# 1NC

**K**

**Use of the law displaces moral questions makes war inevitable**

* Emphasizing the distinction between legal/legitimate and illegitimate violence causes legal violence to seem more appealing

**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. **W**ar **P**owers **R**esolution, **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 destroying 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 declarations 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 members 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.**

**militarism is a fundamentally unsustainable system that is the root cause of all extinction threats and ensures mass structural violence – non-violence is the only possible response**

**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 n**o-**f**irst-**u**se 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.

**Their language is coopted to provide ammunition for militarists. our alternative is not pure pacifism, but pacifist analysis that injects moral and epistemic doubt into our decisionmaking about war – this is the only way to formulate better policies that address structural causes of war and avoids inevitable cycles of violence**

**Neu 13 – prof @ U of Brighton**

(Michael, International Relations 27(4), December, The Tragedy of Justified War)

**Just war theory is not concerned with millions of starving people who could be saved from death** and disease **with a fraction of the** astronomical amount of **money** that, every year, goes **in**to **the** US **defence budget alone (a budget that could no longer be justified** if the United States ran out of enemies one day). **It is not interested in exposing** the operat- ing mechanisms of **a global economic structure that is suppressive and exploitative and may be conducive to outbreaks of** precisely the kind of **violence** that their theory is con- cerned with. As intellectually impressive as analytical just war accounts are, they do not convey any critical sense of Western moralism. **It is as though just war theory were written for a different world than the one we occupy: a world of morally responsible, structurally unconstrained, roughly equal agents, who have non-complex and non-exploitative relationships, relationships that lend themselves to easy epistemic** access **and binary moral analysis. Theorists write with a degree of confidence that fails to appreciate the moral and epistemic fragility of** justified **war, the long-term genesis of violent conflict, structural causes of violence and the moralistic attitudes that politicians and the media are capable of adopting. To insist that**, in the final analysis, **the injustice of wars is** completely **absorbed by their being justified reflects a way of doing moral philosophy that is frighteningly mechanical and sterile. It does not do justice** to individual persons,59 **it is nonchalant about suffering of unimaginable proportions and it suffocates a nuanced moral world in a rigid binary structure designed to deliver unambiguous, action-guiding recommendations.** According to the tragic conception defended here, justified warfare constitutes a moral evil, not just a physical one – whatever Coates’ aforementioned distinction is supposed to amount to. **If we do not recognise the moral evil of justified warfare, we run the risk of speaking the following kind of language when talking to a tortured mother, who has witnessed her child being bombed** into pieces, justifiably let us assume, **in the course of a ‘just war’: See, we did not bomb your toddler into pieces intentionally. You should also consider that our war was justified and that**, in performing this particular act of war, **we pursued a valid moral goal** of destroying the enemy’s ammunition factory. And be aware that killing your toddler was not instrumental to that pursuit. **As you can see, there was nothing wrong with what we did.** (OR: As you can see, we only infringed the right of your non-liable child not to be targeted, but we did not violate it.) Needless to say, we regret your loss. **This would be a deeply pathological thing to say, but it is precisely what** at least **some contemporary** just war **theorists** would **seem to advise. The monstrosity** of some accounts of contemporary just war theory **seems to derive from** a combination of **the** degree of **certainty with which moral judgments are offered and the ability to regard the moral case as closed once the judgments have been made. One implication of my argument for just theorists is clear enough: they should critically reflect** **on the** one-dimensionality of **their** dominant **agenda of making binary moral judgments about war.** **If they did, they would become more sympathetic to the pacifist argument, not to the conclusion drawn by pacifists who are also caught in a binary mode of thinking (i.e. never wage war, regardless of the circumstances!) but to the timeless wisdom that forms the essence of the pacifist argument. It is wrong to knowingly kill** and maim **people**, and it does not matter, at least not as much as the adherents of double effect claim, whether the killing is done intentionally or ‘merely’ with foresight. The difference would be psychological, too. **Moral philosophers of war would no longer be forced to concede this moral truth; rather, they would be free to embrace it. There is no reason for them to disrespect the essence of pacifism.** The just war theorist Larry May implicitly offers precisely such a tragic vision in his sympathetic discussion of ‘Grotius and Contingent Pacifism’. According to May, ‘war can sometimes be justified on the same grounds on which certain forms of pacifism are themselves grounded’.60 If this is correct, **just war theorists have good reason to stop calling themselves by their name. They would no longer be just war theorists, but unjust war theorists, confronting politicians with a jus contra bellum, rather than offering them a jus ad bellum. Beyond** being **that, they would be much ‘humbler in [their] approach to considering the justness of war’** (or, rather, the justifiability), **acknowledging that:** **notions of legitimate violence which appear so** vivid and **complete to the thinking individual are only moments and snapshots of a wider history concerning the different ways in which humans have ordered their** arguments and **practices of legitimate violence. Humility in this context does not mean weakness. It involves a concern with the implicit danger of adopting an arrogant approach to the problem of war.**61 **Binary thinking in just war theory is indeed arrogant, as is the failure to acknowledge the** legitimacy of – and **need for** – **ambiguity**, agony **and doubt in** moral **thinking about war.** Humble philosophers of war, on the contrary, would acknowledge that any talk of justice is highly misleading in the context of war.62 It does not suffice here, in my view, to point out that ‘we’ have always understood what ‘they’ meant (assuming they meant what we think they meant). Fiction aside, **there is no such thing as a just war.** There is also no such thing as a morally justified war that comes without ambiguity and moral remainders. **Any language of justified warfare must therefore be** carefully drafted and **constantly questioned. It should demonstrate an** inherent, **acute awareness of the fragility of moral thinking about war, rather than an eagerness to construct unbreakable chains of reasoning.** **Being uncertain about**, and agonised by, **the justifiability of waging war does not put a moral philosopher to shame. The uncertainty is not only moral, it is also epistemic. Contemporary just war theorists proceed as if certainty were the rule**, and uncertainty the exception. **The world to which just war theory applies is one of radical and unavoidable uncertainty** though, **where politicians**, voters **and combatants do not always know who their enemies are; whether or not they really exist (and if so, why they exist and how they have come into existence); what weapons the enemies have (if any);** whether or not, when, and how they are willing to employ them; **why exactly the enemies are fought and what the consequences of fighting or not fighting them will be. Philosophers of war should** also **become more sensitive to the problem of political moralism. The just war language is dangerous**, particularly when spoken by eager, self- righteous, over-confident moralists trying to make a case. **It would be a pity if philosophers of war, despite having the** smartest of brains and the **best of intentions, effectively ended up delivering rhetorical ammunition to political moralists. To avoid being inadvertently complicit** in that sense, **they could** give public lectures on the dangers of political moralism, that is, on thinking about war in terms of black and white, good and evil and them and us. They could warn us against Euro-centrism, missionary zeal and the emperors’ moralistic clothes. They could also **investigate the historical genesis and structural conditionality of** large-scale **aggressive behaviour in the global arena**, deconstruct- ing how warriors who claim to be justified are potentially tied into histories and structures, asking them: Who are you to make that claim? A philosopher determined **to go beyond the narrow discursive parameters provided by the contemporary** just war **paradigm would surely embrace some**thing like Marcus’ ‘second-order **regulative principle’, which could indeed lead to ‘“better” policy’.**63 If justified wars are unjust and if it is true that not all tragedies of war are authentic, then political agents ought to prevent such tragedies from occurring. **This demanding principle**, however, **may require a more fundamental reflection on how we ‘conduct our lives and arrange our institutions’** (Marcus) **in this world. It is not enough to adopt a ‘wait and see’ policy, simply waiting for potential aggressions to occur and making sure that we do not go to war unless doing so is a ‘last resort’. Large-scale violence between human beings has causes that go beyond** the **individual moral failure** of those who are potentially aggressing, **and if** it turns out that some of **these causes can be removed ‘through more careful decision-making’** (Lebow), **then this is what ought to be done** by those who otherwise deprive themselves, today, of the possibility of not wronging tomorrow.

**1NC**

**Obama pushing TPA --- Reid opposition can be overcome and passage is likely**

**Sanchez, 2/3** (Humberto Sanchez, 2/3/2014, “Reid, DSCC Chair Meet with Obama,” http://blogs.rollcall.com/wgdb/reid-on-obama-we-are-on-the-same-page-on-everything/))

Senate Majority Leader Harry Reid met Monday with President Barack Obama and brought the Democrats’ 2014 campaign team with him.

The Nevadan walked into the Capitol with Democratic Senatorial Campaign Committee Executive Director Guy Cecil and DSCC Chairman Sen. Michael Bennet of Colorado after the trio met with Obama at the White House. Details on the their discussions were scant — but the party faces a number of tough re-election campaigns this fall, and a number of vulnerable Democrats have been distancing themselves from the White House.

Reid, for his part, said he wasn’t in hot water with Obama over his opposition to trade promotion authority.

Indeed, **asked if he and Obama were on the same page with regard to trade promotion authority, Reid replied, “We are on the same page on everything.”**

Asked if he was “in the dog house” with Obama after coming out against trade promotion authority last week, Reid said “no.”

He also said Obama knew his position and that a look at his voting record would show that it has been long-held.

But **the president sees trade promotion authority**, also known as fast track, **as a potential area of cooperation between Republicans and Democrats this year**. The issue was highlighted in his State of the Union address last week.

**Administration officials, including** Secretary of State John **Kerry**, a former Democratic senator, **have recently sought to downplay Reid’s opposition**.

“Well, I don’t — look, I respect Harry Reid. I’ve worked with him for a long time, obviously,” **Kerry said** at the Munich Security Conference on Saturday when asked about the matter. “And **I think all of us have learned to interpret a comment on one day in the** United States **Senate as not necessarily what might be the situation in a matter of months or in some period of time.”**

White House Spokesman Jay **Carney said** Monday that **Obama would continue to advocate for the measure**.

“The president believes we need to move forward on trade agreements that expand exports, that create jobs here for Americans that pay better than other jobs,” Carney said before the meeting with Reid. “Trade promotion authority is a means to getting those trade agreements done. And therefore, he believes it’s important to pursue it in order to get the best possible deal and to play the leadership role that should be playing around the world.”

“Now, **he’s going to work with members of Congress of both parties**, members of the Senate of both parties **in pressing for his view that we need to move forward on these trade agreements** and expanding trade for the American economy and American workers,” Carney said.

