# 1NC

### 1NC DA

#### Obama is aggressively pushing completion of a farm bill --- it’s his top priority and passage is possible

Dreiling, 11/15 (Larry, 11/15/2013, “Branches jockey for farm bill positions,” http://www.hpj.com/archives/2013/nov13/nov18/1112FarmBillLDsr.cfm))

While the House-Senate farm bill discussions continue, the White House staked out its position in an address in New Orleans. Senate Agriculture Committee Chairwoman Debbie Stabenow signaled Nov. 5 that face-to-face talks among the top four farm bill negotiators will resume this week, and she is upbeat enough to hope for a deal by Thanksgiving. “I hope so. It’s doable,” the Michigan Democrat said to the Capitol Hill publication Politico. “I feel confident the four of us can come together,” Stabenow said, speaking of herself, Sen. Thad Cochran, R-MS; Rep. Collin Peterson, D-MN; and House Agriculture Committee Chairman Frank Lucas, R-OK. While the House remained on recess through Veterans Day, Peterson’s office confirmed that he was flying back to Washington early in the week, and Stabenow told Politico that all four would meet. “The savings of the farm bill will certainly be part of the solution to the budget,” said Stabenow, who is also part of those House-Senate negotiations. But she and Lucas have both said repeatedly that the text of any farm bill will be theirs to write. “The issue is who writes the farm bill,” Stabenow said. “We’ll write the farm bill.” For all her optimism, the chairwoman gave little ground herself on the contentious issue of savings on nutrition programs. The Senate farm bill proposes about $4 billion in 10-year savings, compared with the $39 billion in reductions assumed in the revised nutrition title approved by the House in September. It’s a huge gap, but Stabenow insisted that negotiators can’t ignore previously enacted food stamp cuts that went into effect Nov. 1. Those reductions will reduce spending by as much as $11 billion over the period used by the Congressional Budget Office to score the farm bill. Typically, these are not counted since the savings result from prior actions by Congress. But Stabenow said they cannot be ignored. “I am counting them,” she told Politco. “That’s real and if (the House’s) objective is to cut help for people, that started last Friday. I do count that. In fairness, that needs to be counted.” In the same vein, she showed no interest in a compromise narrowing the range of income and asset tests now used by states in judging eligibility for food stamps. “At this point, what I’m interested in doing is focusing on fraud and abuse—ways to tighten up the system to make it more accountable,” she said. “I’m not interested in taking food away from folks who have had an economic disaster, just as I’m not interested in cutting crop insurance for farmers who have had economic disasters.” Meanwhile, President Barack Obama delivered a speech at the Port of New Orleans Nov. 8, saying that passing a farm bill is the No. 1 way that Democrats and Republicans can increase jobs in the economy. Helping American businesses grow, creating more jobs—these are not Democratic or Republican priorities, Obama said. “They are priorities that everybody, regardless of party, should be able to get behind. And that’s why, in addition to working with Congress to grow our exports, I’ve put forward additional ideas where I believe Democrats and Republicans can join together to make progress right now,” Obama said. That’s when Obama launched into his pitch on the farm bill. “Congress needs to pass a farm bill that helps rural communities grow and protects vulnerable Americans,” Obama said. “For decades, Congress found a way to compromise and pass farm bills without fuss. For some reason, now Congress can’t even get that done. “Now, this is not something that just benefits farmers. Ports like this one depend on all the products coming down the Mississippi. So let’s do the right thing, pass a farm bill. We can start selling more products. That’s more business for this port. And that means more jobs right here.” Obama listed immigration reform and a responsible budget as his second and third priorities.

#### Plan is a perceived loss for Obama that saps his capital

Loomis, 7 --- Department of Government at Georgetown

(3/2/2007, Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, “Leveraging legitimacy in the crafting of U.S. foreign policy,” pg 35-36, <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>)

**In a system where a President has limited formal power, perception matters. The reputation for success**—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—**is the most valuable resource a chief executive can have**. **Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly.** In simple terms, winners win and **losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals.** As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. **Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies.** The central point of this review of the presidential literature is that **the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution**. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic. This brief review of the literature suggests how **legitimacy norms enhance presidential influence in ways that structural powers cannot explain**. Correspondingly, **increased executive power improves the prospects for policy success**. As a variety of cases indicate—from Woodrow Wilson’s failure to generate domestic support for the League of Nations to public pressure that is changing the current course of U.S. involvement in Iraq—the effective execution of foreign policy depends on public support. Public support turns on perceptions of policy legitimacy. As a result, policymakers—starting with the president—pay close attention to the receptivity that U.S. policy has with the domestic public. In this way, normative influences infiltrate policy-making processes and affect the character of policy decisions.

#### Obama’s involvement key to broker a deal on SNAP --- it will be the last crucial item in negotiations

Hagstrom, 11/3 --- founder and executive editor of The Hagstrom Report (11/3/2013, Jerry, “Compromise Is the Key to a New Farm Bill; It is time for House and Senate conferees to stop listening to the lobbyists and finish the bill,” <http://www.nationaljournal.com/outside-influences/compromise-is-the-key-to-a-new-farm-bill-20131103>))

It was a good question because the bill's overlong development period has given all the interests so many opportunities to state their positions that they seem more dug in than in past bill-writing efforts. But at the conference last week there were signals that the conferees think the time to act has come. The 41 conferees did use the last and possibly only public opportunity to make the case for their views. But almost all the members abided by the directive from the conference leader, House Agriculture Committee Chairman Frank Lucas, R-Okla., to keep their remarks to three minutes. And even the most ideological of them on the right and left were polite and stressed that they were there to compromise and finish a bill. It's unclear how quickly the conferees will proceed to the big issues because the House has left town until Nov. 12, the day after Veterans Day. There has been talk of a meeting on the bill between President Obama and the four conference committee principals—Lucas, House Agriculture ranking member Collin Peterson, D-Minn., Senate Agriculture Chairwoman Debbie Stabenow, D-Mich., and Senate Agriculture ranking member Thad Cochran, R-Miss. Peterson said he has mixed feelings about such a meeting because support from Obama might cause some House members to oppose the bill. But Peterson noted that the "one place" on which Obama could be "helpful" would be resolving the size of the cut to food stamps, formally known as the Supplemental Nutrition Assistance Program. Lucas has said that it is likely to be the last item settled and that Obama, House Speaker John Boehner, R-Ohio, and Senate Majority Leader Harry Reid, D-Nev., will have to make the call on that. The official White House position on food stamps is to make no cuts, while the Senate-passed farm bill would cut the program by $4 billion over 10 years and the House-passed bill would cut it by $39 billion over the same period.

#### Key to rural economies, secure food supply and healthy forest --- disagreement over food assistance will make or break the bill

Denver Post, 11/10 (The Post Editorials, 11/10/2013, “Here's why the farm bill matters,” Factiva))

The farm bill has the rap of being a public policy snooze, a broad measure that gets boiled down to a debate over subsidies to wealthy farmers and food stamp handouts to the poor.

Agriculture Secretary Tom Vilsack reminded the Denver Post editorial board last week that it's important to see beyond those flashpoints. In Colorado, for example, the bill has vital implications for agricultural production, conservation and struggling rural economies. Vilsack is right, of course, but it's also true that trench warfare over food assistance is the major point of disagreement between GOP and Democratic lawmakers, who will meet this week in committee to seek compromise. They need to find consensus, and it shouldn't be that hard.Although the Supplemental Nutrition Assistance Program (SNAP) is a crucial safety net, there are ways to trim it back somewhat more than the $4 billion over 10 years that Democrats have proposed. Slicing SNAP by $39 billion, however, which some Republicans seek, is both unfair and unrealistic. One area ripe for reform involves tightening standards for states that waive work requirement rules for able-bodied adults. There are circumstances in which a waiver is justified, in an economy where there are few jobs to be found. As Vilsack told us, when a plant closes in a small town and 1,000 people lose work, it may be unrealistic to expect those people to find jobs. But waivers shouldn't go on forever if the economy improves, and tightening the rules could result in savings. Republicans have been alarmed by the growth of food assistance spending in recent years. But that trend isn't likely to be permanent even with the present law. While the Congressional Budget Office projects small increases in SNAP recipients through 2014, that number will then decline as the economy improves. A steady course that includes continued support for the needy and moderate cuts to slow government spending should be the goal. Reaching consensus on the food assistance piece will allow the other initiatives in the farm bill to go forward, including partnerships to create marketable products from beetle-killed trees and job development in rural areas.The farm bill may not be the sexiest piece of legislation, but it works in important ways to secure the nation's food supply, protect the health of federal forests and strengthen rural economies. Federal lawmakers need to move off their entrenched positions and pass the legislation.

#### Rural economy key to the overall economy—studies prove

Rocha 13—Electric Coop Today. (Victoria, Strong Rural Economy, Strong America, February, <http://www.ect.coop/industry/trends-reports-analyses/usda-rural-america-growth-report/52264>, chm)

Investments in rural communities are vital to the nation’s overall economic health and, if overlooked, could represent a missed opportunity for significant growth, according to a new report. In fact, given the right mix of economic policies, predominantly rural regions have, on average, enjoyed faster growth than “intermediate” or urban areas, according to the report by the Organization for Economic Cooperation Development on behalf of the U.S. Department of Agriculture. Promoting Growth in All Regions uses 23 case studies of specific rural regions and fresh analyses to show that “less developed regions are often important drivers of growth.” Researchers at OECD, an international economic think tank, found that during 1995-2007, rural regions accounted for 43 percent of aggregate growth in the areas they studied. “The barriers to growth regions must overcome vary widely,” researchers found, noting that policymakers should consider a “place-based approach” rather than “‘one-size-fits-all’ economy-wide policies” to foster rural economies. In the United States, “many regions are leading the way in developing such place-based strategies,” by harnessing local assets and infrastructure, wrote Doug O’Brien, deputy undersecretary for USDA Rural Development, on a department blog. In Iowa, Maine, Vermont, Tennessee and Oregon, for example, policymakers identified renewable energy generation as moneymakers and with USDA help linked that potential to already existing industries. O’Brien cited “manufacturing to wind turbine production in Iowa and the forest products industry to woody biomass in Maine,” as examples. “Missed growth opportunities are also missed revenue opportunities for governments facing budgetary shortfalls and rising deficits,” O’Brien added.

#### Global nuclear war

Harris & Burrows 9 Mathew, PhD European History @ Cambridge, counselor of the U.S. National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” http://www.ciaonet.org/journals/twq/v32i2/f\_0016178\_13952.pdf

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the **harmful effects on fledgling democracies** and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which **the potential for** greater **conflict could grow** would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism**’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any **economically-induced drawdown** of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, **acquire additional weapons**, and consider pursuing their own **nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an **unintended escalation** and **broader conflict** if clear red lines between those states involved are not well established. The close proximity of potential **nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on **preemption** rather than defense, potentially leading to **escalating crises**. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in **interstate conflicts** if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

### 1NC Security

#### asking how the executive should be allowed to conduct war masks the fundamental question of whether war should be allowed at all – ensures a military mentality

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 22-23)

The widespread, unquestioning acceptance of warism and the corresponding reluctance to consider pacifism as a legitimate option make it difficult to propose a genuine consideration of pacifist alternatives. Warism may be held implicitly or explicitly. Held in its implicit form, it does not occur to the warist to challenge the view that war is morally justified; war is taken to be natural and normal. No other way of understanding large-scale human conflict even comes to mind. In this sense warism is like racism, sexism, and homophobia: a prejudicial bias built into conceptions and judgments without the awareness of those assuming it. In its explicit form, warism is openly accepted, articulated, and deliberately chosen as a value judgment on nations in conflict. War may be defended as essential for justice, needed for national security, as “the only thing the enemy understands,” and so on. In both forms warism misguides judgments and institutions by reinforcing the necessity and inevitability of war and precluding alternatives. Whether held implicitly or explicitly, warism obstructs questioning the conceptual framework of the culture. If we assume (without realizing it) that war itself is morally justifiable, our moral considerations of war will be focused on whether a particular war is justified or whether particular acts within a given war are morally acceptable. These are important concerns, but addressing them does not get at the fundamental issue raised by the pacifist: the morality of war as such. In Just and Unjust Wars Michael Walzer explains that “war is always judged twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt.”8 The pacifist suggestion is that there is a third judgment of war that must be made prior to the other two: might war, by its very nature, be morally wrong? This issue is considered by Walzer only as an afterthought in an appendix, where it is dismissed as naïve. Perhaps Walzer should not be faulted for this omission, since he defines his task as describing the conventional morality of war and, as has been argued above, conventional morality does take warism for granted. To this extent Walzer is correct. And this is just the point: our warist conceptual frameworks— our warist normative lenses— blind us to the root question. The concern of pacifists is to expose the hidden warist bias and not merely describe cultural values. Pacifists seek to examine cultural values and recommend what they ought to be. This is why the pacifist insists on judging war in itself, a judgment more fundamental than the more limited assessments of the morality of a given war or the morality of specific acts within a particular war.

#### this mindset is important – our consciousness of war guarantees endless violence that ensures planetary destruction and structural violence

Lawrence 9 (Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27)

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that war can destroy everything of value." Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) As Americans we are raised on the utility of war to conquer every problem. We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against. In the [United States](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h), solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine and empire, it is important that the terms promoted support the conditioning of its citizens. We are conditioned to see war as the solution to major social ills and major political disagreements. That way when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites mind and body and creates a fear mentality that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. But is this war mentality working for us? In an age when nearly half of our tax money goes to support the war machine and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. Our society is dripping violence. The violence is fed by poverty, social injustice, the break down of family and community that also arises from economic injustice, and by the managed media. The cycle of violence that exists in our society exists because it is useful to those that control society. It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for nearly all of the life of the planet but it does work for the very few that are the master manipulators of our values and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. War is big business and it is supported by a war consciousness that allows it to prosper. That is why more war in Afghanistan, the war on Palestinians, and the other wars around the planet in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse. As mentioned previously, the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science and technological resources along with economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy could have been utilized for the good of humanity, ¶ instead of maintaining the power positions of the very few super wealthy. So the suffering that we give is ultimately the suffering we get. Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines what we experience and how we live. As long as we choose to live in "War" in our minds then we will continue to get "War" in our lives. When humanity chooses to wage peace on the world then there will be a flowering of life. But until then we will be forced to live the life our present war consciousness is creating.

