reason a military presence will be necessary is the possibility of accidents caused by drilling and shipping. In addition, competition for Arctic resources could lead to confrontation. Adm. James Stavridis, who serves as NATO’s military commander, concedes that the Arctic could become “a zone of conflict” (UPI). To brace for that possibility and thwart Russia’s Arctic fait accompli, the United States, Canada, Denmark and Norway—all NATO members and Arctic nations—should follow the Cold War playbook: build up the assets needed to defend their interests, use those assets to deter aggression, and deal with Moscow from a posture of strength and unity. The challenge is to remain open to cooperation while bracing for worst-case scenarios. After all, Russia is not the Soviet Union. Even as Putin and his puppets make mischief, Moscow is open to making deals. Russia and Norway, for instance, recently resolved a long-running boundary dispute, paving the way for development in 67,000 square-miles of the Arctic. Moreover, the U.S., Russia, Canada, Denmark and Norway have agreed on Arctic search-and-rescue responsibilities (Cummins). In a world of increasingly integrated markets, we know there is much to gain from Arctic cooperation and much to lose from protracted military standoff. But we also know that dealing naively with Moscow carries a heavy cost—and that integration is a two-way street. “Russian leaders today yearn not for integration,” the Brookings Institution’s Robert Kagan concludes, “but for a return to a special Russian greatness.” In short, Russia is more interested in recreating the autarky of some bygone era than in the shared benefits of globalization. Framework for Partnership Dealing with Russia is about power. As Churchill once said of his Russian counterparts, “There is nothing they admire so much as strength, and there is nothing for which they have less respect than for weakness.” When the message is clear—or “hard and consistent,” to use Putin’s language—Russia will take a cooperative posture. When the message is unclear, Russia will take what it can get.

#### Arctic conflict goes nuclear

Wallace 10, Professor Emeritus at the University of British Columbia

(Ridding the Arctic of Nuclear Weapons A Task Long Overdue”, http://www.arcticsecurity.org/docs/arctic-nuclear-report-web.pdf)

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

### AT: Cohesion

#### 3) 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.

### AT: Waxman

**1) Waxman says credibility of force key, THAT’S NOT TRUE – CAPABILITY**

#### The only question is capability – no chance for structural decline of conflict because of the speed and complexity of threats

Cordesman 2000 - a senior fellow at the Center for Strategic and International Studies (date obtained from most recent cite, Anthony, “The Military in a New Era: Living with Complexity” <http://indianstrategicknowledgeonline.com/web/C18Corde.pdf>)

Put simply, there is no meaningful prospect that the United States will face less need to plan for major regional wars during the next quarter century, or that any U.S. military service will face less need for global engagement, than it does today. The same is true of peacemaking activity, no matter what strategies and doctrines U.S. political and military leaders may appear to agree on at any given time. Moreover, the very complexity of the national and regional problems in the modern world means that crises will emerge with only ambiguous strategic warning, that most U.S. scenario analysis and contingency planning will continue to have only limited success, and that the level of U.S. involvement will be contingency-driven. Strategy and doctrine that attempt to deny these realities have no chance of success and will almost certainly lead to planning that fails to properly prepare U.S. military forces for the future.7 It should also be clear that the risk of underestimating the true nature of the complexity of the trends that shape the modern world is particularly severe in the case of military forces. Conflicts and crises almost inevitably are random walks through history. They involve the cases in which the system does not work, and the trends that are perceived as dominant do not apply. This is true even in the case of the use of force to prevent conflict or when the United States and its allies attempt two politically correct oxymorons: crisis management and conflict resolution. The true nature of globalism means that U.S. military action will remain event-driven. Neither the Clinton nor Weinberger doctrines will have a meaningful impact on this fact. Vacuous generalizations about treating the world as a morality play are neither a doctrine nor a policy. Statements about committing U.S. forces only to contingencies that involve vital strategic interests are strategically naive to the point of being ridiculous. The United States will be unable to wait to determine whether a given crisis affects vital national interests.

#### 2) Obama will resist the plan – fights over war powers create intractable national diversions and impairs military decision making, this TURNS THEIR I/L TURN

Lobel, Pittsburgh law professor, 2008

(Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War”, Ohio State Law Journal, vol 69, lexis, ldg)

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly embolden the President to ignore Congress’s strictures**.** The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53 The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—**wartime reality often favors a strong President who will overwhelm** both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and ignore legislative enactments that seek to restrict their wartime authority. Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an intractable dispute over the statute’s constitutionality that saps the nation’s energy, diverts focus from the political issues in dispute, and endangers the rule of law. Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary. If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the crisis, chaos, and stalemate that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute. Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so essential to success in wartime. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, modern social science research suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This self-serving bias hardens each side’s position and allows the dispute to drag on, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

#### 3) riskier wars

#### Congressional authorization results in riskier wars – political insurance

Nzelibe 2006 – law professor at Northwestern (December 19, “ARE CONGRESSIONALLY AUTHORIZED WARS PERVERSE? ” http://ssrn.com/abstracts=952490 )

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