**Sen.** Rob **Portman**, R-Ohio, who supports trade promotion said he too **believes the measure will get a vote on the Senate floor despite Reid’s opposition, given the White House’s backing.**

**“Oh yeah, the president wants one,” Portman said of a vote.**

**Plan saps capital**

**Lillis & Wasson, 13** (9/7/2013, Mike Lillis and Erik Wasson, “Fears of wounding Obama weigh heavily on Democrats ahead of vote,” <http://thehill.com/homenews/house/320829-fears-of-wounding-obama-weigh-heavily-on-democrats)>)

**The prospect of wounding** President **Obama is weighing heavily on** Democratic **lawmakers** as they decide their votes on Syria. **Obama needs all the political capital he can muster heading into bruising battles** with the GOP over fiscal spending and the debt ceiling. Democrats want Obama to use his popularity to reverse automatic spending cuts already in effect and pay for new economic stimulus measures through higher taxes on the wealthy and on multinational companies. But **if the request for authorization for Syria military strikes is rebuffed, some fear it could limit Obama's power in** those **high-stakes fights**. That has left Democrats with an agonizing decision: **vote "no" on Syria and** possibly encourage more chemical attacks while **weaken**ing **their president**, or vote "yes" and risk another war in the Middle East. “I’m sure a lot of people are focused on the political ramifications,” a House Democratic aide said. **Rep.** Jim **Moran** (D-Va.), **a veteran appropriator, said the failure of the Syria resolution would diminish Obama's leverage in the fiscal battles.** "It doesn't help him," Moran said Friday by phone. "We need a maximally strong president to get us through this fiscal thicket. These are going to be very difficult votes." **“Clearly a loss is a loss,” a Senate Democratic aide noted.** Publicly, senior party members are seeking to put a firewall between a failed Syria vote — one that Democrats might have a hand in — and fiscal matters. Rep. Gerry Connolly (D-Va.) said Friday that the fear of damaging Obama just eight months into his second term "probably is in the back of people's minds" heading into the Syria vote. But the issue has not percolated enough to influence the debate. "So far it hasn't surfaced in people's thinking explicitly," Connolly told MSNBC. "People have pretty much been dealing with the merits of the case, not about the politics of it — on our side." Moran said he doesn't think the political aftershocks would be the “deciding factor” in their Syria votes. "I rather doubt that most of my colleagues are looking at the bigger picture," he said, "and even if they were, I don't think it would be the deciding factor." Moran said the odds of passing the measure in the House looked slim as of Friday. Other Democrats are arguing that the Syria vote should be viewed in isolation from other matters before Congress. “I think it’s important each of these major issues be decided on its own — including this one,” Rep. Sander Levin (Mich.), senior Democrat on the House Ways and Means Committee, said Friday. With Obama scheduled to address the country Tuesday night, several Democrats said the fate of the Syria vote could very well hinge on the president's ability to change public opinion. “This is going to be a fireside chat, somewhat like it was in the Thirties," Levin said. "I wasn’t old enough to know, one has to remember how difficult it was for President Roosevelt in WWII." Rep. Elijah Cummings (D-Md.), who remains undecided on the Syria question, agreed. "It's very, very important that the case for involvement in Syria not only be made to the members of Congress and the Senate, but it must also be made to the American people," Cummings said Friday in the Capitol. Still other Democrats, meanwhile, are arguing that **the ripple effects of a Syria vote are simply too complicated to game out in advance**. Some said the GOP has shown little indication it will advance Obama’s agenda even after his reelection, so a Syria failure would do little damage. “There is a constant wounding [of Obama] going on with the Tea Party on budgets, appropriations and the debt ceiling,” said Rep. Sheila Jackson Lee (D-Texas). “I am going to reach out to my colleagues, Tea Party or not, and ask is this really the way you want to project the political process?” Jackson Lee said using Syria to score political points would be “frolicking and frivolity” by the Tea Party. Yet others see a more serious threat to the Democrats' legislative agenda if the Syria vote fails. A Democratic leadership aide argued that **Republicans** — some of whom are already fundraising on their opposition to the proposed Syria strikes — **would only be emboldened in their fight against Obama's agenda if Congress shoots down the use-of-force resolution**. "It's just going to make things harder to do in Congress, that's for sure," the aide said Friday. But other aides said Obama could also double down on fighting the cuts from sequestration if he becomes desperate for a win after Syria, and the net effect could be positive. A leading Republican strategist echoed that idea. **“Should the President lose the vote in Congress, he will be severely weakened in the eyes of public opinion, the media, the international crowd and the legislative branch,"** The Hill columnist John Feehery said Friday on his blog.

**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>)

Declining political authority encourages defection. American political analyst Norman **Ornstein writes** of the domestic context,

**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.

**Capital’s key --- failure will crush the economy and U.S. leadership**

**McLarty & Cunningham, 2/2** --- \*chief of staff to Clinton during the NAFTA ratification fight, AND \*\*Specialist on international trade and foreign policy (2/2/2014, Mack and Nelson W., “A Critical Test of Leadership,” <http://www.huffingtonpost.com/thomas-f-mclarty/a-critical-test-of-leader_b_4705623.html)>)

In his State of the Union address last week, President **Obama took a good first step in asking Congress to provide the tools he needs to close two of the most ambitious trade deals in U.S. history. But he faces an immediate challenge from within his party that could imperil negotiations, with huge stakes for the U.S. globally and for our economy at home.**

At issue is Trade Promotion Authority (TPA), which allows the president to send a trade agreement to Congress for an up-or-down vote, without amendments. Many Republicans reflexively oppose granting any request from the administration. But the biggest opposition is coming from Democrats skeptical of the value of free trade.

The day after the president's address, Senate Majority Leader Harry Reid said he opposed "fast track" authority. His remarks revealed the depth of a gulf among Democrats over trade, and sparked new criticism from Republicans as a sign that the president's party couldn't be lined up behind a major administration initiative.

**For** President **Obama, this is a critical test of his leadership**. Can he muster enough support for his trade agenda within his own party, and then assemble a bipartisan majority in both houses of Congress? **Failure would be a great setback for U.S. prestige internationally, and a dismal signal for the president's remaining three years in office**.

We've seen this movie before -- and it didn't end well. **The last Democratic president to seek fast track authority on trade was** Bill **Clinton** in 1997. **The effort collapsed** when then House Speaker Newt Gingrich was unable to marshal his Republican majority. It was an opportunity lost, ending a period of bipartisan cooperation on trade and stalling momentum created a few years earlier by the North American Free Trade Agreement.

**Repeating this history would be a mistake, especially as our economy struggles to create good jobs at high wages**. But the president faces an uphill battle. Now is the moment for Democrats to pause and take full measure of the stakes involved in opposing fast track. It's time for Republican supporters of trade to rally. **And it is essential that the president and his cabinet exert persistent, focused leadership to persuade the skeptics**.

President Obama deserves much credit for advancing the most far-reaching trade agenda in a generation. **The administration is nearing the finish line in negotiations of the Trans Pacific Partnershi**p, an agreement with 11 Pacific Rim nations, including Japan and perhaps South Korea and others. Simultaneous talks are underway between the United States **and the** European Union over the **Transatlantic Trade and Investment Partnership** -- creating an economic NATO and the largest liberalized trade zone in the world.

Together, **the agreements would lower barriers in markets accounting for more than 60 percent of the global economy.**

**Neither negotiation would survive a failure to renew** **T**rade **P**romotion Authority, which expired in 2007. TPA reassures our negotiating partners that they will not agree to difficult concessions only to see Congress later force unilateral changes. Under TPA, Congress establishes negotiating goals and must be regularly consulted by the president. In exchange, Congress promises an up-or-down vote without amendment. No major trade legislation has passed Congress in decades without it.

President Clinton knew that because trade was so hard, its support had to be bipartisan. To push for NAFTA, he assembled a high-profile war room in the White House, led by a prominent Democrat, Bill Daley, and former Republican Congressman Bill Frenzel. The president worked members tirelessly. The bill eventually passed with 102 Democratic and 132 Republican votes, and a similarly bipartisan total in the Senate. By contrast, **the 1997 effort to renew fast-track authority lacked that high-profile White House push -- helping seal its doom**.

**Over the last decades, global trade has proven essential to building employment and reducing inequality at home.** One of every five jobs in the United States is tied to exports. More significantly for the long run, 95 percent of the world's customers live outside our borders. While many Americans have concerns about free trade, they say the benefits of U.S. involvement in the global economy outweigh the risks (by a 2-1 margin in a poll last month by the Pew Research Center).

Even so, last fall 151 House Democrats signed a letter expressing their opposition to granting President Obama Trade Promotion Authority. Almost three dozen House Republicans followed suit. When the bill to renew TPA was introduced earlier this month, a number of Democratic Senators announced their opposition. They have now been joined by Sen. Reid.

The warning signs are clear, but so is the path forward. **Now is the time for a full-court press from the White House**. President **Obama should be clear about the imperative of TPA and make the strong case for trade as a catalyst for job growth**. Then he must press his cabinet to the task. Ambassador Froman is a skilled negotiator and advocate. His cabinet colleagues include many effective proponents of free trade and international engagement, including Secretary of State John Kerry, Treasury Secretary Jack Lew, and Commerce Secretary Penny Pritzker.

**Without a concerted effort, TPA may well fail, embarrassing us abroad, casting a shadow on the president's second term and hurting our economy in the long run.** Why not instead show America and the world that the president and Congress, including leaders of his own party, can work together?

**TPA will sustain leadership and free trade**

**Zoellick, 1/13** --- served as president of the World Bank Group, U.S. trade representative and deputy secretary of state (1/13/2014, Robert, The Wall Street Journal, “Leading From the Front on Free Trade,” Factiva))

**America's commitment to free trade will be tested in 2014. After years of indifference to trade policy**, the **Obama** administration **now has an agenda**. Congress must decide whether the U.S. will lead in opening markets and creating fair rules for free enterprise in a new international economy. Where will Republicans stand?

**The starting point will be Congress's consideration of** **T**rade **P**romotion **A**uthority, which enables the president to negotiate agreements subject to an up-or-down vote by Congress. Through TPA, Congress sets goals, procedures for working with the executive branch, and controls the details of the enabling legislation. The Obama administration has been slow to press for negotiating authority.

Fortunately, Sens. Max Baucus and Orrin Hatch, the Democratic chairman and ranking Republican on trade in the Senate, respectively, and Rep. Dave Camp, Republican chairman in the House, introduced their bipartisan Trade Promotion Authority bill last Thursday. Chairman **Baucus would like to move the bill through the Senate Finance Committee this month before his confirmation as ambassador to China**. Successful action would offer a substantive thank you to Congress's Democratic leader on trade.

The **Obama** administration **hopes to close a** Trans-Pacific Partnership (**TPP**) **deal this year**. Of the 11 other countries in this trade pact, six already have U.S. free-trade agreements, which were negotiated and passed by Republicans. TPP would add important economies -- especially Japan and Vietnam -- while modernizing rules and better integrating all 12 economies. In addition to the growth benefits, **TPP recommits America's strategic economic interests in the Asia-Pacific, complementing the U.S. security presence**.

The U.S. is also combining geoeconomics with geopolitics by negotiating a Trans-Atlantic Trade and Investment Partnership (TTIP) with the European Union. **Together, TPP and TTIP could forge modern trade and investment rules with major economies of western and eastern Eurasia.** To offer opportunities for global trade liberalization, the U.S. is also negotiating in the World Trade Organization freer trade for services businesses and a Digital Economy compact that would update the successful Information Technology Agreement of the 1990s. These openings would be especially valuable for middle-income economies that want to boost productivity and reach high incomes through more competitive service and information industries.

**The economic record of America's free-trade agreements argues for expansion.** America's free-trade partners account for about 45% of all U.S. exports, even though their economies amount to only 10% of global GDP. On average, in the first five years of a new free-trade agreement, U.S. exports grew three to four times as rapidly as U.S. exports to others. The U.S. has a trade surplus with its 20 free-trade partners -- in manufacturing, agriculture, and services -- instead of the large deficit it runs with the world.