#### The alternative must begin in our minds – we need to free ourselves of the presumption towards war and advocate for peace and social justice to stop the flow of militarism that threatens existence

Demenchonok 9 – Worked as a senior researcher at the Institute of Philosophy of the Russian Academy of Sciences, Moscow, and is currently a Professor of Foreign Languages and Philosophy at Fort Valley State University in Georgia, listed in 2000 Outstanding Scholars of the 21st Century and is a recipient of the Twenty-First Century Award for Achievement in Philosophy from the International Biographical Centre --Edward, Philosophy After Hiroshima: From Power Politics to the Ethics of Nonviolence and Co-Responsibility, February, American Journal of Economics and Sociology, Volume 68, Issue 1, Pages 9-49

Where, then, does the future lie? Unilateralism, hegemonic political anarchy, mass immiseration, ecocide, and global violence—a Hobbesian bellum omnium contra omnes? Or international cooperation, social justice, and genuine collective—political and human—security? Down which path lies cowering, fragile hope?¶ Humanistic thinkers approach these problems from the perspective of their concern about the situation of individuals and the long-range interests of humanity. They examine in depth the root causes of these problems, warning about the consequences of escalation and, at the same time, indicating the prospect of their possible solutions through nonviolent means and a growing global consciousness. Today's world is in desperate need of realistic alternatives to violent conflict. Nonviolent action—properly planned and executed—is a powerful and effective force for political and social change. The ideas of peace and nonviolence, as expressed by Immanuel Kant, Leo Tolstoy, Mahatma Gandhi, Martin Luther King, and many contemporary philosophers—supported by peace and civil rights movements—counter the paralyzing fear with hope and offer a realistic alternative: a rational approach to the solutions to the problems, encouraging people to be the masters of their own destiny.¶ Fortunately, the memory of the tragedies of war and the growing realization of this new existential situation of humanity has awakened the global conscience and generated protest movements demanding necessary changes. During the four decades of the Cold War, which polarized the world, power politics was challenged by the common perspective of humanity, of the supreme value of human life, and the ethics of peace. Thus, in Europe, which suffered from both world wars and totalitarianism, spiritual-intellectual efforts to find solutions to these problems generated ideas of "new thinking," aiming for peace, freedom, and democracy. Today, philosophers, intellectuals, progressive political leaders, and peace-movement activists continue to promote a peaceful alternative. In the asymmetry of power, despite being frustrated by war-prone politics, peaceful projects emerge each time, like a phoenix arising from the ashes, as the only viable alternative for the survival of humanity. The new thinking in philosophy affirms the supreme value of human and nonhuman life, freedom, justice, and the future of human civilization. It asserts that the transcendental task of the survival of humankind and the rest of the biotic community must have an unquestionable primacy in comparison to particular interests of nations, social classes, and so forth. In applying these principles to the nuclear age, it considers a just and lasting peace as a categorical imperative for the survival of humankind, and thus proposes a world free from nuclear weapons and from war and organized violence.44 In tune with the Charter of the United Nations, it calls for the democratization of international relations and for dialogue and cooperation in order to secure peace, human rights, and solutions to global problems. It further calls for the transition toward a cosmopolitan order.¶ The escalating global problems are symptoms of what might be termed a contemporary civilizational disease, developed over the course of centuries, in which techno-economic progress is achieved at the cost of depersonalization and dehumanization. Therefore, the possibility of an effective "treatment" today depends on whether or not humankind will be able to regain its humanity, thus establishing new relations of the individual with himself or herself, with others, and with nature. Hence the need for a new philosophy of humanity and an ethics of nonviolence and planetary co-responsibility to help us make sense not only of our past historical events, but also of the extent, quality, and urgency of our present choices.

#### Framing issue – the way we discuss and represent war should come first – the language surrounding violence has direct, concrete effects

**Collins & Glover 2** (John, Assistant Prof. of Global Studies at St. Lawrence University, Ross, Visiting Professor of Sociology at St. Lawrence University, Collateral Language, p. 6-7)

As any university student knows, theories about the “social con­struction” and social effects of language have become a common feature of academic scholarship. Conservative critics often argue that those who use these theories of language (e.g., deconstruc­tion) are “just” talking about language, as opposed to talking about the “real world.” The essays in this book, by contrast, begin from the premise that language matters in the most concrete, im­mediate way possible: its use, by political and military leaders, leads directly to violence in the form of war, mass murder (in­cluding genocide), the physical destruction of human commu­nities, and the devastation of the natural environment. Indeed, if the world ever witnesses a nuclear holocaust, it will probably be because leaders in more than one country have succeeded in convincing their people, through the use of political language, that the use of nuclear weapons and, if necessary, the destruction of the earth itself, is justifiable. From our perspective, then, every act of political violence—from the horrors perpetrated against Native Americans to the murder of political dissidents in the So­viet Union to the destruction of the World Trade Center, and now the bombing of Afghanistan—is intimately linked with the use of language. Partly what we are talking about here, of course, are the processes of “manufacturing consent” and shaping people’s per­ception of the world around them; people are more likely to sup­port acts of violence committed in their name if the recipients of the violence have been defined as “terrorists,” or if the violence is presented as a defense of “freedom.” Media analysts such as Noam Chomsky have written eloquently about the corrosive ef­fects that this kind of process has on the political culture of sup­posedly democratic societies. At the risk of stating the obvious, however, the most fundamental effects of violence are those that are visited upon the objects of violence; the language that shapes public opinion is the same language that burns villages, besieges entire populations, kills and maims human bodies, and leaves the ground scarred with bomb craters and littered with land mines. As George Orwell so famously illustrated in his work, acts of vio­lence can easily be made more palatable through the use of eu­phemisms such as “pacification” or, to use an example discussed in this book, “targets.” It is important to point out, however, that the need for such language derives from the simple fact that the violence itself is abhorrent. Were it not for the abstract language of “vital interests” and “surgical strikes” and the flattering lan­guage of “civilization” and ‘just” wars, we would be less likely to avert our mental gaze from the physical effects of violence.

### 1NC CP

#### The United States federal government should require Congressional authorization prior to the use of offensive military force against the Islamic Republic of Iran unless Iran uses force against 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 Topicality

#### Interpretation – Topical affirmatives must impose a limit on all exercise of the power to conduct war within one or more topic areas

#### Restrict is limit any kind of action

Corpus Juris Secundum, 1931

(Volume 54, p. 735)

RESTRICT: To confine; to limit; to prevent (a person or thing) from passing a certain limit in any kind of action; to restrain; to restrain without bounds.

#### War power is the set of powers to wage war

HIRABAYASHI v. UNITED STATES - SUPREME COURT - June 21, 1943, Decided, 320 U.S. 81; 63 S. Ct. 1375; 87 L. Ed. 1774; 1943 U.S. LEXIS 1109

The war power of the national government is "the power to wage war successfully." See Charles Evans Hughes, War Powers Under the Constitution, 42 A. B. A. Rep. 232, 238.It extends to every matter and activity so related to war as substantially to affect its conduct and progress. The power is not restricted to the winning of victories in the field and the repulse of enemy forces. It embraces every phase of the national defense, including the protection of war materials and the members of the armed forces from injury and from the dangers which attend the rise, prosecution and progress of war. Prize Cases, supra; Miller v. United States, 11 Wall. 268, 303-14; Stewart v. Kahn, 11 Wall. 493, 506-07; Selective Draft Law Cases, 245 U.S. 366; McKinley v. United States, 249 U.S. 397; United States v. Macintosh, 283 U.S. 605, 622-23. HN4Go to this Headnote in the case.Since the Constitution commits to the Executive and to Congress the exercise of the war power in all the vicissitudes and conditions of warfare, it has necessarily given them wide scope for the exercise of judgment and discretion in determining the nature and extent of the threatened injury or danger and in the selection of the means for resisting it. Ex parte Quirin, supra, 28-29; cf. Prize Cases, supra, 670; Martin v. Mott, 12 Wheat. 19, 29. Where, as they did here, the conditions call for the exercise of judgment and discretion and for the choice of means by those branches of the Government on which the Constitution has placed the responsibility of war-making, it is not for any court to sit in review of the wisdom of their action or substitute its judgment for theirs.

#### Substantially” means the plan must be across the board

Brian Anderson 5, Becky Collins, Barbara Van Haren & Nissan Bar-Lev, WCASS Research / Special Projects Committee\* Report on: A Conceptual Framework for Developing a 504 School District Policy, http://www.specialed.us/issues-504policy/504.htm

A substantial limitation is a significant restriction as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.¶ The 504 regulation does not define substantial limitation, and the regulation gives discretion to schools to decide what substantial limitation is. The key here is to be consistent internally and to be consistent with pertinent court decisions.¶ The issue “Does it substantially limit the major life activity?” was clarified by the US Supreme Court decision on January 8th, 2002 , “Toyota v. Williams”. In this labor related case, the Supreme Court noted that to meet the “substantially limit” definition, the disability must occur across the board in multiple environments, not only in one environment or one setting. The implications for school related 504 eligibility decisions are clear: The disability in question must be manifested in all facets of the student’s life, not only in school.

#### And “In the area” means throughout the area

Words and Phrases, 8 (Permanent Edition, vol. 20a, p. 207)

Colo. 1887. In the Act of 1861 providing that justices of the peace shall have jurisdiction “in” their respective counties to hear and determine all complaints, the word “in” should be construed to mean “throughout” such counties. Reynolds v. Larkin, 14, p. 114, 117, 10 Colo. 126.

#### Violation – The affirmative limits a type of action instead of placing a limit on all actions

#### Vote Neg

#### Predictable limits – There are 1000s of countries, target sets, or people the US could exercise force against or detain – makes the topic unmanageable

#### Ground – Particular types of war operations skirt core topic debates about constraining war powers like the warfighting DA – causes a proliferation of tiny affs that don’t link to “presidential restriction bad” arguments – neg can never keep up

### 1NC CP 2

#### The United States federal government should require congressional authorization prior to the initiation of hostilities against the Islamic Republic of Iran.

#### Use of “force” includes the power to detain

Joseph Landau - Associate Professor, Fordham Law School - December, 2012, ARTICLE: CHEVRON MEETS YOUNGSTOWN: NATIONAL SECURITY AND THE ADMINISTRATIVE STATE, Boston University Law Review, 92 B.U.L. Rev. 1917

The Hamdi Court held that although the President had the power to detain, possibly indefinitely, Yaser Hamdi, a U.S. citizen who was seized during operations in Afghanistan, he retained due process rights to a meaningful hearing before a neutral decisionmaker. n231 The plurality decision, written by Justice O'Connor, upheld the President's detention authority based on a reading of the AUMF that accorded deference to the President's reasonable interpretation of the statutory language while refusing him complete deference to expand his authorization beyond the statute's acceptable limits. On the one hand, the Court held that Hamdi's detention was proper because it was based on the battlefield capture of an individual who was alleged to have fought against the United States in an active theater of war. n232 As to battlefield captures, the AUMF authorized the use of force by the President - and "force" reasonably includes the power to detain. n233 Yet the Court indicated possible limitations on the scope of executive power to detain individuals beyond "the [\*1952] limited category [of detainees] we are considering" n234 - i.e., battlefield captures. n235 As far as the much broader range of individuals being held at Guantanamo was concerned, the Court indicated that additional, more definitive congressional authorization might be required.

#### The plan spills over to broader Congressional decisionmaking

Paul 2008 - Senior Social Scientist; Professor, Pardee RAND Graduate School Pittsburgh Office Education Ph.D., M.A., and B.A. in sociology, University of California, Los Angeles (September, Christopher, “US Presidential War Powers: Legacy Chains in Military Intervention Decisionmaking\* ,” Journal of Peace Research, Vol. 45, No. 5 (Sep., 2008), pp. 665-679)

Legacy Chains

Finegold & Skocpol (1995: 222) describe policy legacies: Past and present policies are connected in at least three different ways. First, past policies give rise to analogies that affect how public officials think about contemporary policy issues. Second, past policies suggest lessons that help us to understand the processes by which contemporary policies are formulated and implemented and by which the conse quences of contemporary policies will be determined. Third, past policies impose limi tations that reduce the range of policy choices available as responses to contemporary problems. All three of the ways in which they connect past policy to present policy can be viewed as changes in the institutional context in which policy is made. These legacies are institutionalized in two different ways: first, through changes in formal rules or procedures, and second, in the 'taken for granteds', 'schemas', and accepted wisdom of policy makers and ordinary citizens alike (Sewell, 1992: 1-29). While a policy or event can leave multiple legacies, it often leaves a single major legacy. For example, the War Powers Resolution for mally changed the relationship between the president and the congress with regard to war-making and the deployment of troops. Subsequent military interventions were influenced by this change and have, in turn, left their own legacy (legal scholars might call it precedent) as a link in that chain. Legacy chains can be modified, trans formed, or reinforced as they step through each 'link' in the chain. As another example, US involvement in Vietnam left a legacy in the sphere of press/military relations which affected the intervention in Grenada in 1983 (the press was completely excluded for the first 48 hours of the operation). The press legacy chain begun in Vietnam also affected the Panama invasion of 1989 (a press pool was activated, in country, but excluded from the action), but the legacy had been trans formed slightly by the Grenada invasion (the press pool system itself grew out of complaint regarding press exclusion in Grenada) (Paul & Kim, 2004). Because of the different ways in which policy legacies are institutionalized, some legacies have unintended institutional conse quences. The War Powers Resolution was intended to curtail presidential war-making powers and return some authority to the con gress. In practice, the joint resolution failed to force presidents to include congressional participation in their intervention decision making, but it had the unintended conse quence of forcing them to change the way they planned interventions to comply with the letter of the law (see the extended ex ample presented later in the article).1

#### Exec flexibility on detention powers now

Michael Tomatz 13, Colonel, B.A., University of Houston, J.D., University of Texas, LL.M., The Army Judge Advocate General Legal Center and School (2002); serves as the Chief of Operations and Information Operations Law in the Pentagon. AND Colonel Lindsey O. Graham B.A., University of South Carolina, J.D., University of South Carolina, serves as the Senior Individual Mobilization Augmentee to The Judge Advocate Senior United States Senator from South Carolina, “NDAA 2012: CONGRESS AND CONSENSUS ON ENEMY DETENTION,” 69 A.F. L. Rev. 1

President Obama signed the NDAA "despite having serious reservations with certain provisions that regulate the detention, interrogation, and prosecution of suspected terrorists." n114 While the Administration voiced concerns throughout the legislative process, those concerns were addressed and ultimately resulted in a bill that preserves the flexibility needed to adapt to changing circumstances and upholds America's values. The President reiterated his support for language in Section 1021 making clear that the new legislation does not limit or expand the scope of Presidential authority under the AUMF or affect existing authorities "relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States." n115¶ The President underscored his Administration "will not authorize the indefinite military detention without trial of American citizens" and will ensure any authorized detention "complies with the Constitution, the laws of war, and all other applicable law." n116 Yet understanding fully the Administration's position requires recourse to its prior insistence that the Senate Armed Services Committee remove language in the original bill which provided that U.S. citizens and lawful resident aliens captured in the United States would not be subject to Section 1021. n117 There appears to be a balancing process at work here. On the one hand, the Administration is in lock-step with Congress that the NDAA should neither expand nor diminish the President's detention authority. On the other hand, policy considerations led the President to express an intention to narrowly exercise this detention authority over American citizens.¶ The overriding point is that the legislation preserves the full breadth and depth of detention authority existent in the AUMF, to include the detention of American citizens who join forces with Al Qaida. This is a dynamic and changing conflict. If a home-grown terrorist destroys a U.S. target, the FBI gathers the evidence, and a U.S. Attorney prosecutes, traditional civilian criminal laws govern, and the military detention authority resident in the NDAA need never come into play. This is a reasonable and expected outcome in many cases. The pending strike on rail targets posited in this paper's introduction, where intelligence sources reveal an inchoate attack involving American and foreign nationals operating overseas and at home, however, may be precisely the type of scenario where military detention is not only preferred but vital to thwarting the attack, conducting interrogations about known and hidden dangers, and preventing terrorists from continuing the fight.