**These trade agreements serve principally to bring down the barriers of other countries, because U.S. restrictions are already relatively low.** U.S. free-trade agreements are also comprehensive -- covering not only manufacturing and almost all agriculture, but also services, government procurement and transparency, investment and intellectual property, as well as dispute resolution. **These trade agreements encourage others to move toward greater compatibility with the U.S. economy and legal framework.**

Republicans have provided most of the votes in Congress for **free-trade accords** in the past. Here is why: The deals cut taxes on trade. They expand individual freedom, consumer choice and opportunities for innovation. They reduce governmental barriers. They **boost the private sector. They enhance the rule of law and foster civil society**.

**An active trade agenda also signals America's interest in the rest of the world at a time others are worried about U.S. withdrawal.** **Free trade boosts development and economic reformers around the world, while supporting U.S. growth. For much of the world, America's commitment to stability seems more credible if built upon an economic foundation. Economic diplomacy can be the basis for hard, soft and smart power.**

**The impact is global nuclear war**

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

With the global financial system in serious trouble, is America's geostrategic dominance likely to diminish? If so, what would that mean?

One immediate implication of the crisis that began on Wall Street and spread across the world is that the primary instruments of U.S. foreign policy will be crimped. The next president will face an entirely new and adverse fiscal position. Estimates of this year's federal budget deficit already show that it has jumped $237 billion from last year, to $407 billion. With families and businesses hurting, there will be calls for various and expensive domestic relief programs.

In the face of this onrushing river of red ink, both Barack Obama and John McCain have been reluctant to lay out what portions of their programmatic wish list they might defer or delete. Only Joe Biden has suggested a possible reduction -- foreign aid. This would be one of the few popular cuts, but in budgetary terms it is a mere grain of sand. Still, Sen. Biden's comment hints at where we may be headed: toward a major reduction in America's world role, and perhaps even a new era of financially-induced isolationism.

Pressures to cut defense spending, and to dodge the cost of waging two wars, already intense before this crisis, are likely to mount. Despite the success of the surge, the war in Iraq remains deeply unpopular. Precipitous withdrawal -- attractive to a sizable swath of the electorate before the financial implosion -- might well become even more popular with annual war bills running in the hundreds of billions.

Protectionist sentiments are sure to grow stronger as jobs disappear in the coming slowdown. Even before our current woes, calls to save jobs by restricting imports had begun to gather support among many Democrats and some Republicans. In a **prolonged recession**, gale-force winds of protectionism will blow.

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future?

Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern.

If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk.

In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed

to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that **rogue states may choose to become ever more reckless with their nuclear toys**, just at our moment of maximum vulnerability.

The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity.

None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

As for our democratic friends, the present crisis comes when many European nations are struggling to deal with decades of anemic growth, sclerotic governance and an impending demographic crisis. Despite its past dynamism, Japan faces similar challenges. India is still in the early stages of its emergence as a world economic and geopolitical power.

What does this all mean? There is no substitute for America on the world stage. The choice we have before us is between the potentially disastrous effects of disengagement and the stiff price tag of continued American leadership.

### CP

#### Text: The United States Federal Government should require Congressional authorization prior to the introduction of United States Armed Forces into armed combat, unless to repel attacks on South Korea.

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

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

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

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

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

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

#### Cross-apply the 1ac impact

### SOP 1NC

#### No SOP crisis – the aff is just describing a historical snapshot

Rosman 96 [Michael E. Rosman (General Counsel @ Center for Individual Rights; JD from Yale); Review of “FIGHTING WORDS: INDIVIDUALS, COMMUNITIES AND LIBERTIES OF SPEECH”; Constitutional Commentary 96 (Winter, p. 343-345)]

Of course, the other branches also shove at the boundaries of branch power--FDR's Court-packing plan being one notable example of this practice. Sometimes the law of unintended consequences grabs hold. Perhaps the Court-packing plan concentrated the Justices' minds on finding ways to hold New Deal legislation constitutional, but it also blew up in FDR's face politically. At least for the last two hundred years, however, no branch has managed to expand its power to the point of delivering an obvious knock-out blow to another branch. Seen from this broader perspective, cases such as Morrison,(33) Bowsher v. Synar,(34) and Mistretta v. United States(35) surely alter the balance of branch power at a given historical moment, but do not change the fundamental and brute fact that the Constitution puts three institutional heavyweights into a ring where they are free to bash each other. Judicialocentrism tends to obscure this obvious point because it causes people to dwell on the hard cases that reach the Supreme Court. The power of separation of powers, however, largely resides in its ability to keep the easy cases from ever occurring. For instance, Congress, although it tries to weaken the President from time to time, has not tried to reduce the President to a ceremonial figurehead a la the Queen of England. Similarly, Congress does not make a habit of trying cases that have been heard by the courts. This list could be continued indefinitely. The Supreme Court has had two hundred years to muck about with separation-of-powers doctrine. Over that time, scores of Justices--each with his or her own somewhat idiosyncratic view of the law--have sat on the bench. Scholars have denounced separation-of-powers jurisprudence as a mess. But the Republic endures, at least more or less. These historical facts tend to indicate that the Court need not rush to change its approach to separation of powers to prevent a slide into tyranny.

#### Modeling isn’t reverse causal—takes too long to adapt

Chodosh 03 (Hiram, Professor of Law, Director of the Frederick K. Cox International Law Center, Case Western Reserve University School of Law, 38 Tex. Int'l L.J. 587, lexis)

Exposure to foreign systems is helpful but seldom sufficient for effective reform design. Reform models are more likely to be successful if they are not merely copied or transplanted into the system. The argument that transplants are easy and common (though based on substantial historical evidence) profoundly undervalues the relationship between law and external social objectives.

103 Furthermore, reforms conceived as blunt negations of [\*606] the status quo are not likely to be successful. 104 Reform proposals based on foreign systems or in reaction to (or as a negation of) recent domestic experience require careful adaptation to local circumstances and conditions. However, most communities are not familiar with the tools of adaptation and tend to think of foreign models as package deals to accept or reject (but rarely to alter), and alterations tend to graft one institution onto another without comprehensive consideration of the system as a whole. 105

#### If executive war powers erode SOP, then they should have read whole rez – torture, wire-tapping, indefinite detention are all alt causes

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

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

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

#### Preemption is empirically denied by Bush

#### Long timeframe

Diamond, 00 (Larry Diamond, professor, lecturer, adviser, and author on foreign policy, foreign aid, and democracy. “Democracy Promotion for the Long Haul.” 11-30-00. http://www.stanford.edu/~ldiamond/papers/AIDpartners.pdf)

It will not do to promote free and fair elections if we do not effectively promote the other elements of democracy as well. And this is not a short-term agenda. A great danger in political assistance is the temptation to seek a big bang, a breakthrough election, and then phase out and walk way. If we want to be effective in promoting democracy, we have to be prepared to be engaged in countries for a long period of time, in a variety of sectors, and at multiple levels of governance. We have to stick with countries—at least with embattled civil societies—when things get grim, and we to sustain our efforts when a crisis subsides and democrats settle into the protracted, prosaic work of gradually building and reforming democratic institutions. We are swimming against long histories and huge odds. We cannot expect to be able to reverse decades of institutional deformity and decay and to transform deeply entrenched cultures and social structures in a few years. We need a strategic view of democracy promotion for the long term. Ten years on, in most of the countries where we work, we are still in the early stages of the struggle for liberal, accountable, legitimate, and sustainable democracy, in other words, for democratic consolidation.

### Warfighting 1NC

#### Tea party is strong and growing – removes any positive perception of foreign policy

Gelb 14 http://www.cfr.org/united-states/rp-republican-internationalism/p32106 Leslie H. Gelb, President Emeritus and Board Senior Fellow, and Michael Kramer Issue 31, Winter 2014 Democracy: A Journal of Ideas Issue #31, Winter 2014 R.I.P. Republican Internationalism Leslie H. Gelb and Michael Kramer To read the other essays in the “Is the Party Over?” symposium, click here.

It’s right to view the Tea Party’s members and fellow travelers as fixated on domestic politics and policy. But it’s wrong to reckon that they will fail to have a serious and invariably disruptive impact on future foreign policy. Indeed, their power is likely to grow, despite their defeats in October over the federal budget and the debt ceiling. Their sway will mount because they still face little effective opposition from within the Republican Party in most parts of the nation. And there is little doubt about the damage they can and will inflict: They will threaten what remains of the Republican Party’s great tradition of internationalism and further strain the ability of any U.S. President to conduct diplomacy, to negotiate, and to compromise. To Tea Party members, these three staples of a successful foreign policy are akin to unilateral disarmament.

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

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

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

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

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

Yoo 12 – prof of law @ UC Berkeley

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

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

#### National security scandals had decimated US soft power and our ability to export institutions

Andranik Migranyan – 7/5/13, director of the Institute for Democracy and Cooperation in New York, Scandals Harm U.S. Soft Power, the National Interest, <http://nationalinterest.org/commentary/scandals-harm-us-soft-power-8695>

For the past few months, the United States has been rocked by a series of scandals. It all started with the events in Benghazi, when Al Qaeda-affiliated terrorists attacked the General Consulate there and murdered four diplomats, including the U.S. ambassador to Libya. Then there was the scandal exposed when it was revealed that the Justice Department was monitoring the calls of the Associated Press. The Internal Revenue Service seems to have targeted certain political groups. Finally, there was the vast National Security Agency apparatus for monitoring online activity revealed by Edward Snowden. Together, these events provoke a number of questions about the path taken by contemporary Western societies, and especially the one taken by America. Large and powerful institutions, especially those in the security sphere, have become unaccountable to the public, even to representatives of the people themselves. Have George Orwell’s cautionary tales of total government control over society been realized? At the end of the 1960s and the beginning of the 1970s, my fellow students and I read Orwell’s 1984 and other dystopian stories and believed them to portray fascist Germany or the Soviet Union—two totalitarian regimes—but today it has become increasingly apparent that Orwell, Huxley and other dystopian authors had seen in their own countries (Britain and the United States) certain trends, especially as technological capabilities grew, that would ultimately allow governments to exert total control over their societies. The potential for this type of all-knowing regime is what Edward Snowden revealed, confirming the worst fears that the dystopias are already being realized. On a practical geopolitical level, the spying scandals have seriously tarnished the reputation of the United States. They have circumscribed its ability to exert soft power; the same influence that made the U.S. model very attractive to the rest of the world. This former lustre is now diminished. The blatant everyday intrusions into the private lives of Americans, and violations of individual rights and liberties by runaway, unaccountable U.S. government agencies, have deprived the United States of its authority to dictate how others must live and what others must do. Washington can no longer lecture others when its very foundational institutions and values are being discredited—or at a minimum, when all is not well “in the state of Denmark.” Perhaps precisely because not all is well, many American politicians seem unable to adequately address the current situation. Instead of asking what isn’t working in the government and how to ensure accountability and transparency in their institutions, they try, in their annoyance, to blame the messenger—as they are doing in Snowden’s case. Some Senators hurried to blame Russia and Ecuador for anti-American behavior, and threatened to punish them should they offer asylum to Snowden. These threats could only cause confusion in sober minds, as every sovereign country retains the right to issue or deny asylum to whomever it pleases. In addition, the United States itself has a tradition of always offering political asylum to deserters of the secret services of other countries, especially in the case of the former Soviet Union and other ex-socialist countries. In those situations, the United States never gave any consideration to how those other countries might react—it considered the deserters sources of valuable information. As long as deserters have not had a criminal and murderous past, they can receive political asylum in any country that considers itself sovereign and can stand up to any pressure and blackmail. Meanwhile, the hysteria of some politicians, if the State Department or other institutions of the executive branch join it, can only accelerate the process of Snowden’s asylum. For any country he might ask will only be more willing to demonstrate its own sovereignty and dignity by standing up to a bully that tries to dictate conditions to it. In our particular case, political pressure on Russia and President Putin could turn out to be utterly counterproductive. I believe that Washington has enough levelheaded people to understand that fact, and correctly advise the White House. The administration will need sound advice, as many people in Congress fail to understand the consequences of their calls for punishment of sovereign countries or foreign political leaders that don’t dance to Washington’s tune. Judging by the latest exchange between Moscow and Washington, it appears that the executive branches of both countries will find adequate solutions to the Snowden situation without attacks on each other’s dignity and self-esteem. Russia and the United States are both Security Council members, and much hinges on their decisions, including a slew of common problems that make cooperation necessary. Yet the recent series of scandals has caused irreparable damage to the image and soft power of the United States. I do not know how soon this damage can be repaired. But gone are the days when Orwell was seen as a relic of the Cold War, as the all-powerful Leviathan of the security services has run away from all accountability to state and society. Today the world is looking at America—and its model for governance—with a more critical eye.