#### Terrorists can easily acquire nuclear weapons- an attack would trigger full scale nuclear war

Speice ‘6

(Patrick F. Jr.-, J.D. Candidate @ Marshall-Wythe School of Law, B.A. @ Wake, Feb., William & Mary Law Review, “Negligence and Nuclear Nonproliferation: Eliminating the Current Liability Barrier to Bilateral U.S.-Russian Nonproliferation Assistance Programs”, Lexis)

 Although no terrorist acts directed against the population or interests of the United States or other states have been launched with nuclear weapons yet, this failure "must be assumed to be due to lack of means rather than lack of motivation." Attempts by al-Qaeda to acquire nuclear material are well documented, and several other attempted thefts of nuclear material indicates that there is a demand for nuclear material among terrorist groups, many of which are hostile to the United States.

The collapse of the Soviet Union dramatically increased the risk that terrorist organizations will succeed in acquiring fissile material from Russia for several reasons. First, the end of the Soviet state marked the end of state control over every aspect of life in the Soviet Union. 34 One by-product of stringent centralized control was heavy regulation and intense security measures for military facilities and nuclear installations. 35 Second, the economic decline that accompanied the transition to a market economy 36 exacerbated the problem, as the fiscal situation in the former Soviet states, most notably [\*1437] Russia, made security programs impossible to fund. 37 Graham Allison summarizes the implications of post-Soviet disorder in Russia:

The dramatic changes ... have produced political uncertainty, economic distress, and social dislocation. For tens of millions of Russians, hardship and deprivation are inescapable facts of life... [H]arsh economic conditions can create incentives for nuclear theft and smuggling. For people who are poorly housed, poorly fed, and poorly paid (when paid at all), there will be a temptation to do what they can to improve their lives and secure their futures. Russia's nuclear custodians face these pressures as they preside over weapons and materials that are immensely valuable to any state or group that covets nuclear weapons. It is not

hard to imagine that people leading bleak, uncertain, and difficult lives might find irresistible the prospect of wealth and security via the nuclear black market...

Organizations such as the Russian military and Minatom are now operating in circumstances of great stress. Money is in short supply, paychecks are irregular, living conditions unpleasant ... [D]isorder within Russia and the resulting strains within the military could easily cause a lapse or a breakdown in the Russian military's guardianship of nuclear weapons. 38

Accordingly, there is a significant and ever-present risk that terrorists could acquire a nuclear device or fissile material from Russia as a result of the confluence of Russian economic decline and the end of stringent Soviet-era nuclear security measures. 39

Terrorist groups could acquire a nuclear weapon by a number of methods, including "steal[ing] one intact from the stockpile of a country possessing such weapons, or ... [being] sold or given one by [\*1438] such a country, or [buying or stealing] one from another subnational group that had obtained it in one of these ways." 40 Equally threatening, however, is the risk that terrorists will steal or purchase fissile material and construct a nuclear device on their own. Very little material is necessary to construct a highly destructive nuclear weapon. 41 Although nuclear devices are extraordinarily complex, the technical barriers to constructing a workable weapon are not significant. 42 Moreover, the sheer number of methods that could be used to deliver a nuclear device into the United States makes it incredibly likely that terrorists could successfully employ a nuclear weapon once it was built. 43 Accordingly, supply-side controls that are aimed at preventing terrorists from acquiring nuclear material in the first place are the most effective means of countering the risk of nuclear terrorism. 44

Moreover, the end of the Cold War eliminated the rationale for maintaining a large military-industrial complex in Russia, and the nuclear cities were closed. 45 This resulted in at least 35,000 nuclear scientists becoming unemployed in an economy that was collapsing. 46 Although the economy has stabilized somewhat, there are still at least 20,000 former scientists who are unemployed or underpaid and who are too young to retire, raising the chilling prospect that these scientists will be tempted to sell their nuclear knowledge, or steal nuclear material to sell, to states or terrorist organizations with nuclear ambitions. 48

The potential consequences of the unchecked spread of nuclear knowledge and material to terrorist groups that seek to cause mass destruction in the United States are truly horrifying. A terrorist attack with a nuclear weapon would be devastating in terms of immediate human and economic losses. 49 Moreover, there would be immense political pressure in the United States to discover the perpetrators and retaliate with nuclear weapons, massively increasing the number of casualties and potentially triggering a full-scale nuclear conflict. 50 In addition to the threat posed by terrorists, leakage of nuclear knowledge and material from Russia will reduce the barriers that states with nuclear ambitions face and may trigger widespread proliferation of nuclear weapons. 51 This proliferation will increase the risk of nuclear attacks against the United States [\*1440] or its allies by hostile states, 52 as well as increase the likelihood that regional conflicts will draw in the United States and escalate to the use of nuclear weapons. 53

### 1NC Iran

#### Negotiations fail—their evidence is all hype—especially since their internal is from an IRANIAN STATE OWNED NEWS SOURCE

Rubin 10/18

[10/18/13, Jennifer Rubin, “Is the U.S. a willing player in a phony negotiation?”, http://www.washingtonpost.com/blogs/right-turn/wp/2013/10/18/is-the-u-s-a-willing-player-in-a-phony-negotiation/]

If you listen to the State Department briefers on the Iran talks, you quickly feel the sinking sensation that negotiators’ happy-talk is avoiding the real and insuperable barriers to reaching an acceptable agreement with Iran. Consider this from a background briefing by a “senior official”: “ I think all I can say in answer to that question is that I’ve been doing this now for about two years, and I have never had such intense, detailed, straightforward, candid conversations with the Iranian delegation before. The discussions took place in English, which has never occurred before.” Wow, in English. But did Iran agree to stop enriching? Mumble, mumble. When it gets to whether any progress has been made, officials decline to talk publicly or they grudgingly acknowledge when asked whether the proposal was “groundbreaking”: Given the conversation that was had, the presentation that was made, the discussion that has occurred, I’m not sure the adjective is appropriate to the process that has taken place over the last two days. This is a beginning. Beginnings are rarely groundbreaking because you are sort of putting pieces on the table. Everybody’s laying down in some detail what their interests are. So I think, just given what the process is at the beginning of something like this, that’s probably the wrong way to look at it, to be perfectly frank. You can feel the eagerness, the gullibility oozing forth — and therefore understand the Iranians must sense it, too. This administration is so eager to deal that they will snatch at anything (the Iranians spoke English!) and willingly revert to the very same cliches; when they talk about “mistrust” on both sides, you know the administration doesn’t fully appreciate that it is being played. The bottom line, however, is that nothing has been achieved. (“We’re not in the proposal/counter-proposal/counter-proposal stage. We’re … understanding each other’s needs, what each other is willing to do, what are the issues that have to be addressed, and how we can then put together a way forward. That’s the process that we are undergoing.” Sigh.) A key (and in my mind, unbridgeable) gap, concerns Iran’s phony claim that it has a “right” to enrichment. The Nuclear Nonproliferation Treaty gives signatories “the inalienable right to develop research, production, and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.” Even if Iran had not forfeited this right with its record of flouting international law (and it has, under no fewer than six United Nations resolutions), the administration has reiterated many times that this does not include the right to enrichment. (Fifteen countries that produce nuclear power purchase their enriched fuel elsewhere.) From public statements, it appears Iran has not given up its claim, nor will it concede that it has violated international law by maintaining a nuclear weapons program. So long as Iran adheres to these positions, there can be no progress on the suspension and destruction of its illegal weapons program or the removal of its enriched stockpile. U.S. sanctions must remain in place and, indeed, should be tightened. One senses, then, a disconnect. The administration says it hasn’t changed its position in negotiations, we know Iran has yet to change its position and yet our negotiator exudes optimism and gushes about how well the talks are going. What is missing here? Ah — a sense of reality, a recognition that Iran is no closer to a deal now and a lot closer to a bomb than when Obama took office. This is why Congress and Israel are so concerned. Why isn’t the administration? The most likely answer is that the same negotiator who concluded phony agreements with North Korea allowing its nuclear weapons program to succeed is bound and determined to reach an agreement with Iran, even if it is as useless and, therefore, as dangerous as our deals with North Korea.

#### **Iran isn’t getting a bomb – widespread intelligence consensus is that threats are exaggerated – no uranium, religious ban, and rational actors disprove.**

Newsweek 10/4/13

(“The Phantom Menace”, http://mag.newsweek.com/2013/10/04/the-phantom-menace.html)

But what if it’s all hysteria? Could Iran be little more than a phantom menace?¶ Interviews with military strategists and foreign and domestic intelligence officers, and a review of the 34 years of warnings about the Iranians’ threat to America’s vital interests, all show that the doomsaying is based on suspicion, supposition and precious little hard data. It is, in many ways, a repeat of the supposed threat from Iraq that led to war – except this time, the intelligence world knows there are no weapons of mass destruction.¶ Now, with signs of a potential thaw in the relationship between the United States and Iran, numerous experts on the region say it is vitally important to have an accurate picture of the Persian Gulf state’s nuclear capabilities and aspirations. Last week, President Barack Obama spoke by telephone for 15 minutes with Iran’s recently elected president, Hassan Rouhani – the first time leaders of the two countries have spoken in three decades – and they discussed this nuclear issue. The conversation, which enraged hard-liners in the United States, Israel and Iran, was a prominent step in a diplomatic dance by the White House that began shortly before Rouhani assumed the presidency in August.¶ Pro-Israeli, anti-Iran protesters demonstrate near the Israeli embassy on September 27, 2012 in New York City. Spencer Platt/Getty Images¶ Among the biggest naysayers was Israeli Prime Minister Benjamin Netanyahu, who dismissed the tête-à-tête as foolishness, and sneered that Obama had been seduced by a deceitful campaign of smiles by Rouhani.¶ Moreover, Netanyahu said, there was reason to be deeply afraid of Iran’s nuclear program. "Within three to five years, we can assume that Iran will become autonomous in its ability to develop and produce a nuclear bomb, without having to import either the technology or the material,” he said. “[The nuclear threat] must be uprooted by an international front headed by the U.S."¶ Wait … sorry. That was not a quote from Netanyahu about the Obama-Rouhani conversation. That came from a speech he delivered to a near-empty Knesset plenum in January 1995. That’s right: Netanyahu demanded that the United States take action against Iran because it would soon develop nuclear weapons 18 years ago. In other words, Netanyahu’s track record on this topic is so lousy.¶ For a better assessment, try the United States Army War College, which, as that branch’s most senior military educational institution, trains high-level Army personnel in strategy and research. “Iran is not a threat to American vital interests,’’ says Christopher J. Bolan, a former army intelligence officer who served on the national security staffs of vice presidents Gore and Cheney, and who now teaches military strategy at the war college. “They don’t want nuclear weapons. I think it has just been overly alarmist when folks are advocating a more aggressive reaction.”¶ That is similar to the conclusion in the 2007 National Intelligence Estimate, an authoritative assessment of national security issues that reflects the judgments of 16 American intelligence agencies. According to that analysis, Iran suspended its nuclear weapons program in 2003, and earlier this year, then-Secretary of Defense Leon Panetta said, “The intelligence we have is [Iranian leaders] have not made the decision to proceed with the development of a nuclear weapon.’’¶ "Iran is not a threat to American vital interests. They don’t want nuclear weapons.¶ Some hard-liners in the West insist that such reasoned analysis and predictions cannot be applied to Iran because its leaders are lunatics. But, according to one Pentagon intelligence official, government security agencies worldwide have concluded that Iran’s leadership is level-headed and its decisions are reached in a formalized way.¶ “They are not crazy, and they are not stupid,’’ says Gawdat Bahgat, a professor of national security affairs who specializes in Middle Eastern policy at the National Defense University, an institution chartered by the Joint Chiefs of Staff that provides high-level military training on national security strategy. “They are rational; they see that making the bomb is not in their best interest.’’¶ There is another wrinkle here: Ayatollah Ali Khamenei, Iran’s supreme leader, formally renounced nuclear armaments in a fatwa – a binding religious ruling – in which he declared the possession of such weapons to be “a grave sin.” It is possible that pronouncement could be reversed but at a significant cost to the credibility of the cleric within the Islamic community.¶ And what about Iran’s supposed threat to Israel? American military officials – such as General Martin Dempsey, the chairman of the Joint Chiefs – have publicly stated that the Jewish nation has little to fear; Iran’s leaders know that an attack on Israel would mean the destruction of their own country by Western military forces. Even top Israeli officials have conceded as much. “I think Israel is strong enough to protect itself,’’ Efraim Halevi, the former director of Mossad, that country’s top intelligence service, said last year. “I think, ultimately, it is not in the power of Iran to destroy the state of Israel.’’¶ Israeli Prime Minister Benjamin Netanyahu uses a diagram of a bomb to describe Iran's nuclear program. Don Emmert/AFP/GettyImages¶ Shortly after Rouhani’s speech before the United Nations last week, Republican Congressman Mike Rogers of Michigan, head of the House Intelligence Committee, demanded that Iran end production of “over 20% enriched uranium” – that is, weapons-grade material – before any nuclear talks commence.¶ The problem: Iran doesn’t have weapons-grade material. The International Atomic Energy Agency reported in August that Iran has produced only low-enriched uranium for civilian nuclear projects and is keeping its stock at a fairly constant level.¶ Of course, Iran could reverse course and start churning out more highly enriched uranium – but not, current and former intelligence officials say, without Western intelligence agencies finding out almost immediately, making such a decision akin to suicide for the Persian Gulf state. “Iran has made progress during the past year that better positions it to produce weapons-grade uranium using its declared facilities and uranium stockpiles, should it choose to do so,’’ James Clapper, the director of national intelligence, testified before the Senate Intelligence Committee this year. “Despite this progress, we assess Iran could not divert safeguarded material and produce a weapon-worth of WGU before this activity is discovered.”¶ Not to pick on Congressman Rogers, but it’s also clear that some policymakers don’t understand how hard it is to make a nuclear bomb. Iran could not simply obtain weapons-grade material, snap a warhead onto a missile and start blowing up parts of the world. Engineering a delivery mechanism, testing of the weapons themselves and taking innumerable other steps would be required before Iran could be a credible threat. Pakistan could develop a bomb slowly, without worrying that perturbed Western nations would attack; Iran doesn’t have that luxury. “Even if they manage to get sufficient enriched uranium, it is going to be years before they can weaponize it,’’ says Bolan. “The timeline is not urgent. We have years, if that is the objective of the government, which, again, I think is a pretty questionable claim.’’