#### Aff causes a fight between the President and Congress before every deployment – destroys US diplomacy – turns softer power and allied coop

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

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

The War Powers Resolution is an outdated and demonstrably irrelevant relic of a bygone era of American political life. Its vestigial remains nevertheless result in heated debates between the coordinate branches of the federal government. This is especially true in the modern era of uncertainty regarding the precise scope of international authority for the use of force. At the time of this writing, debate continues over the adoption of the crime of aggression in the Rome Statute of the International Criminal Court. Current texts require that trans-state aggression must be “manifest” in order to warrant criminal sanction.87 The function of the threshold is twofold. First, it implies a magnitude test by referring to the gravity and scale of the act of aggression. Second, by referring to the character, the threshold poses a qualitative requirement: the state use of force must be unambiguously illegal. This qualitative aspect is very important because there has been extensive debate on whether Article 2(4) of the UN Charter is dead or useless because of its complete indeterminacy.88 The prohibition arising from international law on the use of force is surrounded by a legal grey area of some significance. The scope of anticipatory self-defense and forcible rescue operations at this juncture as well as some forms of humanitarian intervention remain defensible but unclear under international law. 89 In all those cases, reasonable international lawyers may disagree about the current state of the law. It would be thoroughly unwise to try to clarify this grey area through the back door of the international criminal justice system, and it is my opinion that the International Criminal Court should avoid these murky waters. However, unresolved domestic debates over the War Powers Resolution run the risk of undermining the US posture in these diplomatic debates even as they weaken national resolve and undermine the efficiency of our deployed forces. The War Powers Resolution should be repealed and replaced with a more modern and flexible formulation that balances these important needs and helps to ensure a synergy between the coordinate branches of government and the forces in the field.

#### Squo solves international cooperation and mutual restraint – Obama Doctrine

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

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

#### Soft power fails - empirics

Drezner 11

Daniel W. Drezner, Professor of International Politics at the Fletcher School of Law and Diplomacy at Tufts University, Foreign Affairs, July/August 2011, "Does Obama Have a Grand Strategy?", <http://www.foreignaffairs.com/print/67869>

What went wrong? The administration, and many others, erred in believing that improved standing would give the United States greater policy leverage. The United States' standing among foreign publics and elites did rebound. But this shift did not translate into an appreciable increase in the United States' soft power. Bargaining in the G-20 and the UN Security Council did not get any easier. Soft power, it turns out, cannot accomplish much in the absence of a willingness to use hard power. The other problem was that China, Russia, and other aspiring great powers did not view themselves as partners of the United States. Even allies saw the Obama administration's supposed modesty as a cover for shifting the burden of providing global public goods from the United States to the rest of the world. The administration's grand strategy was therefore perceived as promoting narrow U.S. interests rather than global public goods.

#### high prices encourage better ag investment

Kharas 8 (Homi, sr. fellow @ the Brookings Institute, July 29, http://www.brookings.edu/opinions/2008/0729\_food\_prices\_kharas.aspx)

#### The good news is that higher food prices are exactly what is required to restore balance in the market. With rising demand and constrained supply the iron law of economics permits no other response. In a market economy, when demand exceeds supply, prices rise. Higher prices discourage consumption, but they also encourage more investment and enhance production. Anyone who doubts the link between food prices and agricultural investment should take a close look at the stock price of the world’s largest producer of agricultural equipment, John Deere. While most US shares have taken a beating, John Deere’s share price has doubled and has split two-for-one in the last two years. High food prices are encouraging farmers to invest heavily in new equipment. This pattern is being repeated across the world, with investments in equipment, storage and land improvements.

#### They are key to production and productivity

Kharas 8 (Homi, sr. fellow @ the Brookings Institute, July 29, http://www.brookings.edu/opinions/2008/0729\_food\_prices\_kharas.aspx)

#### More food is already being produced in response to higher prices: forecasts for cereals production in 2008 by the Food and Agriculture Organisation show a significant increase. This should come as no surprise. When prices fell steeply between 1997 and 2002, cereal production declined. Now that prices have risen back to the levels of the mid-1990s, cereal production has resumed its upward trend. Productivity is on the rise.

### Solvency

#### Executive will circumvent the plan --- has institutional incentives and public support to expand its powers

Barron & Lederman, 8 --- \*Professor of Law at Harvard, AND \*\* Visiting Professor of Law at Georgetown

(February 2008, David J. Barron and Martin S. Lederman, Harvard Law Review, “THE COMMANDER IN CHIEF AT THE LOWEST EBB -- A CONSTITUTIONAL HISTORY,” 121 Harv. L. Rev. 941)

VII. Conclusion

Powers once claimed by the Executive are not easily relinquished. One sees from our narrative how, in a very real sense, the constitutional law of presidential power is often made through accretion. A current administration eagerly seizes upon the loose claims of its predecessors, and applies them in ways perhaps never intended or at least not foreseen or contemplated at the time they were first uttered. The unreflective notion that the "conduct of campaigns" is for the President alone to determine has slowly insinuated itself into the consciousness of the political departments (and, at times, into public debate), and has gradually been invoked in order to question all manner [\*1112] of regulations, from requirements to purchase airplanes, to limitations on deployments in advance of the outbreak of hostilities, to criminal prohibitions against the use of torture and cruel treatment. In this regard, the claims of the current Administration represent as clear an example of living constitutionalism in practice as one is likely to encounter. There is a radical disjuncture between the approach to constitutional war powers the current President has asserted and the one that prevailed at the moment of ratification and for much of our history that followed.

But that dramatic deviation did not come from nowhere. Rarely does our constitutional framework admit of such sudden creations. Instead, the new claims have drawn upon those elements in prior presidential practice most favorable to them. That does not mean our constitutional tradition is foreordained to develop so as to embrace unchecked executive authority over the conduct of military campaigns. At the same time, it would be wrong to assume, as some have suggested, that the emergence of such claims will be necessarily self-defeating, inevitably inspiring a popular and legislative reaction that will leave the presidency especially weakened. In light of the unique public fears that terrorism engenders, the more substantial concern is an opposite one. It is entirely possible that the emergence of these claims of preclusive power will subtly but increasingly influence future Executives to eschew the harder work of accepting legislative constraints as legitimate and actively working to make them tolerable by building public support for modifications. The temptation to argue that the President has an obligation to protect the prerogatives of the office asserted by his or her predecessors will be great. Congress's capacity to effectively check such defiance will be comparatively weak. After all, the President can veto any effort to legislatively respond to defiant actions, and impeachment is neither an easy nor an attractive remedy.

The prior practice we describe, therefore, could over time become a faint memory, recalled only for the proposition that it is anachronistic, unsuited for what are thought to be the unique perils of the contemporary world. Were this to happen it would represent an unfortunate development in the constitutional law of war powers. Thus, it is incumbent upon legislators to challenge efforts to bring about such a change. Moreover, executive branch actors, particularly those attorneys helping to assure that the President takes care the law is faithfully executed, should not abandon two hundred years of historical practice too hastily. At the very least, they should resist the urge to continue to press the new and troubling claim that the President is entitled to unfettered discretion in the conduct of war.

#### Even if there’s no statutory wiggle room, Obama will change definitions to create it

Hafetz, 11/5 --- law professor at Seton Hall

(11/5/2013, Jonathan, “Outrage Fatigue: The Danger of Getting Used to Gitmo,” http://www.worldpoliticsreview.com/articles/13311/outrage-fatigue-the-danger-of-getting-used-to-gitmo))

The Obama administration has shown no shortage of creative lawyering in justifying U.S. military involvement in Libya and Syria as well as in expanding America’s use of targeted drone strikes. In those instances, the administration has interpreted presidential authority robustly, while narrowly construing congressional attempts to cabin that authority, as in the War Powers Resolution. Yet, when it comes to releasing Guantanamo detainees, the administration remains sheepish. It has failed to apply the same interpretive approach to congressional transfer restrictions despite what the president has described as the clear national security interests in closing the prison. Only external events, such as the hunger strike, now seem to prompt any action. And even there, the urgency tends to dissipate once the public pressure and media attention fades.