#### No impact to Iranian nukes – easily contained.

**Barnett 11**, Ph.D. in PoliSci from Harvard

[Thomas Barnett (Chief Analyst at Wikistrat, Ph.D. in PoliSci from Harvard, Distinguished Scholar at the Baker Center for Public Policy), World Politics Review, 11/14/11, “The New Rules: How to Stop Worrying and Live with the Iranian Bomb,” http://www.worldpoliticsreview.com/articles/10652/the-new-rules-how-to-stop-worrying-and-live-with-the-iranian-bomb]

The International Atomic Energy Agency’s latest report on Iran’s nuclear program surprised no one, even as it created the usual flurry of op-eds championing preventative “next steps.” As I’ve been saying for the past half-decade, there are none. Once the U.S. went into both Iraq and Afghanistan, the question went from being, “How do we prevent Iran from getting the Bomb?” to “How do we handle Iran’s Bomb?” That shift represents neither defeatism nor appeasement. Rather, it reflects a realistic analysis of America’s strategic options. With that in mind, here are 20 reasons why **Iran’s successful pursuit of the Bomb is not the system-changing event so many analysts are keen to portray**. 1. **Iran’s efforts are not irrational. America invaded Iran’s western and eastern neighbors in quick succession, while putting Iran on notice that it**, too, **was on the list of** George W. Bush’s **“Axis of Evil.” Decades of history tell Tehran: Get the Bomb, and the U.S. will never invade. Iran’s logic here is unassailable**. 2. The world’s rising powers are not on board with the West. Brazil and Turkey made their diplomatic play last spring, and the West vilified them in response. Russia has already dismissed more sanctions as a clear “instrument of regime change.” China and India, along with Russia, have their own energy interests in Iran. In sum, Tehran’s workaround options are considerable. 3. More Western sanctions will have no impact. See above. Also, though the economic costs to date have been substantial, Tehran is willing to endure any amount of economic pain to ensure regime survival. The Arab Spring and the dangers it poses to the mullahs’ rule only sharpen this instinct. 4. Iran will not accept any deal that doesn’t include maintaining at least the pathway to the Bomb. The Bomb not only ensures regime survival, it is Tehran’s ticket to the great powers’ club. Without it, Iran is simply a failed revolution, a moribund economy and a sullen, checked-out society. With it, Iran is a focus of global attention and remains in the race for regional leadership. 5. Iran’s Bomb will offer the regime no significant new regional influence**. Iran is already losing the Arab Spring -- and Iraq -- to Turkey and will likely lose influence to a revived Cairo as well. Iran’s Bomb is a desperate pan-Islamism card vis-à-vis Israel that will only engender a vigorous anti-Shiite response from the Saudis. 6. The strategic balance of power in the region will not dissolve. Iran’s Bomb means closing the door on a U.S. invasion, but nothing else. Iran’s limited proxy wars are neither enhanced nor inhibited by possessing the Bomb, as America will stand by both Israel and the Saudis**. 7. **America’s regional military presence will not be threatened. The U.S. military has a long and well-established record of serving as a tripwire presence in regional hotspots. That won’t change with Iran’s Bomb**. If anything, **Tehran’s achievement will reverse America’s growing fixation on building up its military in Asia vis-à-vis China**. 8. **The terror threat is overblown**. Persian **Iran isn’t pursuing the Bomb to put it in the hands of extremist Arab nonstate actors**. Even **Israel is a red herring for the Bomb’s ultimate purposes, which are clearly anti-U.S. and anti-Saudi**. 9. The right historical analogy is not late-1930s Europe, but South Asia once both Pakistan and India got their Bomb. Israel is no Czechoslovakia. Rather, it is armed to the teeth with nuclear weapons and can wipe Iran off the map far more feasibly than vice versa. Yes, the early stages of a mutually assured destruction dyad between Israel and Iran would be scary, but the world has managed this scenario before -- with a perfect record to date. 10. The **MAD** situation **between Israel and Iran is manageable. Israel owns a state-of-the-art multilayered missile defense system**, which means **it can survive a direct exchange far better than Iran ever could**. It also means Israel could retaliate with confidence in any suitcase bomb scenario. 11. An Israeli attack will not work. It will slow down Iran’s pursuit of the Bomb, but as the -- presumably -- joint Israeli-U.S. Stuxnet cyberattack on Iran showed, Tehran can simply respond by ramping up its effort all the more. 12. A U.S. attack is not feasible any time soon. President Barack Obama doesn’t want to be a one-term president that badly, nor is he willing to tarnish his Nobel Peace Prize that decisively. More importantly, attacking Iran would torpedo Obama’s entire effort to get out of Iraq and Afghanistan with some sense of honor. 13. Iran has already achieved a crude but effective asymmetrical deterrence capability. There is no derailing the Bomb pursuit without regime change, and the U.S. is simply unwilling to take on that massive effort. The quick-and-dirty route is to nuke Iran’s facilities, sending the double signal of “No nukes for you!” and “See what we’re capable of?” But once you start talking about using nukes to destroy nukes, you realize that Iran has already achieved a sloppy deterrence. 14. A pre-emptive war works primarily to Iran’s advantage. The political infighting in Tehran is at an all-time high. Meanwhile, the Arab Spring is going badly for Iran. Thus an attack by either Israel or the U.S. would be a godsend to the decaying theocratic regime, changing those narratives and unifying the country. 15. **We can easily arm Iran’s rivals. America has been selling arms like crazy throughout the region for a while now, and nothing will keep Washington from further enhancing the defensive -- and offensive -- capabilities of Iran’s many enemies. 16.** The danger of wider proliferation is overblown. **Yes, Riyadh and possibly Ankara will follow suit, but arguing that anti-Western regimes the world over will now seek a nuclear deterrent is fanciful. After all these years of freaking out about nuclear proliferation, we’re still talking about just the two remaining “Axis of Evil” members.** To date**, North Korea’s achievement has triggered no such regional nuclear race in East Asia. Iran’s effort** likely will in the Middle East, but that **is still** a unique dynamic with **limite**d legs. 17. **The follow-on regional proliferation can be played to our advantage**. Nothing clarifies the strategic mind like nukes. **Once the Saudis join in, the world’s great powers will force a regional strategic dialogue. When that happens, Israel’s diplomatic existence will finally be recognized across the region. 18. The soft-kill option has worked before. In 1972, America gave the Soviets a signed piece of paper that declared them a legitimate nuclear power. Deprived of its own version of the “great Satan,” the USSR collapsed from within -- in the space of a generation. The Iranian mullahs’ self-destruction will come far faster.**

#### **Iran is moving away from proliferation now – reduction in uranium.**

Karimi 9/13/13 (AP, “Iran says it has reduced its 20 percent-enriched uranium stockpile by producing reactor fuel”, DailyReporter, 9/13/13, http://www.greenfieldreporter.com/view/story/f4a96cbc24cb44bb84e4cf8211afc449/Iran-Nuclear)

Iran significantly reduced its stock of 20 percent-enriched uranium by converting it to reactor fuel, a senior official said, an announcement that appears to be a bid to ease international concerns over its nuclear program.¶ The West remains concerned over Iran's continuing production of 20 percent uranium, which is enriched to a higher level than that used to fuel most energy reactors and is closer to the 90 percent needed for a warhead. The U.S. and its allies demand Iran halt all enrichment, which Tehran rejects.¶ The late Thursday announcement, from the government of moderate President Hasan Rouhani, appeared to be a signal to ease Western worries. Speaking to state television, Iran's nuclear chief Ali Akbar Salehi said the country's stocks of 20 percent-enriched uranium has fallen from 240 kilograms to around 140 kilograms as it is converted into fuel for a medical research reactor. Salehi said the remainder is also being converted.¶ "We have converted a remarkable part to fuel rod," Salehi said. "The amount of 20 percent-enriched uranium is small."¶ An August report by the United Nations' nuclear watchdog put Iran's stockpile 20 percent enriched uranium at 185.5 kilograms. Some 250 kilograms of the 20 percent enriched uranium is enough for a bomb — if it is refined more than 90 percent.¶ The West suspects Iran's nuclear program has military dimension. Iran denies the charge and says its program is for peaceful applications like power generation and cancer treatment.¶ Salehi's remarks came ahead of a new round of talks planned for later this month between Iran and the U.N. nuclear agency. Talks over the past years failed to reach any breakthrough.¶ It also came a few days after Rouhani showed a willingness to use his coming visit to the U.N. General Assembly as a point for resuming nuclear talks with world powers.

### 1NC Congress

#### Congressional influence doesn’t lead to better war decision making – empirical evidence

Nzelibe and Yoo 2005 - Assistant Professor of Law, Northwestern University Law School AND Professor of Law, University of California at Berkeley School of Law (Jide and John, “Rational War and Constitutional Design ” 115 Yale L.J. 2512 (2005), <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1067&context=facpubs>)

Bur before accepting this seemingly attractive vision, we should ask whether the Congress-first system lives up to its promises. In other words, has requiring congressional ex ante approval for foreign wars produced less war, better decision-making, or greater consensus? A cursory review of previous American wars does not suggest that requiring congressional authorization before the use of force invariably produces better decision-making. For example, the declarations of war initiating the Mexican-American and Spanish-American Wars did not result from extensive deliberation or necessarily result in good policy. Although both wars benefited the United States by expanding the nation's territory and enhancing its presence on the world stage,14 they remained offensive wars of conquest. Nor is it clear that congressional participation has resulted in greater consensus. Congress approved both the Vietnam and the 2003 Iraq Wars, but both have produced sharp divisions in American domestic politics.

#### 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.

#### Status quo solves – power of the purse

Nzelibe and Yoo 2005 - Assistant Professor of Law, Northwestern University Law School AND Professor of Law, University of California at Berkeley School of Law (Jide and John, “Rational War and Constitutional Design ” 115 Yale L.J. 2512 (2005), <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1067&context=facpubs>)

The choice between the Congress-first view and the current system of war powers is not one of total versus zero congressional participation. The question really is one of ex ante versus ex post participation. Even under the strongest President-first theories, Congress still retains the ability to check presidential foreign policy and national security decisions through the funding power. Often Congress can exercise that authority ex ante. It had the opportunity, for example, to prevent Presidents from waging the Persian Gulf War, the Kosovo conflict, and the wars in Afghanistan and Iraq by refusing to appropriate money before the fighting began. Some Congress-first scholars doubt the effectiveness of Congress's appropriation power in constraining presidential military ventures,16 but Congress has frequently used the threat to cut off funding to force withdrawal of forces and terminate conflicts." With the high costs of modern conflict, any significant military undertaking will require Presidents to seek congressional cooperation. Critics of presidential power fail to explain why political accountability would be enhanced by requiring that Congress not just provide funding for military hostilities ex ante, but also go to the additional step of enacting legislation authorizing the conflict.

#### No enforcement for the plan - political branches check the court on treaties not vice versa

Posner 09, Law Prof at Chicago

(Eric A., The Perils of Global Legalism)

But even if we focus on self-executing treaties, it is well understood that the political branches can avoid judicial enforcement of such treaties by passing new legislation — that is, domestic legislation, not a new treaty requiring the consent of the other state — that contradicts the treaty. Thus, if the treaty requires X, the state can refrain from X simply by passing a statute that permits it to refrain from X. Courts cannot force the American government to comply with a treaty for the simple reason that the government has the constitutional authority to withdraw from or violate treaties either through the unilateral action of the president or the joint action of president and Congress.

#### The aff can’t strengthen global treaty regimes – other states won’t model

Posner 09, Law Prof at Chicago

(Eric A., The Perils of Global Legalism)

The argument so far rests on the straightforward claim that the political branches are in a better position than courts to determine when and how international law should be incorporated into domestic law. A further factor concerns the extent to which other nation-states allow for judicial incorporation of international law into their law. Most states do not permit their courts to incorporate international law to the extent that global legalists advocate, though the facts are extremely murky. Some states have constitutions that provide for the enforceability of customary international law, but no state I am aware of provides that treaties are automatically a part of domestic law even when the government that enters them does not so intend. Further, most states do not have highly independent judiciaries like the United States; in fact, most states have weak and corrupt judiciaries that can be manipulated by governments. Thus, judicial incorporation of international law in the United States would be a unilateral — or at least highly unusual — act, one that other states are unlikely to reciprocate, and one that in many instances the United States would not want other states to reciprocate because it has less confidence in the foreign judiciary than in the foreign government. Against these claims, supporters of incorporation advance the example of Europe. In 1951, six Western European states agreed to create a coal and steel "community” essentially a common market in these products governed by a common legal regime. In 1957, the states extended the common market to cover nearly their entire economies. Over the years, this union broadened and deepened; today twenty-seven states belong to the European Union, and the EU government has quite extensive functions. A key step along the way was the decision of national courts to apply European law, so that it would supersede inconsistent domestic law. In addition, national courts deferred to the European Court of Justice's interpretation of European law. National governments apparently never intended for their domestic courts to defer to the ECJ, but they have acquiesced, and this has strengthened the rule of European law and diminished national legal differences. If Europe, why not the world? Suppose that U.S. courts incorporated international law, including the judgments of international tribunals like the ICJ. It is possible that other national courts would as well, and that therefore international law would gain strength at the expense of inconsistent national laws. But although it is theoretically possible that this could happen, it seems unlikely that it would. There are several reasons for this. First, and of utmost importance, national judiciaries in most countries — nearly all developing countries and even in some advanced countries — are extremely weak, as just noted. Many foreign judges, unlike American judges, have low status and little power. In a country like India or Bangladesh, one might need to wait a decade or more between submitting a complaint and obtaining a judgment. In many countries, features of the judicial process that Westerners take for granted — an available record of written opinions, a compilation of relevant laws, a usable courthouse — do not exist. In many countries, judges are easily bribed, or they take orders from political superiors, or they render judgments that no one pays attention to. So it is hard to see how such judges can be given the task of upholding international law. Second, judges in most countries are not internationalists; often they are the most conservative and locally minded of all government officials. In many Muslim countries, for example, they are likely to interpret the International Covenant for Civil and Political Rights in the light of Sharia law or other religious traditions, or local customs. To be sure, some judges in Turkey and Pakistan have distinguished themselves as relatively liberal, but this is not the norm.