**Iran**

#### Iran is scare of US nuclear threats – it drives their nuclear program

Reuters - 4/21/10, Iran denounces U.S. "nuclear threats," to hold drill, http://mobile.reuters.com/article/topNews/idUSTRE63K17320100421

Iran's supreme leader denounced on Wednesday U.S. "nuclear threats" against the Islamic Republic, and its elite military force said it would stage war games in a waterway crucial for global oil supplies. The Revolutionary Guards' exercises in the Gulf and the Strait of Hormuz this week take place at a time of rising tension between Iran and the West, which fears Tehran's nuclear program is aimed at developing bombs. Iran denies the charge. Iran has also reacted angrily to what is sees as President Barack Obama's threat to attack it with nuclear arms. Obama made clear this month that Iran and North Korea were excluded from new limits on the use of U.S. atomic weapons -- something Tehran interpreted as a threat from a long-standing adversary. "The international community should not let Obama get away with nuclear threats," Supreme Leader Ayatollah Ali Khamenei said on Wednesday. "We will not allow America to renew its hellish dominance over Iran by using such threats," he told a gathering of Iranian nurses, the semi-official Fars News Agency reported. Iran was a close U.S. ally before its 1979 Islamic revolution. Brigadier General Hossein Salami, also quoted by Fars, said three days of maneuvers would start on Thursday and would show the Guards' naval strength. "Maintaining security in the Persian Gulf and the Strait of Hormuz, as the world's key economic and energy routes, is the main goal of the war games," he said. "This war game is not a threat for any friendly countries." Naval, air and ground forces from the Guards would take part, Fars said. The Islamic Republic's armed forces often hold drills in an apparent bid to show their readiness to deter any military action by Israel or the United States, its arch foes. "PEACE AND FRIENDSHIP" Nicole Stracke, a researcher at the Gulf Research Center in Dubai, said that with the "current threat to Iran increasing" the Guards were showing their capability and strength. "The Revolutionary Guard is sending a message that we are ready and able to counter the threat," Stracke said in an e-mail to Reuters. But she added the force regularly held such drills and they were unlikely to increase regional tension. Washington is pushing for a fourth round of U.N. sanctions on Tehran over its refusal to halt sensitive nuclear activities as demanded by the U.N. Security Council, including moves against members of the Guards. Israel, widely believed to have the Middle East's only atomic arsenal, has described Iran's nuclear program as a threat to its existence. Although it says it wants a diplomatic solution, Washington has also not ruled out military action. Iran, a predominantly Shi'ite Muslim state, has said it would respond to any attack by targeting U.S. interests in the region and Israel, as well as closing the Strait of Hormuz. About 40 percent of the world's traded oil leaves the Gulf region through the strategic narrows. Salami made no reference to this in his comments, stressing Iran's "efficient and constructive role" for Gulf security. "Peace and friendship, security, tranquility and mutual trust are the messages of this war game for neighboring countries in the Persian Gulf region," the general added. Sunni-led Arab countries in the Gulf are concerned about spreading Iranian influence in the region and also share Western fears about Tehran's nuclear ambitions. Cliff Kupchan, a director of Euroasia Group, said in a note on Wednesday that he still believed that Israel was unlikely to strike Iran, but "the risk will grow as prospects for successful sanctions diminish." China and Russia, veto-wielding Security Council members, are reluctant to back tough sanctions on Iran.

**Hardliners make it inevitable**

**Rafizadeh 1/3** (Majid Rafizadeh, Iranian-American political scientist, president of the International American Council, serves on Harvard International Review board, ex-ambassador for the National Iranian-American Council, Al Arabiya News, “Third round of Iran’s nuclear talks: hardliners strike back”, 1/3/14, http://english.alarabiya.net/en/views/news/middle-east/2014/01/03/Hardliners-strike-back-in-the-third-round-of-Iran-s-nuclear-talks.html)

On the other hand, the remaining issue is whether there are other crucial socio-political challenges to be faced. Intriguingly, **the most immediate challenge to Iran’s nuclear deal** does not emanate from the six world powers (P5+1) but **in making a deal with the hardliners who have made advances in their cause over the past few weeks. This trend is increasing across the country**, but can also be interpreted as the old strategic game of good cop, bad cop.¶ It is also worth pointing out that **there are varying interpretations within the P5+1 over whether Iran can spin and conduct research on more advanced centrifuges** – this is a key issue in entering the agreement into force. However, this is more of a long-term concern, and will be encountered down the road of the negotiations. **The conservative backlash** though, **has greatly affected the political game of the nation** and must be promptly examined.¶ **This week, hardliners executed staged rallies around the country to reinforce their dominance and power**, while cooperating with the moderates and other political parties **to pressure the P5+1**. This week also marked the fourth anniversary of what is perceived in Iran as the conservative party’s victory over the oppositional groups regarding Ahmadinejad’s reelection. **People around the country chanted “death to seditionists,” referring to** people such as Mehdi Karroubi, Mir Hossein Mousavi and their **political sympathizers.** Furthermore, according to local media outlets, **the hardliner Ayatollah Ahmad Khatami stated in a speech this week** in the city of Kerman: “**the seditionists should know that the playing arena is not open to them, and our people are very angry that some seditionists have been given crucial government positions.”**¶ **Additionally, in the Majlis (the Iranian parliament), lawmakers have proposed a bill to enrich uranium up to 60 percent, which falls beyond the current level agreed upon between Iran and the P5+1.¶**

#### Introduction of “United States Armed Forces” only means personnel

Eric Lorber – January 2013, EXECUTIVE WARMAKING AUTHORITY AND OFFENSIVE CYBER OPERATIONS: CAN EXISTING LEGISLATION SUCCESSFULLY CONSTRAIN PRESIDENTIAL POWER?, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University Department of Political Science, JOURNAL OF CONSTITUTIONAL LAW Vol. 15:3 , https://www.law.upenn.edu/live/files/1773-lorber15upajconstl9612013

As discussed above, critical to the application of the War Powers Resolution—especially in the context of an offensive cyber operation—are the definitions of key terms, particularly “armed forces,” as the relevant provisions of the Act are only triggered if the President “introduc[es armed forces] into hostilities or into situations [of] imminent . . . hostilities,”172 or if such forces are introduced “into the territory, airspace, or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces.”173 The requirements may also be triggered if the United States deploys armed forces “in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation.”174 As is evident, the definition of “armed forces” is crucial to deciphering whether the WPR applies in a particular circumstance to provide congressional leverage over executive actions. The definition of “hostilities,” which has garnered the majority of scholarly and political attention,175 particularly in the recent Libyan conflict,176 will be dealt with secondarily here because it only becomes important if “armed forces” exist in the situation. As is evident from a textual analysis,177 an examination of the legislative history,178 and the broad policy purposes behind the creation of the Act,179 “armed forces” refers to U.S. soldiers and members of the armed forces, not weapon systems or capabilities such as offensive cyber weapons. Section 1547 does not specifically define “armed forces,” but it states that “the term ‘introduction of United States Armed Forces’ includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government.”180 While this definition pertains to the broader phrase “introduction of armed forces,” the clear implication is that only members of the armed forces count for the purposes of the definition under the WPR. Though not dispositive, the term “member” connotes a human individual who is part of an organization.181 Thus, it appears that the term “armed forces” means human members of the United States armed forces. However, there exist two potential complications with this reading. First, the language of the statute states that “the term ‘introduction of United States Armed Forces’ includes the assignment of members of such armed forces.”182 By using inclusionary—as opposed to exclusionary— language, one might argue that the term “armed forces” could include more than members. This argument is unconvincing however, given that a core principle of statutory interpretation, expressio unius, suggests that expression of one thing (i.e., members) implies the exclusion of others (such as nonmembers constituting armed forces).183 Second, the term “member” does not explicitly reference “humans,” and so could arguably refer to individual units and beings that are part of a larger whole (e.g., wolves can be members of a pack). As a result, though a textual analysis suggests that “armed forces” refers to human members of the armed forces, such a conclusion is not determinative.

**Iran won’t strike**

**Capaccio 12,** Writer for Bloomberg

[Tony Capaccio, “Iran Unlikely to Strike First, U.S. Intelligence Official Says,” 2/17/12, http://www.businessweek.com/news/2012-02-17/iran-unlikely-to-strike-first-u-s-intelligence-official-says.html]

Feb. 16 (Bloomberg) -- **The Iranian military is unlikely to intentionally provoke a conflict with the West, the top U.S. military intelligence official said today**. Lieutenant General Ronald Burgess, director of the Defense Intelligence Agency, said **Iran probably has the ability to “temporarily close the Strait of Hormuz with its naval forces**,” as some Iranian officials have threatened to do if attacked or in response to sanctions on its oil exports by the U.S. and European Union. “**Iran has also threatened to launch missiles** against the United States and our allies in the region in response to an attack,” Burgess said in testimony prepared for a hearing today of the Senate Armed Services Committee. “It could also employ its terrorist surrogates worldwide. **However,** **it is unlikely to initiate or intentionally provoke a conflict or launch a preemptive attack**.” Iran’s Vice President Mohammad Reza **Rahimi said** on Dec. 27 that **his nation may close the Strait of Hormuz, the passageway for about one-fifth of globally traded oil, if the U.S. and its allies impose stricter economic sanctions in an effort to halt his country’s nuclear research. U.S. officials, including Pentagon spokesman George Little, have said since that threat that they haven’t seen any Iranian moves to close the waterway. “Our view on this is that it’s not terribly new and it’s not terribly impressive**,” U.S. State Department spokeswoman Victoria Nuland told reporters in Washington yesterday. **The announcement was “hyped” for a domestic audience**, she said.

**Iran doesn’t have nukes – consensus**

**YNET 12**

(2/24, \*Israel World News, “US believes Iran not trying to build nuclear bomb,” http://www.ynetnews.com/articles/0,7340,L-4194307,00.html)

LA Times report claims **16 US intelligence agencies agree** **that while Iran is pursuing nuclear research it has** **not sought to build weapon**, strengthening disagreement with Israel over military strike. A highly classified **US intelligence assessment circulated among policymakers early last year largely affirms the view,** originally made in 2007. Both **reports, known as national intelligence estimates, conclude that Iran** **halted efforts to develop and build a nuclear warhead in 2003**. The LA Times goes on to claim that the most recent report, which represents the consensus of 16 US intelligence agencies, indicates that **Iran is pursuing research** that could put it in a position to build a weapon, **but that it has not sought to do so.** And **while Iran continues to enrich uranium at low levels, US officials say they have not seen evidence that has caused them to significantly revise that judgment.**

**Best intel proves**

**Risen & Mazzetti 12**, NYT Writers

(2/25, \*JAMES RISEN and \*\*MARK MAZZETTI: The New York Times, “U.S. Agencies See No Move by Iran to Build a Bomb,” http://www.post-gazette.com/pg/12056/1212697-82.stm)

WASHINGTON -- Even as the United Nations' nuclear watchdog said in a new report Friday that Iran has accelerated its uranium enrichment program, **American intelligence analysts continue to believe that there is** **no hard evidence that Iran has decided to build a nuclear bomb. Recent assessments by American spy agencies are broadly consistent** with a 2007 intelligence finding **that concluded that Iran had abandoned its nuclear weapons program years earlier**, according to current and former American officials. **The officials said that assessment was largely reaffirmed** in a 2010 National Intelligence Estimate, **and that it remains the consensus view of America's 16 intelligence agencies.** At the center of the debate is the murky question of the ultimate ambitions of the leaders in Tehran. There is no dispute among American, Israeli and European intelligence officials that **Iran has been enriching nuclear fuel and developing some necessary infrastructure** to become a nuclear power. But the Central Intelligence Agency and other intelligence agencies believe that **Iran has yet to decide whether to resume a parallel program to design a nuclear warhead -- a program they believe was essentially halted in 2003** and which would be necessary for Iran to build a nuclear bomb. **Iranian officials maintain that their nuclear program is for civilian purposes.** "I think the **Iranians want the capability, but not a stockpile,**" said Kenneth C. Brill, a former United States ambassador to the International Atomic Energy Agency who also served as director of the intelligence community's National Counterproliferation Center from 2005 until 2009. Added a former intelligence official: "The Indians were a screwdriver turn away from having a bomb for many years. **The Iranians are not that close." Iran's efforts to hide its nuclear facilities and to deceive the West about its activities have also intensified doubts**. But some American analysts warn that **such behavior is** **not necessarily proof of a weapons program**. They say that one mistake the C.I.A. made before the war in Iraq was to assume that because Saddam Hussein resisted weapons inspections --acting as if he were hiding something -- it meant that he had a weapons program.