# 2nc

### 2NC FW

#### The role of the teacher is to guide students toward ethically constructing advocacies – this means debate should focus on how we think about problems and not just particular policies, so you should look at systems and not the singular event of their impact scenarios – deprioritize issues of link uniqueness and alternative solvency – our link arguments prove there’s a larger set of social relations the plan creates and the standpoints we take in relation to that are important

#### Our alternative is a technique for creating a new social vocabulary surrounding social issues – if our vocabulary is good, you should endorse and adopt it as a method for future policy research.

#### **This is a comparatively more productive strategy than the aff’s hubristic attempts to change the world – only our framework produces an ethical self that can create productive micropolitics**

Chandler 13 – prof of IR @ Westminster

(The World of Attachment? The Post-humanist Challenge to Freedom and Necessity, Millenium: Journal of International Studies, 41(3), 516– 534)

The world of becoming thereby is an ontologically flat world without the traditional hierarchies of existence and a more shared conception of agency. For Bennett, therefore, ‘to begin to experience the relationship between persons and other materialities more horizontally, is to take a step toward a more ecological sensibility’.78 Here there is room for human agency but this agency involves a deeper understanding of and receptivity to the world of objects and object relations. Rather than the hubristic focus on transforming the external world, the ethico-political tasks are those of work on the self to erase hubristic liberal traces of subject-centric understandings, understood to merely create the dangers of existential resentment. Work on the self is the only route to changing the world. As Connolly states: ‘To embrace without deep resentment a world of becoming is to work to “become who you are”, so that the word “become” now modifies “are” more than the other way around.’ Becoming who you are involves the ‘microtactics of the self’, and work on the self can then extend into ‘micropolitics’ of more conscious and reflective choices and decisions and lifestyle choices leading to potentially higher levels of ethical self-reflectivity and responsibility. Bennett argues that against the ‘narcissism’ of anthropomorphic understandings of domination of the external world, we need ‘some tactics for cultivating the experience of our selves as vibrant matter’. Rather than hubristically imagining that we can shape the world we live in, Bennett argues that: ‘Perhaps the ethical responsibility of an individual human now resides in one’s response to the assemblages in which one finds oneself participating. Such ethical tactics include reflecting more on our relationship to what we eat and considering the agentic powers of what we consume and enter into an assemblage with. In doing so, if ‘an image of inert matter helps animate our current practice of aggressively wasteful and planet-endangering consumption, then a materiality experienced as a lively force with agentic capacity could animate a more ecologically sustainable public’. For new materialists, the object to be changed or transformed is the human – the human mindset. By changing the way we think about the world and the way we relate to it by including broader, more non-human or inorganic matter in our considerations, we will have overcome our modernist ‘attachment disorders’ and have more ethically aware approaches to our planet. In cultivating these new ethical sensibilities, the human can be remade with a new self and a ‘new self-interest’.

### Overview

#### Prefer this impact – structural violence is invisible and exponential – ethics

Nixon 11

(Rob, Rachel Carson Professor of English, University of Wisconsin-Madison, Slow Violence and the Environmentalism of the Poor, pgs. 2-3)

Three primary concerns animate this book, chief among them my conviction that we urgently need to rethink-politically, imaginatively, and theoretically-what I call "slow violence." By slow violence I mean a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all. Violence is customarily conceived as an event or action that is immediate in time, explosive and spectacular in space, and as erupting into instant sensational visibility. We need, I believe, to engage a different kind of violence, a violence that is neither spectacular nor instantaneous, but rather incremental and accretive, its calamitous repercussions playing out across a range of temporal scales. In so doing, we also need to engage the representational, narrative, and strategic challenges posed by the relative invisibility of slow violence. Climate change, the thawing cryosphere, toxic drift, biomagnification, deforestation, the radioactive aftermaths of wars, acidifying oceans, and a host of other slowly unfolding environmental catastrophes present formidable representational obstacles that can hinder our efforts to mobilize and act decisively. The long dyings-the staggered and staggeringly discounted casualties, both human and ecological that result from war's toxic aftermaths or climate change-are underrepresented in strategic planning as well as in human memory. Had Summers advocated invading Africa with weapons of mass destruction, his proposal would have fallen under conventional definitions of violence and been perceived as a military or even an imperial invasion. Advocating invading countries with mass forms of slow-motion toxicity, however, requires rethinking our accepted assumptions of violence to include slow violence. Such a rethinking requires that we complicate conventional assumptions about violence as a highly visible act that is newsworthy because it is event focused, time bound, and body bound. We need to account for how the temporal dispersion of slow violence affects the way we perceive and respond to a variety of social afflictions-from domestic abuse to posttraumatic stress and, in particular, environmental calamities. A major challenge is representational: how to devise arresting stories, images, and symbols adequate to the pervasive but elusive violence of delayed effects. Crucially, slow violence is often not just attritional but also exponential, operating as a major threat multiplier; it can fuel long-term, proliferating conflicts in situations where the conditions for sustaining life become increasingly but gradually degraded.

### Legitimacy Link

#### The aff's plan is a high-grade legal maneuver to create the legal cover for war - they bypass the complexities of moral choice by making the debate about who can be the best corporate warfare lawyer and find loopholes for the military to exploit

Smith 2 – prof of phil @ U of South Florida

(Thomas, *International Studies Quarterly* 46, The New Law of War: Legitimizing Hi-Tech and Infrastructural Violence)

The role of military lawyers in all this has, according to one study, “changed irrevocably” ~Keeva, 1991:59!. Although liberal theorists point to the broad normative contours that law lends to international relations, the Pentagon wields law with technical precision. During the Gulf War and the Kosovo campaign, JAGs opined on the legal status of multinational forces, the U.S. War Powers Resolution, rules of engagement and targeting, country fly-overs, maritime interceptions, treatment of prisoners, hostages and “human shields,” and methods used to gather intelligence. Long before the bombing began, lawyers had joined in the development and acquisition of weapons systems, tactical planning, and troop training. In the Gulf War, the U.S. deployed approximately 430 military lawyers, the allies far fewer, leading to some amusing but perhaps apposite observations about the legalistic culture of America ~Garratt, 1993!. Many lawyers reviewed daily Air Tasking Orders as well as land tactics. Others found themselves on the ground and at the front. According to Colonel Rup- pert, the idea was to “put the lawyer as far forward as possible” ~Myrow, 1996–97!. During the Kosovo campaign, lawyers based at the Combined Allied Operations Center in Vicenza, Italy, and at NATO headquarters in Brussels approved every single targeting decision. We do not know precisely how decisions were taken in either Iraq or Kosovo or the extent to which the lawyers reined in their masters. Some “corrections and adjustments” to the target lists were made ~Shot- well, 1993:26!, but by all accounts the lawyers—and the law—were extremely accommodating.¶ The exigencies of war invite professional hazards as military lawyers seek to “find the law” and to determine their own responsibilities as legal counselors. A 1990 article in Military Law Review admonished judge advocates not to neglect their duty to point out breaches of the law, but not to become military ombuds- men either. The article acknowledged that the JAG faces pressure to demonstrate that he can be a “force multiplier” who can “show the tactical and political soundness of his interpretation of the law” ~Winter, 1990:8–9!. Some tension between law and necessity is inevitable, but over the past decade the focus has shifted visibly from restraining violence to legitimizing it. The Vietnam-era perception that law was a drag on operations has been replaced by a zealous “client culture” among judge advocates. Commanding officers “have come to realize that, as in the relationship of corporate counsel to CEO, the JAG’s role is not to create obstacles, but to find legal ways to achieve his client’s goals—even when those goals are to blow things up and kill people” ~Keeva, 1991:59!. Lt. Col. Tony Montgomery, the JAG who approved the bombing of the Belgrade television studios, said recently that “judges don’t lay down the law. We take guidance from our government on how much of the consequences they are willing to accept” ~The Guardian, 2001!.¶ Military necessity is undeterred. In a permissive legal atmosphere, hi-tech states can meet their goals and remain within the letter of the law. As noted, humanitarian law is firmest in areas of marginal military utility. When opera- tional demands intrude, however, even fundamental rules begin to erode. The Defense Department’s final report to Congress on the Gulf War ~DOD, 1992! found nothing in the principle of noncombatant immunity to curb necessity. Heartened by the knowledge that civilian discrimination is “one of the least codified portions” of the law of war ~p. 611!, the authors argued that “to the degree possible and consistent with allowable risk to aircraft and aircrews,” muni- tions and delivery systems were chosen to reduce collateral damage ~p. 612!. “An attacker must exercise reasonable precautions to minimize incidental or collat- eral injury to the civilian population or damage to civilian objects, consistent with mission accomplishments and allowable risk to the attacking forces” ~p. 615!. The report notes that planners targeted “specific military objects in populated areas which the law of war permits” and acknowledges the “commingling” of civilian and military objects, yet the authors maintain that “at no time were civilian areas as such attacked” ~p. 613!. The report carefully constructed a precedent for future conflicts in which human shields might be deployed, noting “the presence of civilians will not render a target immune from attack” ~p. 615!. The report insisted ~pp. 606–607! that Protocol I as well as the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons “were not legally applicable” to the Gulf War because Iraq as well as some Coalition members had not ratified them. More to the point that law follows practice, the report claimed that certain provisions of Protocol I “are not a codification of the customary practice of nations,” and thus “ignore the realities of war” ~p. 616!.¶ Nor can there be any doubt that a more elaborate legal regime has kept pace with evolving strategy and technology. Michael Ignatieff details in Virtual War ~2000! how targets were “developed” in 72-hour cycles that involved collecting and reviewing aerial reconnaissance, gauging military necessity, and coding antici- pated collateral damage down to the directional spray of bomb debris. A judge advocate then vetted each target in light of the Geneva Conventions and calcu- lated whether or not the overall advantage to be gained outweighed any expected civilian spillover. Ignatieff argues ~2000:198–199! that this elaborate symbiosis of law and technology has given birth to a “veritable casuistry of war.” Legal fine print, hand-in-hand with new technology, replaced deeper deliberation about the use of violence in war. The law provided “harried decision-makers with a critical guarantee of legal coverage, turning complex issues of morality into technical issues of legality.” Astonishingly fine discrimination also meant that unintentional civilian casualties were assumed to have been unintentional, not foreseen tragedies to be justified under the rule of double effect or the fog of war. The crowning irony is that NATO went to such lengths to justify its targets and limit collateral damage, even as it assured long-term civilian harm by destroy- ing the country’s infrastructure.¶ Perhaps the most powerful justification was provided by law itself. War is often dressed up in patriotic abstractions—Periclean oratory, jingoistic newsreels, or heroic memorials. Bellum Americanum is cloaked in the stylized language of law. The DOD report is padded with references to treaty law, some of it obscure, that was “applicable” to the Gulf War, as if a surfeit of legal citation would convince skeptics of the propriety of the war. Instances of humane restraint invariably were presented as the rule of law in action. Thus the Allies did not gas Iraqi troops, torture POWs, or commit acts of perfidy. Most striking is the use of legal language to justify the erosion of noncombatant immunity. Hewing to the legal- isms of double effect, the Allies never intentionally targeted civilians as such. As noted, by codifying double effect the law artificially bifurcates intentions. Har- vard theologian Bryan Hehir ~1996:7! marveled at the Coalition’s legalistic word- play, noting that the “briefers out of Riyadh sounded like Jesuits as they sought to defend the policy from any charge of attempting to directly attack civilians.”¶ The Pentagon’s legal narrative is certainly detached from the carnage on the ground, but it also oversimplifies and even actively obscures the moral choices involved in aerial bombing. Lawyers and tacticians made very deliberate decisions about aircraft, flight altitudes, time of day, ordnance dropped, confidence in intelligence, and so forth. By expanding military necessity to encompass an extremely prudential reading of “force protection,” these choices were calculated to protect pilots and planes at the expense of civilians on the ground, departing from the just war tradition that combatants assume greater risks than civilians. While it is tempting to blame collateral damage on the fog of war, much of that uncertainty has been lifted by technology and precision law. Similarly, in Iraq and in Yugoslavia the focus was on “degrading” military capabilities, yet a loose view of dual use spelled the destruction of what were essentially social, economic, and political targets. Coalition and NATO officials were quick to apologize for accidental civilian casualties, but in hi-tech war most noncombatant suffering is by design.¶ Does the law of war reduce death and destruction? International law certainly has helped to delegitimize, and in rare cases effectively criminalize, direct attacks on civilians. But in general humanitarian law has mirrored wartime practice. On the ad bellum side, the erosion of right authority and just cause has eased the path toward war. Today, foreign offices rarely even bother with formal declara- tions of war. Under the United Nations system it is the responsibility of the Security Council to denounce illegal war, but for a number of reasons its mem- bers have been extremely reluctant to brand states as aggressors. If the law were less accommodating, greater effort might be devoted to diplomacy and war might be averted. On the in bello side the ban on direct civilian strikes remains intact, but double effect and military demands have been contrived to justify unnecessary civilian deaths. Dual use law has been stretched to sanction new forms of violence against civilians. Though not as spectacular as the obliteration bombing to which it so often is favorably compared, infrastructural war is far deadlier than the rhetoric of a “clean and legal” conflict suggests. It is true that rough estimates of the ratio of bomb tonnage to civilian deaths in air attacks show remarkable reductions in immediate collateral damage. There were some 40.83 deaths per ton in the bombing of Guernica in 1937 and 50.33 deaths per ton in the bombing of Tokyo in 1945. In the Kosovo campaign, by contrast, there were between .077 and .084 deaths per ton. In Iraq there were a mere .034 ~Thomas, 2001:169!. According to the classical definition of collateral damage, civilian protection has improved dramatically, but if one takes into account the staggering long-term effects of the war in Iraq, for example, aerial bombing looks anything but humane.¶ For aerial bombers themselves modern war does live up to its clean and legal image. While war and intervention have few steadfast constituents, the myth of immaculate warfare has eased fears that intervening soldiers may come to harm, which polls in the U.S., at least, rank as being of great public concern, and even greater military concern. A new survey of U.S. civilian and military attitudes found that soldiers were two to four times more casualty-averse than civilians thought they should be ~Feaver and Kohn, 2001!. By removing what is perhaps the greatest restraint on the use of force—the possibility of soldiers dying—law and technology have given rise to the novel moral hazards of a “postmodern, risk-free, painless war” ~Woollacott, 1999!. “We’ve come to expect the immacu- late,” notes Martin Cook, who teaches ethics at the U.S. Army War College in Carlisle, PA. “Precision-guided munitions make it very much easier to go to war than it ever has been historically.” Albert Pierce, director of the Center for the Study of Professional Military Ethics at the U.S. Naval Academy argues, “standoff precision weapons give you the option to lower costs and risks . . . but you might be tempted to do things that you might otherwise not do” ~Belsie, 1999!.¶ Conclusion¶ The utility of law to legitimize modern warfare should not be underestimated. Even in the midst of war, legal arguments retain an aura of legitimacy that is missing in “political” justifications. The aspirations of humanitarian law are sound. Rather, it is the instrumental use of law that has oiled the skids of hi-tech violence. Not only does the law defer to military necessity, even when very broadly defined, but more importantly it bestows on those same military demands all the moral and psychological trappings of legality. The result has been to legalize and thus to justify in the public mind “inhumane military methods and their consequences,” as violence against civilians is carried out “behind the protective veil of justice” ~af Jochnick and Normand, 1994a:50!. Hi-tech states can defend hugely destructive, essentially unopposed, aerial bombardment by citing the authority of seemingly secular and universal legal standards. The growing gap between hi- and low-tech means may exacerbate inequalities in moral capital as well, as the sheer barbarism of “premodern” violence committed by ethnic cleansers or atavistic warlords makes the methods employed by hi-tech warriors seem all the more clean and legal by contrast.¶ This fusion of law and technology is likely to propel future American interventions. Despite assurances that the campaign against terrorism would differ from past conflicts, the allied air war in Afghanistan, marked by record numbers of unmanned drones and bomber flights at up to 35,000 feet, or nearly 7 miles aloft, rarely strayed from the hi-tech and legalistic script. While the attack on the World Trade Center confirmed a thousand times over the illegality and inhu- manity of terrorism, the U.S. response has raised further issues of legality and inhumanity in conventional warfare. Civilian deaths in the campaign have been substantial because “military objects” have been targeted on the basis of extremely low-confidence intelligence. In several cases targets appear to have been chosen based on misinformation and even rank rumor. A liberal reading of dual use and the authorization of bombers to strike unvetted “targets of opportunity” also increased collateral damage. Although 10,000 of the 18,000 bombs, missiles, and other ordnance used in Afghanistan were precision-guided munitions, the war resulted in roughly 1000 to 4000 direct civilian deaths, and, according to the UNHCR, produced 900,000 new refugees and displaced persons. The Pentagon has nevertheless viewed the campaign as “a more antiseptic air war even than the one waged in Kosovo” ~Dao, 2001!. General Tommy Franks, who commanded the campaign, called it “the most accurate war ever fought in this nation’s history” ~Schmitt, 2002!.9¶ No fundamental change is in sight. Governments continue to justify collateral damage by citing the marvels of technology and the authority of international law. One does see a widening rift between governments and independent human rights and humanitarian relief groups over the interpretation of targeting and dual-use law. But these disputes have only underscored the ambiguities of human- itarian law. As long as interventionist states dominate the way that the rules of war are crafted and construed, hopes of rescuing law from politics will be dim indeed.