**No arms race**

**Carpenter 7**, VP of Defense and Foreign Policy Studies @ Cato

[Ted Galen Carpenter (Vice President for Defense and Foreign Policy Studies at the Cato Institute) “Toward a Grand Bargain with Iran” Mediterranean Quarterly 18:1, 2007, p. 12-27]

Finally, **those who favor** a more **confrontational policy** toward Iran **warn that if Tehran succeeds in its quest** for nuclear weapons, o**ther nations in the region will quickly do the same, creating an especially dangerous security environment**. As in the case of concerns about possible blackmail, this fear has some validity. Because of the uncertain reliability of the protection afforded by the US umbrella for some US allies and client states in the Middle East, there is a very real prospect that if Iran develops a nuclear arsenal, sooner or later such countries as Saudi Arabia, Egypt, and Turkey might follow suit. Indeed, Egypt may already be thinking along those lines. In late September, Gamal Mubarak, President Hosni Mubarak's son and political heir apparent, stated that his country needed to develop a nuclear program for power generation.19 Although he stressed that the program would be entirely peaceful, his proposal had all the earmarks of a hedging strategy. As we have seen with India, Pakistan, North Korea, and Iran, "peaceful" nuclear programs can easily become the foundation for a nuclear weapons program. **Whether additional proliferation would reach epidemic proportions and create the nightmare scenarios forecast by some analysts is uncertain**. It is important to recall that **pundits and even international relations experts have tended to overestimate both the probability and the extent of proliferation in the past. The conventional wisdom in the** 19**60s was that there would be as many as two dozen nuclear weapons powers within a generation**.20 Similar predictions took place in the late 1970s and early 1980s.

# 2NC

## Warfighting

### Gelb

#### The tea party is perceived as being both isolationist and radically interventionist – control of congress means there are no checks on war

Gelb 14 http://www.cfr.org/united-states/rp-republican-internationalism/p32106 Leslie H. Gelb, President Emeritus and Board Senior Fellow, and Michael Kramer Issue 31, Winter 2014 Democracy: A Journal of Ideas Issue #31, Winter 2014 R.I.P. Republican Internationalism Leslie H. Gelb and Michael Kramer To read the other essays in the “Is the Party Over?” symposium, click here.

Republican and Democratic internationalists should not console themselves because of the apparent divisions among Tea Partiers over foreign policy—the seeming divide between unashamed isolationists like Rand Paul and unabashed hawks such as Ted Cruz. It would be wrong to bet on those differences marginalizing the movement’s impact. More likely, the Tea Party’s varying messages will fuse into a reborn and more potent form of hawkish isolationism. This fusion will be reminiscent of Barry Goldwater’s brief triumph over Nelson Rockefeller in the race for the 1964 GOP presidential nomination, during which Goldwater warned against foreign entanglements, but applauded General Curtis LeMay’s nuclear “bombs away” prescription. After Goldwater, the traditional Republican thread reasserted itself for more than two decades, led by Richard Nixon, Henry Kissinger, George H.W. Bush, James Baker, George Shultz, and Brent Scowcroft. Their realist policies and shrewd agreements with adversaries defined Republicanism abroad. The new hawkish isolationism, however, will reassert itself in the 2014 congressional races and in the 2016 Republican presidential primaries. The Tea Partiers proved their power in earlier elections when they toppled conservatives like Utah’s Bob Bennett and Indiana’s Richard Lugar. The latter represented Republican internationalist realism, and his defeat was devastating, symbolically and practically. The Tea Partiers are now gunning for others formerly considered conservative stalwarts, such as Mitch McConnell, Lindsey Graham, Lamar Alexander, and Thad Cochran, four senators rightly seen as at least semi-internationalists. The fight to retire those four is just the beginning. Heritage Action—the political arm of the Heritage Foundation run by former Republican Senator Jim DeMint—recently had its best-ever fundraising month. Sitting on that cash is not in the cards. And as increasing numbers of Republican officeholders face defeat because Tea Partiers deem them RINOs—“Republicans in Name Only”—it is probable that traditional conservatives under attack will seek a form of cheap grace. If they continue to oppose fiscal hostage-taking, they will likely attempt to “get well” with the Tea Party by endorsing its opposition to free trade, immigration reform, and attempts to resolve disputes involving Iran, Syria, and China with diplomacy. Tea Party isolationism is just a somewhat new variant of the old Robert Taft position. On the surface, there is the Marco Rubio/Ted Cruz wing that wants increased defense spending and tough, if ill-defined, action against Iran and China. They sound something like neoconservatives. The Rand Paul libertarian wing talks much more like traditional isolationists. They want a near-total focus on domestic issues without any global distractions. But look beyond such headline rhetoric and a common thread emerges: a Tea Party-wide reluctance to engage with the world, except for those they view as true U.S. friends, such as Israel. Like most Americans exhausted by too many inconclusive foreign military engagements, the Tea Party flees from the thought of a ground war in Syria. But they wouldn’t mind clobbering enemies there if they could get them from afar (although some, like Sarah Palin, would gladly sit by and “Let Allah sort it out”). For many Tea Partiers, an outsized defense budget is not meant as a prelude to military intervention; rather, it is their unrealistic way of keeping threats as far from America’s shores as possible.

### Turns

#### Flexibility is uniquely key to 4th generation warfare

Li 2009 - J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University (Zheyao, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE)

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new. theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modern state] does not have a future in front of it.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

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

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

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

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

Wall 12 – senior official @ Alston & Bird

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

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

5

### Secrecy !

#### Intelligence cooperation solves WMD use

Yoo 2004 - Emanuel S. Heller Professor of Law @ UC-Berkeley Law (John, “War, Responsibility, and the Age of Terrorism,” UC-Berkeley Public Law and Legal Theory Research Paper Series, <http://works.bepress.com/cgi/viewcontent.cgi?article=1015&context=johnyoo>)

Third, the nature of warfare against such unconventional enemies may well be different from the set-piece battlefield matches between nation-states. Gathering intelligence, from both electronic and human sources, about the future plans of terrorist groups may be the only way to prevent September 11-style attacks from occurring again. Covert action by the Central Intelligence Agency or unconventional measures by special forces may prove to be the most effective tool for acting on that intelligence. Similarly, the least dangerous means for preventing rogue nations from acquiring WMD may depend on secret intelligence gathering and covert action, rather than open military intervention. A public revelation of the means of gathering intelligence, or the discussion of the nature of covert actions taken to forestall the threat by terrorist organizations or rogue nations, could render the use of force ineffectual or sources of information useless. Suppose, for example, that American intelligence agencies detected through intercepted phone calls that a terrorist group had built headquarters and training facilities in Yemen. A public discussion in Congress about a resolution to use force against Yemeni territory and how Yemen was identified could tip-off the group, allowing terrorists to disperse and to prevent further interception of their communications.

#### 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

### Coalition DA 1NC

#### Strong executives are key to coalition support

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

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

#### Coalitions are key to stopping terror, proliferation, and rogue states

Sherwood-Randall 2006 - Adjunct Senior Fellow for Alliance Relations at the Council on Foreign Relations (October, Elizabeth, “ALLIANCES AND AMERICAN NATIONAL SECURITY” <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub730.pdf>)

The short list of major threats which we can neither prevent nor respond to alone includes attacks by terrorists armed with nuclear and/or biological weapons (making the tragedies in New York, Madrid, Bali, and London look like child's play); widespread proliferation of weapons of mass destruction (WMD) and long-range delivery vehicles, including to nonstate actors who have no return address and therefore cannot be deterred in traditional terms; a growing number of failed states that are perfect petri dishes for extremist groups; and the rise of "new" transnational security challenges such as pandemic disease. It is worthy of note that each of these threats may grow in danger in relation to the growth of another; for example, the proliferation of WMD beyond the current nuclear weapons states makes it much more likely that terrorists will be able to obtain them. In order to act preventively rather than react only after catastrophe, America needs access to an expanded toolkit that fully engages the capabilities of other countries as well as its own. It is hard to imagine any scenario in which the United States can respond effectively to these challenges without the sustained support of allies and partners, as it cannot hermetically seal its borders and cocoon itself within them.

### Cordesman

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

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

Put simply, there is no meaningful prospect that the United States will face less need to plan for major regional wars during the next quarter century, or that any U.S. military service will face less need for global engagement, than it does today. The same is true of peacemaking activity, no matter what strategies and doctrines U.S. political and military leaders may appear to agree on at any given time. Moreover, the very complexity of the national and regional problems in the modern world means that crises will emerge with only ambiguous strategic warning, that most U.S. scenario analysis and contingency planning will continue to have only limited success,

and that the level of U.S. involvement will be contingency-driven. Strategy and doctrine that attempt to deny these realities have no chance of success and will almost certainly lead to planning that fails to properly prepare U.S. military forces for the future.7 It should also be clear that the risk of underestimating the true nature of the complexity of the trends that shape the modern world is particularly severe in the case of military forces. Conflicts and crises almost inevitably are random walks through history. They involve the cases in which the system does not work, and the trends that are perceived as dominant do not apply. This is true even in the case of the use of force to prevent conflict or when the United States and its allies attempt two politically correct oxymorons: crisis management and conflict resolution. The true nature of globalism means that U.S. military action will remain event-driven. Neither the Clinton nor Weinberger doctrines will have a meaningful impact on this fact. Vacuous generalizations about treating the world as a morality play are neither a doctrine nor a policy. Statements about committing U.S. forces only to contingencies that involve vital strategic interests are strategically naive to the point of being ridiculous. The United States will be unable to wait to determine whether a given crisis affects vital national interests.

## Solvency

### 2NC Overview

#### Obama’s done it before --- means there’s no aff

Pollack, 13 --- professor of history emeritus at Michigan State

(2/5/2013, Norman, “For the Glory of What? Drones, Israel, and the Eclipse of Democracy,” <http://www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/>)

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to remake the laws of war by consciously violating them and then creating new legal concepts to provide juridical cover for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (Obama is hardly a novice at this game of stretching the law to suit the convenience of, shall we say, the national interest? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama redefined the meaning of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

#### The executive always has the upper hand – rally around the leader effect

Rojas, 12 --- Associate Professor of Sociology at Indiana University (4/16/2012, Fabio, “rachel maddow will not bring peace,” <http://orgtheory.wordpress.com/2012/04/16/rachel-maddow-will-not-bring-peace/>)

Andrew Sullivan’s blog excerpted a passage from Rachel Maddow’s recent book. Understandably, Maddow’s book urges Congress to take a stand against war:

When we go to war, we should raise taxes to pay for it. We should get rid of the secret military. The reserves should go back to being reserves. We should cut way back on the contractors and let troops peel their own potatoes. And above all, Congress should start throwing its weight around again…

I agree in principle, but disagree on practice. Rules and institutions that end war are ineffective for two reasons. First, if you really want war, you can always vote to have a new rule for war or to make an exception. Also, most rules have wiggle room in them, which makes it easy to wage war under other guises. Secondly, there’s a consistent “rally around the leader effect.” It is incredibly hard for anyone to oppose leaders during war time. Elected leaders are in a particularly weak position. Simply put, legislatures can’t be trusted to assert their restraining role in most cases.

#### Rhetorical ambiguity means circumvention is inevitable

Healy, 13 --- a vice president at the Cato Institute (8/13/2013, Gene, “For Obama, Words Conceal the Indefensible,” <http://www.cato.org/publications/commentary/obama-words-conceal-indefensible)>)

Let President Obama be clear, will you? He seems to think it’s important.

“The ‘let me be clear’ preface” is a recurring rhetorical tic for Obama, the Washington Post pointed out in 2010, and it’s “become a signal that what follows will be anything but.”

On Aug. 9, with his approval rating at a near all-time low of 41 percent, facing sharp scrutiny over the National Security Agency’s dragnet data-collection plan, Obama held a press conference where he insisted: “I want to make clear once again that America is not interested in spying on ordinary people.”

At the same time, Obama’s Justice Department released a white paper defending the proposition that the PATRIOT Act allowed the covert collection of all Americans’ phone records for a period of seven years because, under the language of Section 215, they’re “relevant to an authorized investigation” of international terrorism.

Has there ever been a president whose career has depended so heavily on the power of language? Obama leapt onto the political scene with a stirring keynote address at the 2004 Democratic National Convention, and, on the campaign trail in 2008, when Hillary Clinton suggested her opponent was too fond of speechifying, he responded with yet another passionate speech, declaiming: “Don’t tell me words don’t matter.”

He was right, words do matter. Which is why it’s ironic that the public case for so many of Obama’s policies depends on doing violence to plain language. To our various “wars” on drugs, crime, and terror — add Obama’s “War on Words.”

The day before Obama’s defensive presser, the Post’s Charles Krauthammer accused the president of launching “the world’s first lexicological war,” marked by “linguistic tricks,” “deliberate misnomers” and “transparent euphemisms.”

Indeed, the euphemisms may be the most transparent thing about the self-styled “most transparent administration in history.” Krauthammer, an inveterate hawk, focused on phrases suggesting that the president lacks the stomach for the War on Terror, or “overseas contingency operations,” in Obama’s preferred coinage.

But Krauthammer missed some of Obama’s most glaring euphemisms, deployed to “disguise the unpleasantness” of war.

Last year, the administration added a new phrase to the doublespeak lexicon. Americans slated for death by drone go on something called “the disposition matrix,” which lacks the harsh clarity of “kill list.”

Harry Truman famously redefined war in Korea as a “police action.” For its 2011 Libyan adventure, the Obama Team did HST one better: Raining cruise missiles on Tripoli isn’t “war,” deputy national security adviser Ben Rhodes insisted; it’s “kinetic military action.”

That’s the kind of construction that makes your head hurt: “Kinetic,” “resulting from motion” is the only kind of “action” you can have. What’s the alternative? “Static” military action?

At times, it seems that Team Obama claims full-spectrum dominance over the English language itself. That’s apparent in their legal position papers rationalizing undeclared wars, assassination of American citizens, and mass surveillance.

To get around the War Powers Resolution’s limits on presidential war-making, State Department legal adviser Harold Koh argued that bombing Libya was “distinct from the kind of ‘hostilities’ contemplated” by the WPR.

In a DOJ memo that was leaked earlier this year, the administration claimed the right to kill U.S. Citizens who present an “imminent threat of violent attack.” Despite what your dictionary may tell you, “imminent” doesn’t mean “in the immediate future.”

Nor, in the case of Friday’s memo defending the legality of dragnet surveillance, does “relevant” mean “having significant and demonstrable bearing on the matter at hand.”

Words matter because they mean things. But, as George Orwell wrote in 1946, when politics becomes “the defense of the indefensible … language must suffer.” This administration has made that all too clear.

#### The Obama administration has a stated preference for maintaining aggressive counterterror tactics – they ignore legal barriers

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

Despite Obama's initial promise to close it down, Guantanamo Bay (GTMO) remains open and operative, albeit on a smaller scale (i.e., with only 167 detainees n12) than under Bush (pp. 11-12). Even if blame for this failure can by no means be placed solely or perhaps even chiefly at Obama's feet, he has followed Bush in endorsing indefinite detention for some suspected terrorists, many of whom will apparently remain in more-or-less permanent limbo at GTMO (pp. 12-13). Similarly, the Obama Administration reformed, but by no means abandoned, the system of military commissions inherited from the Bush Administration (p. 9). While the commissions now look quite different from the kangaroo courts initially sought by former Secretary of Defense Rumsfeld and others, in part because of some real procedural improvements (p. 187), the overall picture remains sobering: the Administration is still fighting off legal challenges to its attempt to give base commanders carte blanche authority over visits by legal counsel, along with discretion to decide how lawyers can use classified information they may glean from detainees they represent. n13

Again reminiscent of its forerunner, the Obama Administration continues to practice rendition, and though most evidence suggests that it has done so more humanely, the legal test it employs for determining where to send accused terrorists remains unchanged: only if there is more than a 50% chance of [\*524] detainees facing torture in a particular country are officials prohibited from sending them there (p. 15). Similarly, even though it has improved screening and procedural protections for detainees, the Administration also argues that basic habeas corpus protections do not cover those captured overseas (e.g., in Afghanistan) (p. 13). It seems as well to have appropriated the Bush Administration's hard line views on state secrecy, fighting no less aggressively in using it to dismiss lawsuits challenging its policies (e.g., in recent legal challenges to "targeted killings" of suspected terrorists) (pp. 13-14, 17-19). Like the Bush Administration, Obama's Administration insists on its right to engage in forum shopping: only when it is legally and politically convenient will suspected foreign-born terrorists get their day in civilian court (pp. 10-11). Moreover, as the New York Times editors recently commented, "any remaining hope for imposing meaningful accountability for torture and other abuses committed" under the Bush Administration has "for all practical purposes" now ended. n14 Even those CIA interrogators who likely tortured prisoners to death, going well beyond even those suspect interrogation practices condoned by President Bush, will not be facing prosecution under Attorney General Eric Holder. n15

Last but by no means least, the Obama Administration has gone beyond anything President Bush attempted in one major area: he has dramatically ramped up the targeted killing of suspected terrorists abroad, even claiming legal authority to kill - and then proceeding to do so - a U.S. citizen, Anwar al-Aulaqi, and then turning to Bush-era legal doctrines to beat back a courtroom challenge from the ACLU (pp. 13-14, 18-19). As Newsweek journalist Daniel Klaidman shows in his aptly entitled Kill or Capture: The War on Terror and the Soul of the Obama Presidency, an insightful account of the Administration's internal battles about counterterrorism, targeted killings, preferably by means of drones, quickly became the Administration's favored device for combating terrorism for a mix of interlocking political and legal imperatives. n16 They allow the Administration to minimize unnecessary U.S. military casualties in a seemingly endless war on terror, while typically garnering strong public support and permitting Obama to accentuate his image as a strong leader tough on national [\*525] security issues. n17 Just as conveniently, they do not require capturing and detaining dangerous terrorists, which has become a political and legal morass given congressional hostility to trying foreign terrorists in ordinary courts as well as the Administration's own commitment to downsize Gitmo and other offshore detention centers. n18 Despite widespread condemnation from abroad, the Administration continues to favor targeted killings as its weapon of choice in the war on terror. In fact, they have even garnered the unlikely imprimatur of one of the Administration's most prominent liberal jurists, State Department Legal Advisor and Yale Law School professor Harold Koh, who interprets them - when targets are properly selected - as legitimized by the U.S. declaration of war against Al-Qaeda. n19 Nonetheless, they remain controversial for one straightforward reason: President Obama has taken it upon himself to serve as judge, jury, and executioner even in cases involving U.S. citizens.

Civil libertarians may be exaggerating somewhat when they dub Obama's war on terror "Bush Lite." Nonetheless, a powerful case can be made that Obama has in fact mostly followed in his predecessor's footsteps, and that at least in one arena (i.e., targeted killings) he has in fact radicalized employment of one suspect, controversial Bush-era antiterrorism tool.

### AT: Plan Still Sends Signal

#### Congressional signal alone solves nothing

Douglas Kriner 10, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 81-2

First, in many cases congressional signals will likely **have** only a modest influence on the calculations of the target state at the conflict conduct phase. Uses of force involving the United States are different from most other uses of force occurring in the international system because of the tremendous asymmetric advantages in military capabilities that the United States enjoys over almost every adversary. By the time that the military policymaking process enters the conflict conduct phase, the target state's leader has already decided that his or her interests are best served by refusing to capitulate to American demands, even at the risk of almost certain tactical defeat at the hands of a superior military force. Having made this cost-benefit calculation, congressional signals during the course of a conflict should have only a modest impact on the target state leader's subsequent behavior at the conflict conduct phase." Moreover, the types of states whose leaders are most likely to make this calculation—weak states (including those harboring non-state actors who are the true target of a proposed use of force), failed states, and vulnerable dictatorships—are in many cases very different from most other members of the international community. For these actors, the costs of capitulating to American demands are so high that their cost-benefit calculations should be more impervious to congressional signals.

### AT: Courts => Compliance

#### The Court can’t check executive war powers --- orders still leave too much discretion

Tichenor, 8 --- Department of Political Science at Rutgers University-New Brunswick

(Last modified 4/30/2008, Daniel J., “The Forgotten Virtues of Executive Restraint: Liberal Democracy, Prerogative Power, and Unfettered Presidentialism,”

<http://www.wcfia.harvard.edu/sites/default/files/The%20Forgotten%20Virtues%20of%20Executive%20Restraint%20Tichenor.pdf)>)

The Court’s endorsement of the internment orders is ironic, since only one week before it overturned the expulsion of Jehovah’s Witnesses from public schools because they refused to salute the flag. In recent years, the Supreme Court and lower federal courts have demonstrated some willingness to challenge several policies and actions of the Bush administration in the War on Terror. Tellingly, however, the relative vagueness of its due process orders still leaves enormous discretion to President Bush and his associates. At the end of the day, the federal judiciary’s historical reluctance to challenge presidential prerogative during national security crises led Justice Robert Jackson is captured well in a grim prognosis: “If the people ever let command of the war power fall into irresponsible and unscrupulous hands, the courts wield no power equal to its restraint.”30

#### Courts don’t check executive noncompliance

Posner & Vermeule, 8 --- \*Professor of Law at U Chicago, AND \*\*Professor of Law at Harvard (April 2008, Eric A. and Adrian, University of Pennsylvania Law Review, “CONSTITUTIONAL SHOWDOWNS,” 156 U. Pa. L. Rev. 991)

D. The Judiciary

So far we have focused on Congress and the executive, for the sake of simplicity. Constitutional confrontations often involve the judiciary as well, as in the examples noted in the introduction. Executive-judiciary impasses occur when the executive refuses to comply with a judicial order, as when Lincoln rejected Justice Taney's grant of Merryman's writ of habeas corpus. n50 Congress-judiciary impasses are usually less dramatic because Congress lacks executive power, and if the executive refuses to obey judicial orders, Congress can respond only by confronting the executive, rather than the judiciary directly. Still, in the background, Congress can threaten to deprive the judiciary [\*1019] of funds and strip it of jurisdiction, and this threat could lead to an impasse if the judiciary attempted to defy it.