### ALT

#### Militaristic war may be a central value of modern Western culture, but it can be changed through analysis – multiple empirical examples prove

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 23-24)

The slow but persistent rise in awareness of racial, ethnic, gender, sexual- orientation, and class oppression in our time and the beginning efforts of liberation from within oppressed groups offer hope that even the most deeply held and least explicitly challenged predispositions of culture might be examined. Such examinations can lead to changes in the lives of the oppressed. Perhaps even those oppressed by warism will one day free themselves from accepting war as an inevitable condition of nature. Two hundred years ago slavery was a common and well- established social institution in the United States. It had been an ordinary feature of many societies dating to ancient and perhaps prehistoric times. Slavery was taken for granted as a natural condition for beings thought to be inferior to members of the dominant group. And slavery was considered an essential feature of our nation’s economy. Within the past two centuries, attitudes toward slavery have changed dramatically. With these fundamental shifts in normative lenses came fundamental shifts in the practice and legality of slavery. These changes have been as difficult as they have been dramatic, for former slaves, for former slave- holders, and for culture at large. While deep racial prejudices persist to this day, slavery is no longer tolerated in modern societies. Slavery- like conditions of severe economic exploitation of labor have become embarrassments to dominant groups in part because slavery is universally condemned. The point is that the most central values of cultures— thought to be essential to the very survival of the society and allegedly grounded in the natural conditions of creation—can change in fundamental ways in relatively short periods of time with profound implications for individuals and societies. John Dewey beautifully links this point to the consideration of warism: “War is as much a social pattern [for us] as was the domestic slavery which the ancients thought to be immutable fact.”9 The civil rights movement has helped us see that human worth is not determined by a racial hierarchy. Feminism has helped us realize again that dominant attitudes about people are more likely values we choose rather than innate and determined features of human nature. It is historically true that men have been more actively violent and have received more training and encouragement in violence than have women.10 Dominant attitudes of culture have explained this by reference to what is “natural” for males and “natural” for females. By questioning the traditional role models for men and women, all of us be- come more free to choose and create the selves we are to be; we need not be defined by hidden presumptions of gender roles. Parallel to racial and gender liberation movements, pacifism questions taking warism for granted. Pacifists seek an examination of our unquestioned assumption of warism to expose it as racism and sexism have been examined and exposed. Just as opponents of racism and sex- ism consider the oppression of nonwhites and women, respectively, to be wrong, and thus to require fundamental changes in society, so opponents of warism— pacifists of various sorts— consider war to be wrong, and thus to require fundamental changes in society.

### Impact

#### Best impact card imaginable – the ultimate AT: Impact Turns

Kovel 2

(Joel, “The United States Military Machine”, http://www.joelkovel.org/americanmilitary.htm; Jacob)

I want to talk to you this evening about war - not the immediate threat of us war against Iraq, but about how this conflict is an instance of a larger tendency toward war-making endemic to our society. In other words, the phrase from the folksong, “I ain’t gonna study war no more,” should be rethought. I think we do have to study war. Not to make war but to understand more deeply how it is put together and about the awful choices that are now being thrust upon us. These remarks have been stimulated by recent events, which have ancient roots, but have taken on a new shape since the collapse of the Soviet Union, the rise of the second Bush administration, and the inception of the so-called “War on Terror.” The shape is that of permanent warfare- war-making that has no particular strategic goal except total us dominance over global society. Hence, a war without end and whose internal logic is to perpetuate itself. We are, in other words, well into World War III, which will go on whether or not any other state such as Iraq is involved. It is quite probable that this administration will go to war in Iraq, inasmuch as certain very powerful people crave it. But it is not necessarily the case, given the fact that the war against Iraq is such a lunatic proposal that many other people in high places are against it and too many people are marching against it. And while war against Iraq is a very serious matter that needs to be checked by massive popular resistance, equally serious are the structures now in place in the United States dictating that whether or not the war in Iraq takes place, there will be another war to replace it, and others after that, unless some very basic changes take place. America Has Become a War-Making Machine¶ The United States has always been a bellicose and expansive country, built on violent conquest and expropriation of native peoples. Since the forming of the American republic, military interventions have occurred at the rate of about once a year. Consider the case of Nicaragua, a country utterly incapable of being any kind of a threat to its giant northern neighbor. Yet prior to the Sandinista revolution in 1979 (which was eventually crushed by us proxy forces a decade later), our country had invaded Nicaragua no fewer than 14 times in the pursuit of its imperial interests. ¶ A considerable number of contemporary states, such as Britain, South Africa, Russia, and Israel, have been formed in just such a way. But one of the special conditions of the formation of America, despite its aggressivity, was an inhibition against a military machine as such. If you remember, no less a figure than George Washington warned us against having a standing army, and indeed the great bulk of us interventions prior to World War II were done without very much in the way of fixed military institutions. However, after WWII a basic change set in. War-weary America longed for demobilization, yet after a brief beginning in this direction, the process was halted and the permanent warfare state started to take shape. ¶ In part, this was because policy planners knew quite well that massive wartime mobilization had been the one measure that finally lifted America out of the Great Depression of the 1930s. One of the lessons of that time was that propounded by the British economist John Maynard Keynes, to the effect that capitalist societies could ameliorate chronic [economic] crises by infusions of government spending. The Great War had certified this wisdom, and permanent military expenditure readily became the received wisdom. This was greatly reinforced by the drastic realignment of capitalist power as a result of the war. America was essentially the only capitalist power in 1945 that did not lay in ruins and/or have its empire shattered. The world had been realigned and the United States had assumed a global imperial role. ¶ Policy planners like George Kennan lucidly realized that this meant safeguarding extreme inequalities in wealth, which implied a permanent garrison to preserve the order of things. The notion was especially compelling given that one other state, the Soviet Union, had emerged a great power from the war and was the bellwether of those forces that sought to break down the prevailing distribution of wealth. The final foundation stone for the new military order was the emergence of frightful weapons of mass destruction, dominance over which became an essential element for world hegemony. ¶ The Iron Triangle ¶ These factors crystallized into the Cold War, the nuclear arms race, and, domestically, into those structures that gave institutional stability and permanence to the system: the military-industrial complex (mic). Previously the us had used militarism to secure economic advantage. Now, two developments greatly transformed our militarism: the exigencies of global hegemony and the fact that militarism became a direct source of economic advantage, through the triangular relations of the mic with the great armament industries comprising one leg, the military establishment another, and the state apparatus the third, profits, power, and personnel could flow through the system and from the system. ¶ Clearly, this arrangement had the potential to greatly undermine American democracy. It was a “national security state” within the state but also extended beyond it into the economy and society at large, virtually insulated from popular input, and had the power to direct events and generate threats. Another conservative war hero-become-president, Dwight Eisenhower, warned the nation in a speech in 1961 against the emerging permanent war machine, but this time, the admonitions were not heeded.\* ¶ The machine made a kind of war against the Soviet system for 35 years. Although actual guns were not fired between the two adversaries, as many as 10 million people died in its varied peripheral conflicts, from Korea to Vietnam, Angola, El Salvador, Nicaragua, and Guatemala. The Cold War divided the world into bipolar imperial camps, directed by gigantic superpowers that lived off each other’s hostility. It was a terrible war whose immense suffering took place largely outside the view of the American people, but it also brought about an uneasy kind of stability in the world order, in part through the standoff in nuclear weapons. ¶ During the Ford and Carter administrations, another great crisis seized the world capitalist economy. Having matured past the rebuilding that followed the world war, a period of stagnation set in, which still has the global economy in its grip despite episodic flashes of vigor. Predictably, a spate of militarism was central to the response. A “Second Cold War” took place under Reagan, featuring an accelerated nuclear arms race, which was deliberately waged so as to encourage Soviet countermeasures in the hope that this would cause breakdown in the much weaker, bloated, and corrupt Russian system. The plan worked splendidly: by 1989-91, the mighty Soviet empire collapsed, and the bipolar world order became unipolar, setting a stage for the current phase. The fall of the Soviet Union was widely expected to bring a ìpeace dividend.î This would have been the case according to the official us line, parroted throughout the media and academe, that our military apparatus was purely defensive (after all, we have no Department of War, only one of "Defense") and reactive to Soviet expansionism and military/nuclear threat. As this was no longer a factor, so the reasoning wentóindeed, as the us now stood bestride the world militarily as had no power since the Roman Empireóconventional logic predicted a general diminution in American militarism after 1991, with corresponding benefits to society. ¶ The last decade has at least settled this question, for the effect on us aggression, interventionism, and the militarization of society has been precisely the opposite. In other words, instead of braking, the machine accelerated. Removal of Soviet power did not diminish Americaís imperial appetite: it removed inhibitions on its internally driven expansiveness. As a result, enhanced war-making has replaced the peace dividend. The object of this machine has passed from dealing with Soviet Communism to a more complex and dispersed set of oil wars (Iraq I and now II), police actions against international miscreants (Kosovo), and now the ubiquitous War Against Terror, aimed variously at Islamic fundamentalists, Islam as a whole, or anybody irritated enough with the ruling order to take up some kind of arms against it. The comparison with the Roman Empire is here very exact. As the eminent economist and sociologist Joseph Schumpeter described Rome in 1919: “There was no corner of the known world where some interest was not alleged to be in danger or under actual attack. If the interests were not Roman, they were those of Rome’s allies. And if Rome had no allies existed, the allies would be invented. The fight was always invested with the order of legality. Rome was always being attacked by evil-minded neighbors.” ¶ The logic of constant threat meshes with that of ruthless expansion, which we see everywhere in this epoch of unipolar world dominion. Currently, the military budget of the us is 334 billion dollars. The budget for the next fiscal year is 379 billion dollars- an increase of more than 10 percent. By 2007, the projected military budget of the us is to be an astounding 451 billion dollars: almost half a trillion dollars, without the presence of anything resembling a conventional war. The present military budget is greater than the sum of all other military budgets. In fact, it is greater than the entire federal budget of Russia, once America's immortal adversary, and comprises more than half - 52 percent of all discretionary spending by the us government. (By comparison, education accounts for 8 percent of the federal budget.) ¶ A considerable portion of this is given over to "military Keynesianism," according to the well-established paths of the mic. Thus, although in the first years after the fall of the ussr certain firms like General Dynamics, which had played a large role in the nuclear arms race, suffered setbacks, that problem has been largely reversed for the entire class of firms fattening at the trough of militarism. It is fair to say, though, that the largesse is distributed over a wider scale, in accordance with the changing pattern of armaments.¶ us Armies Taking Root Everywhere¶ From having scarcely any standing army in 1940, American armies now stand everywhere. One feature of us military policy since WWII is to make war and then stay where war was made, rooting itself in foreign territory. Currently, the us has military bases in 113 countries, with 11 new ones formed since the beginning of the War Against Terror. The us now has bases in Kazakhstan, Uzbekistan, and Kurdistan, encircling China and creating new sources of military tension. On these bases, the us military has erected some 800,000 buildings. Imagine that: 800,000 buildings in foreign countries that are now occupied by us military establishments.¶ And America still maintains large forces in Germany, Japan, and Korea, with tens of thousands of troops permanently on duty (and making mischief, as two us servicemen recently ran over and killed two Korean girls, provoking massive demonstrations). After the first Gulf War the us military became installed in Saudi Arabia and Kuwait, in which latter place it currently occupies one quarter of the country - 750 square miles devoted to military activity. This huge investment is no doubt determined by proximity to Iraq. Again, after going to war in Kosovo, the us left behind an enormous base in a place called Bondsteel. These self-expanding sites of militarism are permanent goads to terrorist organizations. Recall that one of Osama bin Laden's professed motivations for al-Qaeda's attacks on American facilities was the presence of us bases in his home country of Saudi Arabia. The bases are also permanent hazards to the environment - indeed, the us, with some 800,000 buildings on these military sites, is the world's largest polluter and the largest consumer of fossil fuels. With territorial expansion of the us military apparatus, there is a corresponding expansion of mission. For instance, in Colombia, where billions of us dollars are spent in the "War on Drugs," us troops are now being asked to take care of pipelines through which vital oil reserves are passing. In addition, the War on Drugs is now subsumed into the War Against Terror. The signifier of Terror has virtually unlimited elasticity, for once an apparatus reaches the size of the us military machine, threats can be seen anywhere. With the inauguration of the new hard-line president of Colombia, Alvaro Uribe, the us authorized the use of 1.7 billion dollars in military aid hitherto limited to anti-drug operations for direct attacks on deeply entrenched farc guerrillas. This redirection of aid came after Colombian officials and their American supporters in the Congress and Bush administration argued that the change was needed as part of the global campaign against terrorism.¶ Within this overall picture, American armed forces are undergoing a qualitative shift of enormous proportion. In words read by President Bush: “Our forces in the next century must be agile, lethal, readily deployable, and must require a minimum of logistical support. We must be able to project our power over long distances in days or weeks rather than months. On land our heavy forces must be lighter, our light forces must be more lethal. All must be easier to deploy.”¶ Crossing Weapons Boundaries - Both Nuclear and Conventional¶ As a result, many boundaries and limits of the bipolar era have been breached. For example, the distinction between nuclear and conventional weapons had always constituted a radical barrier. The standoff between the us and the ussr was epitomized by mind-numbing hydrogen bomb-missiles facing each other in a scenario called “Mutual Assured Destruction.î”In short, a strategic condition of deterrence prevailed, which made nuclear weapons seem unthinkable. With the demise of the ussr, deterrence no longer inhibits us nuclear weaponry, and the weapons themselves have proliferated downward, becoming miniaturized and increasingly tactical rather than strategic.¶ Meanwhile, the genie of the weapons industries has developed ever more destructive “conventional” weapons. These include non-explosive devices of awesome power, such as laser beams, microwaves, and large-scale climate manipulation, along with a new generation of super-powerful explosive devices. Thus the strongest non-nuclear weapons are now considerably more lethal than the least powerful nuclear weapons, making the latter thinkable and eliminating a major barrier against their employment.¶ These so-called conventional bombs have already been used, for example, in Afghanistan, where the us employed a gigantic explosive weapon, called a “Bunker Buster” to root out al-Qaeda combatants in underground bunkers. They are based upon the “daisy cutter,” a giant bomb about the size of a Volkswagen Beetle and capable of destroying everything within a square kilometer. Significantly, the model used in Afghanistan, the B61-11, already employs nuclear technology, the infamous depleted uranium warhead, capable by virtue of its extreme density, of great penetrating power. ¶ Depleted uranium (du) is a by-product of the nuclear power industry (chiefly being U-238 created in the extraction of U-235 from naturally occurring uranium ore). Over 500,000 tons of deadly du have accumulated and 4-5,000 more tons are being produced every year. Like all products of the nuclear power industry, du poses immense challenges of disposal. It has this peculiar property of being almost twice as dense as lead and it is radioactive with a half-life of 4.5 billion years. Wherever depleted uranium is used, it has another peculiar property of exploding, vaporizing at 56 degrees centigrade, which is just like a little more than half the way to boiling water. So it is very volatile, it explodes, it forms dust and powders that are inhaled, disburses widely, and produces lethal cancers, birth defects, and so forth for 4.5 billion years. ¶ In the case of depleted uranium, the challenge of disposal was met by incorporating the refuse from the “peaceful” branch of nuclear technology into the war-making branch. Already used in anti-tank projectiles in the first Iraq war (approximately 300 tons worth) and again in Yugoslavia (approximately 10-15 tons were used in each of the various Yugoslav wars), it is presumed, although the defense department coyly denies it, that this material was also used in the Afghanistan war. Depleted uranium has spread a plague of radioactivity and further rationalized the use of nuclear weapons as such. Consequently, the B61-11 is about to be replaced with the BLU113, where the bunker buster will now be a small nuclear weapon, almost certainly spear-tipped with du. ¶ Pollutants to Earth and Space ¶ To the boundaries crossed between nuclear and non-nuclear weapons, and between the peaceful and militaristic uses of atomic technology, we need to add those between earth and its lower atmosphere on the one hand, and space on the other. The administration is poised to realize the crackpot and deadly schemes of the Reagan administration to militarize space and to draw the rest of the world into the scheme, as client and victim. ¶ In November 2002, Bush proposed that nato allies build missile defense systems, with components purchased, needless to add, from Boeing, Raytheon, etc, even as Congress was approving a fiscal 2003 defense budget containing $7.8 billion authorization for missile defense research and procurement, as part of the $238 billion set aside for Star Wars over the next 20 years. The administration now is poised to realize the crackpot and deadly schemes of the Reagan administration to militarize space and to draw the rest of the world into the scheme, as client and victim. A new missile defense system bureaucracy has risen. It is currently developing such wild items as something called ìbrilliant pebblesî which involves the release of endless numbers of mini satellites into outer space.¶ All of this was to protect the world against the threat of rogue states such as North Korea. As the Seattle Times reported, the us expects the final declaration to, “express the need to examine options to protect allied forces, territories, and population centers against the full range of missile threats.” ¶ As an official put it, "This will establish the framework within which nato allies could work cooperatively toward fielding the required capabilities. With the us withdrawal this year from the anti-ballistic treaty with Russia, it is no longer a question of whether missile defenses will be deployed. The relevant questions are now what, how, and when. The train is about to pull out of the station; we invite our friends, allies, and the Russian Federation to climb on board." The destination of this train is defensive only in the Orwellian sense, as the missiles will be used to defend us troops in the field. In other words, they will be used to defend armies engaged in offensive activities. What is being “defended” by the Strategic Defense Initiative (sdi), therefore, is the initiative to make war everywhere. ¶ Space has now become the ultimate battlefield. And not just with use of these missiles. The High Frequency Active Aural Research Program (haarp) is also part of sdi. This amounts to weather warfare: deliberately manipulating climate to harm and destroy adversaries. A very dubious enterprise, to say the least, in an age when global warming and climate instability are already looming as two of the greatest problems facing civilization. The chief feature is a network of powerful antennas capable of creating controlled local modifications of the ionosphere and hence producing weather disturbances and so forth. All of these technical interventions are accompanied by many kinds of institutional and political changes. The National Aeronautics and Space Administration, nasa, for instance, is now a partner in the development of this strategic defense initiative. The very way in which the United Nations was drawn into the resolution in the war against Iraq is a breach and a violation of the original un Charter, which is to never make war, never to threaten to make war on any member state. The un was a peacemaking institution, but now the Super power has forced it into its orbit. ¶ The scrapping of the abm and other elements of the treaty structure (non- proliferation, test-ban) that had organized the world of the Cold War is one part of a process of shedding whatever might inhibit the cancerous growth of militarism. It also creates an atmosphere of general lawlessness in the world. This is felt at all levels, from the rise of an ultra-militarist clique in the White House to the formal renunciation of no-first-use nuclear strategy, the flouting of numerous un regulations, the doctrine of pre-emptive war, and, as the logical outcome of all these developments, the condition of Permanent War and its accompaniment of general lawlessness, media slavishness, and a wave of repression for whose parallel we have to go back to the Alien and Sedition acts of the 1790s, or Trumanís loyalty oaths of 1947.¶ Militarism cannot be reduced to politics, economics, technology, culture, or psychology. All these are parts of the machine,

make the machine go around, and are themselves produced by the actions of the machine. There is no doubt, in this regard, that the machine runs on natural resources (which have to be secured by economic, political, and military action), and that it is deeply embedded in the ruling corporate order. There is no contradiction here, but a set of meshing parts, driven by an insensate demand for fossil fuel energy. As a man from Amarillo, Texas put it when interviewed by npr as to the correctness of Bush’s plan to go to war in Iraq: “I agree with the president, because how else are we going to get the oil to fly the F-16s?” ¶ We go to war, in other words, to get the oil needed to go to war.¶ A Who's Who List of MIC Beneficiaries¶ The fact that our government is front-loaded with oil magnates is another part of the machine. It is of interest, therefore, that Unocal, for example, celebrated Condoleezza Riceís ascendancy to the post of National Security Advisor by naming an oil tanker after her. Or that Dick Cheney, originally a poor boy, became a rich man after the first Gulf War, when he switched from being Secretary of Defense, in charge of destroying the Kuwait oil fields, to ceo of a then-smallish company, Halliburton, in charge of rebuilding the same oil fields. Or that G.W. Bush himself, aside from his failed venture with Harken Oil, is scion of a family and a dynasty that controls the Carlyle Group, founded in 1987 by a former Carter administration official. Carlyle is now worth over $13 billion and its high officials include President Bush I, his Secretary of State (and fixer of the coup that put Bush II in power) James Baker, Reaganís Secretary of Defense Frank Carlucci, former British Prime Minister John Major, and former Phillipine President Fidel Ramos, among others.¶ The Carlyle Group has its fingers everywhere, including ìdefenseî, where it controls firms making vertical missile launch systems currently in use on us Navy ships in the Arabian sea, as well as a range of other weapons delivery systems and combat vehicles. And as a final touch which the worldís people would be much better off for knowing, there are very definite connections between Carlyle and the family of Osama bin Laden - a Saudi power whose fortunes have been fused with those of the United States since the end of World War II.¶ Thus the military-industrial complex lives, breathes, and takes on new dimensions.¶ There is a deep structural reason for the present explosion of us militarism, most clearly traceable in the activities of Vice President Cheney, made clear in the energy report that he introduced with the generous assistance of Enron executives in May 2001. According to the report, American reliance on imported oil will rise by from about 52 percent of total consumption in 2001 to an estimated 66 percent in 2020. The reason for this is that world production, in general, and domestic production in particular are going to remain flat (and, although the report does not discuss this, begin dropping within the next 20 years). Meanwhile consumptionówhich is a direct function of the relentless drive of capitalism to expand commodity productionóis to grow by some two- thirds.¶ Because the usage of oil must rise in the worldview of a Cheney, the us will actually have to import 60 percent more oil in 2020 to keep itself going than it does today. This means that imports will have to rise from their current rate of about 10.4 million barrels per day to about 16.7 million barrels per day. In the words of the report: “The only way to do this is persuade foreign suppliers to increase their production to sell more of their output to the us.” The meaning of these words depends of course on the interpretation of “persuade”, which in the us lexicon is to be read, I should think, as requiring a sufficient military machine to coerce foreign suppliers. At that point they might not even have to sell their output to the us, as it would already be possessed by the superpower. Here we locate the root material fact underlying recent us expansionism. This may seem an extravagant conclusion. However an explicit connection to militarismóand Iraqóhad been supplied the month before, in April 2001, in another report prepared by James Baker and submitted to the Bush cabinet. This document, called “Strategic Energy Policy Challenges for the 21st Century,” concludes with refreshing candor that ìthe us remains a prisoner of its energy dilemma, Iraq remains a destabilizing influence to the flow of oil to international markets from the Middle East, Saddam Hussein has also demonstrated a willingness to threaten to use the oil weapon and to use his own export program to manipulate oil markets, therefore the us should conduct an immediate policy review toward Iraq, including military, energy, economic, and political diplomatic assessments. Note the absence of reference to “weapons of mass destruction,” or aid to terrorism, convenient rationalizations that can be filled in later. ¶ Clearly, however things turn out with Iraq, the fundamental structural dilemma driving the military machine pertains to the contradictions of an empire that drives toward the invasion of all social space and the total control over nature. Since the former goal meets up with unending resistance and the latter crashes against the finitude of the material world, there is no recourse except the ever-widening resort to force. But this, the military monster itself, ever seeking threats to feed upon, becomes a fresh source of danger, whether of nuclear war, terror, or ecological breakdown.¶ The situation is plainly unsustainable, a series of disasters waiting to happen. It can only be checked and brought to rationality by a global uprising of people who demand an end to the regime of endless war. This is the only possible path by which we can pull ourselves away from the abyss into which the military machine is about to plunge, dragging us all down with it.

### Security

### Security discourse authorizes state violence as a means of eliminating external threats—this leads to a constant cycle of enemy constructions, turning case.

Aradau 1 (Claudia, Research Associate in the Centre of International Relations, Department of War Studies, King’s College London, http://venus.ci.uw.edu.pl/~rubikon/forum/claudia2.htm)

Survival refers not only to the fear of death, but implies countermeasures, the ‘extraordinary measures’ of the CoS. Michael Dillon has formulated the appeal to security as necessarily implying a ‘specification, no matter how inchoate, of the fear which engenders it’ and hence calls for ‘counter-measures to deal with the danger which initiates fear, and for the neutralization, elimination or constraint of that person, group, object or condition which engenders fear’.[13] These countermeasures are directed at the other, the enemy to be eliminated. Or in metaphoric terms, to use Jef Huysmans’ favorite analogy society-garden, counter-measures refer to unearthing the weeds threatening the harmonious growth of the garden.[14] The metaphor of war is constitutive of what both Ashley and Campbell have called the ‘paradigm of sovereignty’.[15] In Campbell’s formulation, sovereignty signifies ‘a center of decision presiding over a self that is to be valued and demarcated from an external domain that cannot and will not be assimilated to the identity of the sovereign domain’.[16] This process of demarcation of friends and enemies, delineation of boundaries of order versus disorder has been the prerogative of the sovereign state, provider of security within its boundaries and preserver of ‘law and order’. The injunction to preserve the internal order of the modern harmonious garden has targeted both internal and external enemies, the weeds that need to be rooted out for the benefit of the political community. As the ‘war on drugs’ will clearly illustrate, this approach is highly ambiguous for a political community predicated upon tahe friend/enemy differentiation. In this political community constituted upon the logic of war, securitizing moves are only liable to breed insecurity. Elimination of enemies or their circumscribing is the ultimate goal of war. Thus the sovereign logic of security ultimately endangers, threatens those who threaten us and in this sense it has disquieting effects on the political community. Moreover, the mutual constitutiveness of threats and threatened objects leads to a spiral of enemy constructions. The enemy needs to be eliminated and at the same time the very identity of society, for example, depends on enemy construction. The war logic of security is thus likely to lead to a paradoxical story, in which security is only likely to breed more insecurity and eventually violence.

# 1NR

### Terror Impact Calc

#### Disad outweighs and turns case

#### 2- Escalation- takes 24 hours

Easterbrook Senior Editor New Republic ‘1

(Nov. 1, Lexis)

Well, what held through the Cold War, when the United States and Russia had thousands of nuclear weapons pointed at each other, what held each side back was the fact that fundamentally they were rational. They knew that if they struck, they would be struck in turn. Terrorists may not be held by this, especially suicidal terrorists, of the kind that al Qaeda is attempting to cultivate. But I think, if I could leave you with one message, it would be this: that the search for terrorist atomic weapons would be of great benefit to the Muslim peoples of the world in addition to members, to people of the United States and Western Europe, because if an atomic warhead goes off in Washington, say, in the current environment or anything like it, in the 24 hours that followed, a hundred million Muslims would die as U.S. nuclear bombs rained down on every conceivable military target in a dozen Muslim countries.

###  “Use of Force” = Detention

#### Use of force includes detention – prefer our evidence – its citing Supreme Court rulings and the US Code

Michael F. Hertz et al - March 13, 2009, Acting Assistant Attorney General, RESPONDENTS’ MEMORANDUM REGARDING THE GOVERNMENT’S DETENTION AUTHORITY RELATIVE TO DETAINEES HELD AT GUANTANAMO BAY, IN RE: GUANTANAMO BAY DETAINEE LITIGATION, http://www.justice.gov/opa/documents/memo-re-det-auth.pdf

 Thus, consistent with U.S. historical practice, and international law, the AUMF

authorizes the use of necessary and appropriate military force against members of an opposing armed force, whether that armed force is the force of a state or the irregular forces of an armed group like al-Qaida. Because the use of force includes the power of detention, *Hamdi*, 542 U.S. at 518, the United States has the authority to detain those who were part of al-Qaida and Taliban forces. Indeed, long-standing U.S. jurisprudence, as well as law-of-war principles, recognize that members of enemy forces can be detained even if “they have not actually committed or attempted to commit any act of depredation or entered the theatre or zone of active military operations.” Ex parte Quirin, 317 U.S. at 38; Khalid v. Bush, 355 F. Supp. 2d 311, 320 (D.D.C. 2005), rev’d on other grounds sub nom., Boumediene v. Bush, 128 S. Ct. 2229 (2008); see also Geneva Convention (III) Relative to the Treatment of Prisoners of War of Aug. 12, 1949, art. 4, 6 U.S.T.S. 3316 (contemplating detention of members of state armed forces and militias without making a distinction as to whether they have engaged in combat). Accordingly, under the AUMF as informed by law-of-war principles, it is enough that an individual was part of al-Qaida or Taliban forces, the principal organizations that fall within the AUMF’s authorization of force.2

### 2NC Spillover

#### The plan spills over to all other warfighting capabilities –

#### 1.) Institutional memory – the plan embeds normative categories

Paul 2008 - Senior Social Scientist; Professor, Pardee RAND Graduate School Pittsburgh Office Education Ph.D., M.A., and B.A. in sociology, University of California, Los Angeles (September, Christopher, “US Presidential War Powers: Legacy Chains in Military Intervention Decisionmaking\* ,” Journal of Peace Research, Vol. 45, No. 5 (Sep., 2008), pp. 665-679)

The Institutional Context 'Institution' is used quite inclusively in this article. Following Nee & Ingram (1998: 19), 'An institution is a web of interrelated norms ? formal and informal ? governing social relationships' (emphasis in original).For military intervention decisions, these institutions include not only the formal organizations and departments of the gov ernment, but also the basic building blocks of the policy formation process: the laws gov erning who participates in the policy process and the procedures that must be followed. More subtle factors in policy formation are also institutionalized: the relationships between different policy participants (for ex ample, the congress and the White House, or the press and the military), taken for granted normative categories such as isolationism vs. interventionism, and the range of policies that are considered 'legitimate' by the elec torate and by other nations. The preferences, capabilities, and basic self-identities of indi viduals are conditioned by these institutional structures; if these individuals are part of the policymaking process, they can affect policy (Haney, 1997: 17). All actors are constrained by existing political institutions (Mann, 1993: 52). These institutions create and constitute the context (writ large) in which policy is made. The changes in the institutional contexts that constitute policy legacies tend to be of two different types. The first type of institutional legacy is a formal change in rules, structure, organization, or procedure. The second type is an informal institutional change, perhaps a change in the broad taken-for-granted logics that inform decision making. This could include changes in institu tionalized preferences, perceptions, informal rules, and 'schemas' (Sewell, 1992: 1-29). The most important difference between the two has to do with how the legacy comes about. Changes in taken-for-granted logics and schemas involve subtle shifts in perceptions based on demonstrated challenges to previously held assumptions or beliefs. These changes may or may not be undertaken consciously and reflexively, but they are certainly not something that is discussed and decided on; rather, they are a product of collective logic, sense, and unspoken consensus. For example, prior to President Truman's commitment of US forces to combat in Korea without congressional permission or a declaration of war, the division of powers laid down in the Constitution was assumed to be a sufficient protection of the various branches of the government s prerogatives with regarding to war-making. After Korea, such protections were less taken for granted and more contested, ultimately resulting in a formal institutional change: the War Powers Resolution of 1973. Such formal organizational institutional legacies, on the other hand, are the product of active decisionmaking and are codified in rule or law. As the product of a decision making process, these are 'intended' changes, and, if the language formalizing the change is not precisely aligned with its intentions, unintended institutional consequences can result. A case in point: the War Powers Re solution has not so much retilted the balance of power over war-making toward congress as placed artificial institutional constraints (time limits, reporting requirements) on how presidents plan and launch military interventions.

#### 2.) Precedential effect – the plan requires reframing constitutional separations of power

Heder 2010 - magna cum laude , J. Reuben Clark Law School, Brigham Young University (Adam, J.D., “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf)

This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, Goldwater v. Carter . 121 In Goldwater , a group of senators challenged President Carter’s termination, without Senate approval, of the United States ’ Mutual Defense Treaty with Taiwan. 122 A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question. 124 He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’” 125 Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, there is no constitutional provision on whether Congress has the legislative power to limit, end, or otherwise redefine the scope of a war. Though Justice Powell argues in Goldwater that the Treaty Clause and Article VI of the Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,” 126 the same cannot be said about Congress’s legislative authority to terminate or limit a war in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the Goldwater context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully declined to grant Congress such powers. And as this Article argues, granting Congress this power would be inconsistent with the general war powers structure of the Constitution. Such a reading of the Constitution would unnecessarily empower Congress and tilt the scales heavily in its favor. More over, it would strip the President of his Commander in Chief authority to direct the movement of troops at a time when the Executive’s expertise is needed. 127 And fears that the President will grow too powerful are unfounded, given the reasons noted above. 128 In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants. 129 Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confus e the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

### 2NC AT Mueller

#### Terrorists and materials can slip in undetected

Daalder & Lindsay ‘5

(Ivo-, James-, Feb.-March, Boston Review, “'For America, the age of geopolitics has ended and the age of global politics has begun’”, Lexis)

Until September 11, 2001. Then a new reality dawned--the likelihood of foreign dangers reaching American soil are far greater than at any time in history. Terrorists can slip through porous borders and bring carnage to America. Nuclear materials and chemical agents can be shipped from distant places on containers into American harbors without much risk of ever being detected. Virulent diseases can emerge almost anywhere on earth and rapidly reach our shores. Rising global temperatures can trigger a catastrophic change in climate, potentially remaking the American economy and society. In short, the world, and many of its ills, have come to America.

#### Consensus Mueller is wrong

Allison Director Belfer Center for Science & International Affairs ‘7

(Graham-, Prof Gov & Chair Dubai Initiative Kennedy School of Gov., Nov. 12, National Interest, “The Three ‘Nos’ Knows”, <http://www.nationalinterest.org/Article.aspx?id=15998>)

In the previous issue of The National Interest, John Mueller argued that the threats from nuclear proliferation, nuclear terrorism and nuclear war are exaggerated. Rather, we may pose the greatest threat to ourselves: the price we pay for making nuclear weapons the "supreme priority" carries a hefty price in money and in lives. Graham Allison, Joseph Cirincione and William Potter weigh in. Mueller has the last word.

The Three “Nos” Knows

Graham Allison

“RADIOACTIVE HYPE” by John Mueller sharpens the barbs from his recent book, Overblown, in ways that demonstrate that he is, above all, a committed contrarian. One can agree with many points in his article and book. But his central propositions about the danger and appropriate responses to terrorism, nuclear terrorism and the proliferation of nuclear weapons are profoundly mistaken. Specifically, “Radioactive Hype” argues that:

–“Threat-mongers”—for which the 9/11 Commission, my book Nuclear Terrorism: The Ultimate Preventable Catastrophe and presidential candidates of both parties are the poster children—have greatly exaggerated the threat of terrorists exploding a nuclear weapon in one of our cities.

–An “obsessive quest to control nuclear proliferation—particularly since the end of the Cold War—has been substantially counterproductive.”

–This “nuclear obsession” drove the United States into “the current disastrous Iraq War” and now threatens war with Iran.

Given the space allotted, my response to each proposition must be abridged but will reference my earlier work on this topic and other analyses from the Belfer Center for Science and International Affairs, where these issues are addressed in greater depth.1

How Serious is the Threat of Nuclear Terrorism?

MUELLER IS entitled to his opinion that the threat of nuclear proliferation and nuclear terrorism is “exaggerated” and “overwrought.” But analysts of various political persuasions, in and out of government, are virtually unanimous in their judgment to the contrary. As the national-security community learned during the Cold War, risk = likelihood x consequences. Thus, even when the likelihood of nuclear Armageddon was small, the consequences were so catastrophic that prudent policymakers felt a categorical imperative to do everything that feasibly could be done to prevent that war. Today, a single nuclear bomb exploding in just one city would change our world. Given such consequences, differences between a 1 percent and a 20 percent likelihood of such an attack are relatively insignificant when considering how we should respond to the threat.

### 2NC AT Link turns

#### THE AFF RESULTS IN CATASTROPHIC TERRORISM

Jack Goldsmith 9, Henry L. Shattuck Professor at Harvard Law School, 2/4/09, “Long-Term Terrorist Detention and Our National Security Court,” http://www.brookings.edu/~/media/research/files/papers/2009/2/09%20detention%20goldsmith/0209\_detention\_goldsmith.pdf

These three concerns challenge the detention paradigm. They do nothing to eliminate the need for detention to prevent detainees returning to the battlefield. But many believe that we can meet this need by giving trials to everyone we want to detain and then incarcerating them under a theory of conviction rather than of military detention. I disagree. For many reasons, it is too risky for the U.S. government to deny itself the traditional military detention power altogether, and to commit itself instead to try or release every suspected terrorist. ¶ For one thing, military detention will be necessary in Iraq and Afghanistan for the foreseeable future. For another, we likely cannot secure convictions of all of the dangerous terrorists at Guantánamo, much less all future dangerous terrorists, who legitimately qualify for non-criminal military detention. The evidentiary and procedural standards of trials, civilian and military alike, are much higher than the analogous standards for detention. With some terrorists too menacing to set free, the standards will prove difficult to satisfy. Key evidence in a given case may come from overseas and verifying it, understanding its provenance, or establishing its chain of custody in the manners required by criminal trials may be difficult. This problem is exacerbated when evidence was gathered on a battlefield or during an armed skirmish. The problem only grows when the evidence is old. And perhaps most importantly, the use of such evidence in a criminal process may compromise intelligence sources and methods, requiring the disclosure of the identities of confidential sources or the nature of intelligence-gathering techniques, such as a sophisticated electronic interception capability. ¶ Opponents of non-criminal detention observe that despite these considerations, the government has successfully prosecuted some Al Qaeda terrorists—in particular, Zacharias Moussaoui and Jose Padilla. This is true, but it does not follow that prosecutions are achievable in every case in which disabling a terrorist suspect represents a surpassing government interest. Moreover, the Moussaoui and Padilla prosecutions highlight an under-appreciated cost of trials, at least in civilian courts. The Moussaoui and Padilla trials were messy affairs that stretched, and some observers believe broke, our ordinary criminal trial conceptions of conspiracy law and the rights of the accused, among other things. The Moussaoui trial, for example, watered down the important constitutional right of the defendant to confront witnesses against him in court, and the Padilla trial rested on an unprecedentedly broad conception of conspiracy.15 An important but under-appreciated cost of using trials in all cases is that these prosecutions will invariably bend the law in ways unfavorable to civil liberties and due process, and these changes, in turn, will invariably spill over into non-terrorist prosecutions and thus skew the larger criminal justice process.16¶ A final problem with using any trial system, civilian or military, as the sole lawful basis for terrorist detention is that the trials can result in short sentences (as the first military commission trial did) or even acquittal of a dangerous terrorist.17 In criminal trials, guilty defendants often go free because of legal technicalities, government inability to introduce probative evidence, and other factors beyond the defendant's innocence. These factors are all exacerbated in terrorist trials by the difficulties of getting information from the place of capture, by classified information restrictions, and by stale or tainted evidence. One way to get around this problem is to assert the authority, as the Bush administration did, to use non-criminal detention for persons acquitted or given sentences too short to neutralize the danger they pose. But such an authority would undermine the whole purpose of trials and would render them a sham. As a result, putting a suspect on trial can make it hard to detain terrorists the government deems dangerous. For example, the government would have had little trouble defending the indefinite detention of Salim Hamdan, Osama Bin Laden's driver, under a military detention rationale. Having put him on trial before a military commission, however, it was stuck with the light sentence that Hamdan is completing at home in Yemen.¶ As a result of these considerations, insistence on the exclusive use of criminal trials and the elimination of non-criminal detention would significantly raise the chances of releasing dangerous terrorists who would return to kill Americans or others. Since noncriminal military detention is clearly a legally available option—at least if it is expressly authorized by Congress and contains adequate procedural guarantees—this risk should be unacceptable. In past military conflicts, the release of an enemy soldier posed risks. But they were not dramatic risks, for there was only so much damage a lone actor or small group of individuals could do.18 Today, however, that lone actor can cause far more destruction and mayhem because technological advances are creating ever-smaller and ever-deadlier weapons. It would be astounding if the American system, before the advent of modern terrorism, struck the balance between security and liberty in a manner that precisely reflected the new threats posed by asymmetric warfare. We face threats from individuals today that are of a different magnitude than threats by individuals in the past; having government authorities that reflect that change makes sense.