The academic literature on constitutional conflicts involving the judiciary has focused on the "passive virtues," in Alexander Bickel's phrase. n51 Bickel believed that the judiciary should exercise the passive virtues when the constitutional stakes are high, meaning that the judiciary should dodge the issues by invoking doctrines of abstention and procedural doctrines such as standing. Similarly, Cass Sunstein has argued that judges should try to decide cases on narrow and shallow grounds where possible. n52 If a dispute between the executive and Congress requires either a decision about the meaning of a statute or a decision about the branches' relative constitutional authority, the judiciary should, if possible, decide on the former ground, so that the constitutional question is put off; even if forced to decide the constitutional question, judges should say no more than necessary to resolve the case at hand and should not engage in unnecessarily ambitious theorizing.

It is clear that these scholars advocate the middle way of ambiguous acquiescence in these cases: acquiescence, because the court does not dispute the constitutional claims of the other branches; ambiguous, because the court does not adopt their claims either. Rather, the largest claims are left open for the future. Constitutional precedents on the merits of those claims are either nonexistent (under the passive virtues approach) or narrow and shallow (under Sunstein's minimalist approach).

As we have seen, however, ambiguous acquiescence is not always possible and, even when possible, not always optimal. n53 Ambiguous acquiescence [\*1020] is possible only when the agent's alternative explanation for its acquiescence is credible. In the case of the judiciary, consider the use of the standing doctrine to avoid resolving conflicts between Congress and the executive. If the judiciary repeatedly uses the standing doctrine in this way, and manipulates it so as to avoid resolving cases even when the standing doctrine would ordinarily not present a barrier, then observers will infer that the judiciary simply is unwilling to assert constitutional authority over the dispute at hand. Over time, acquiescence will become less ambiguous and, eventually, unambiguous. This is, in fact, what has happened for a wide array of interbranch conflicts.

For example, the judiciary has refused to hear on the merits cases in which members of Congress have sought to prevent the President from sending troops abroad without complying with the War Powers Resolution. The courts have not held that the War Powers Resolution is unconstitutional; instead, they have avoided the merits by invoking doctrines of justiciability. n54 So while the constitutionality of the War Powers Resolution remains unresolved, the practical effect of the judiciary's decisions is to allow the President to ignore it. The judiciary's acquiescence was at one time ambiguous because the early cases left open the possibility that the resolution would be struck down once someone had standing. As additional cases have been brought, and the judiciary has continued to find reasons to avoid deciding the merits, this ambiguity has nearly disappeared.

## Iran

### Gelb

#### Growing tea party control guarantees the plan leads to only more intervention, allied backlash, and threats – specific to rogue states

Gelb 14 http://www.cfr.org/united-states/rp-republican-internationalism/p32106 Leslie H. Gelb, President Emeritus and Board Senior Fellow, and Michael Kramer Issue 31, Winter 2014 Democracy: A Journal of Ideas Issue #31, Winter 2014 R.I.P. Republican Internationalism Leslie H. Gelb and Michael Kramer To read the other essays in the “Is the Party Over?” symposium, click here.

Count on three consequences then. First, a stronger, even more vociferous Tea Party. Second, a growing isolationist, anti-world impulse among its adherents. Third, much rougher opposition for any President wanting to conduct necessary business abroad. In today’s world, Presidents must work with and through international institutions. Tea Partiers distrust every one of them (especially the United Nations) as they rail against any “loss” of national sovereignty. There is no doubt that the Tea Party is going to make international negotiations difficult. Anything that requires give and take—such as forging decent working relations with China—will face hostility from those who won’t tolerate any give at all. In fact, some, like Senator Rand Paul, have talked only about the “take”—threatening a trade war with China in the quixotic hope that such a stance will cause Beijing to pressure nations like North Korea to bend to U.S. wishes. Perhaps the most vexing problem facing the West involves Iran’s nuclear ambitions. The chance to improve relations with Tehran, a potentially monumental event of Cold War-ending proportions, will require the Obama Administration to offer proposals that not only protect American interests but are acceptable to Iran as well. That will mean reducing, and over time ending, the sanctions that are crippling Iran’s economy. But in many instances, rolling back sanctions will require congressional approval, which will require House acquiescence, which in turn will require Tea Party assent. And that is just not likely, especially if Israel continues to oppose any serious diminution of economic pressure. As the elements of a possible deal with Iran become clearer, Marco Rubio’s position, which is likely shared by other Tea Party leaders, is virtually indistinguishable from Israel’s. Rubio has said he will support lifting sanctions only if Iran agrees to “completely abandon any capability for enrichment or reprocessing” of nuclear materials. This is a nonstarter for Tehran, since it would require nothing less than Iran’s total capitulation. It is already extremely hard for any U.S. President, especially a Democrat, to make deals with presumed devils. Richard Nixon may have established a new working relationship with China and Ronald Reagan negotiated far-reaching arms control agreements with the Soviet Union. But neither accomplishment would have happened without the active support of both Republican and Democratic internationalists. If the Tea Party continues to extend its sway over congressional Republicans—and it remains to be seen if a plausible countertrend can succeed—the ability of Barack Obama to embrace the essential compromises of diplomacy could face an insurmountable wall.

## SOP

### SOP 2NC – No Modeling

#### Signaling claims are based on psychological biases – no empirical proof

MICAH ZENKO – 2/220/13, fellow with the Center for Preventive Action at the Council on Foreign Relations, The Signal and the Noise, Foreign Policy, http://www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise

These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

# 1NR

**PREEMPT**

***No impact to pre-emption norms***

**Rivkin, 5** [DAVID B. RIVKIN, JR. \* Partner, Washington, D.C. office of Baker & Hostetler LLP; Visiting Fellow, Nixon Center; Contributing Editor, The National Review and National Interest mag‐ azines; Member, UN Subcommission on the Promotion and Protection of Human Rights; served in a variety of legal and policy positions at the Departments of Justice and Energy and the White House during the Reagan and H.W. Bush Ad‐ ministrations, Harvard Journal of Law & Public Policy, The Virtues of Preemptive Deterrence, <http://www.law.harvard.edu/students/orgs/jlpp/Vol29_No1_Rivkin.pdf>, jj]

Despite these ample justifications, the Bush Administration’s public embrace of preemption has been roundly condemned. To begin, **preemption foes opine**, in an argument eerily remi‐ niscent of Cold War‐era lamentations over deterrence rooted in a viable nuclear war‐fighting posture, **that preemption is dan‐ gerously destabilizing and will result in more, not fewer, con‐ flicts**. **The reasoning here appears to be that allowing states to use force in advance of an actual attack would make them more prone to use force promiscuously—hypothetically, that the U.S. regime change in Baghdad might induce Argentina to invade the Falklands again.**

**Regurgitating this old action‐reaction argument makes even less sense today than it did fifty years ago**.24 **Few foreign policy analysts now believe a country that wishes to go to war with another nation, for whatever domestic ideological or foreign policy reasons, has somehow been “set free” by the Bush Doc‐ trine**. **That some countries may find it expedient to justify their military exploits by referring to the U.S. strategy, as** Vladimir **Putin’s Russia routinely does when trying to justify its brutal conduct in Chechnya, does not mean that they would not have behaved in exactly the same way in the absence of the Bush Doctrine**. **Even fewer maintain that, but for the Bush Doctrine, these conflicts would not occur**. ***This criticism ignores the reali‐ ties of international relations and ascribes to the United States an unrealistic degree of doctrinal influence.***

***Prefer our ev which references actual research not just intuition***

Scott A. **Silverstone ‘09**\*, ***professor*** ***of*** ***I***nternational ***R***elations in the Department of Social Sciences at West Point, Chinese Attitudes on Preventive War and the “Preemption Doctrine”, 2009, U.S. Air Force Academy,Institute for National Security, online – pdf, jj

It is important to note that **Chinese respondents did not interpret the Bush administration‘s efforts to gain acceptance for looser preemption standards to be an effort to reshape an international norm.** Instead, it was seen as a unilateral declaration of America‘s right to take action, even if much of the rest of the world objected. **This raises a serious question about the hegemon‘s ability to reshape international norms**, as Brooks and Wohlforth suggest it can and should (see footnote 60). The hegemon might certainly be able to act without external constraints based simply on its overwhelming power; these Chinese respondents bluntly recognized the fact of American power and the unchecked capabilities it implies. But generating acceptance from other states that these acts are justified by new normative standards is a very different challenge. According to the consensus view among these academics at CSU and the military officers interviewed, America is not in a special position to rewrite the rules of the international system to legitimate its self-serving policies.86 Some saw the emphasis on weapons of mass destruction in the Bush doctrine as an indication that America‘s specific intent was to use preemption to sustain American supremacy in nuclear weapons and lock in a permanently asymmetric power relationship with regional states that might pursue nuclear weapons of their own for deterrence purposes. **Not a single respondent in the interviews and focus groups supported the notion that looser preemption standards might serve China‘s security needs in the future**. This conclusion was based on three general points raised by many respondents. First, ***preventive military action was not seen as an applicable strategic concept for the various security concerns on China‘s periphery***.87 Interestingly, **when Taiwan was raised all respondents argued that this was an internal, domestic Chinese problem. Since the logic of preventive war applies to power shifts among independent states, preventive war or preemption was simply seen as irrelevant**. Second, **most linked preemption with America‘s experience in Iraq, which generated great skepticism over whether this policy option could actually achieve useful goals without producing a range of unforeseen, and unmanageable, problems that would negate any value preemption might hold**. **Many drew the conclusion that America is far too confident in the use of military force to deal with foreign problems**. Finally, **the strong consensus view shared by the PLA officers, the faculty and the students, which was raised independently in each interview session and without prompting by the interviewer, was that preventive war violates China‘s cultural preference for** creating the Confucian ideal of ―harmonious society‖ and **ensuring that its rise as a great power in accomplished peacefully.**

**CP**

**AT: Permutation**

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

**Cambridge Dictionary of American English 09**

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

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

**AT: Solvency Deficit**

**The plan allows for 2nd strikes to defend allies- that includes almost half of the world**

**Campbell 04,** VP & Direction International Security Program CSIS

(Kurt M.-, Spring, The Washington Quarterly, “The End of Alliances? Not So Fast”, Vol. 27 #2, Ebsco;)

The more relevant question then is not whether alliances are dead but rather how they are adapting to new exigencies and conditions. Many traditional alliances were created over the last 50 years or more as vehicles to provide a formal security guarantee by the United States and to facilitate rapid U.S. intervention in the face of foreign aggression, which at various times threatened to come from the Soviet Union and/or the People’s Republic of China.

During that time, the United States assembled important, formalized security relationships with virtually half of the world’s countries and pledged to defend nearly 50 treaty allies in the event of an attack, primarily to support a strategy of containing communism, which included assistance in major conflicts such as those in Korea and Vietnam. Some such alliances have been multilateral, most notably NATO, though others were attempted, such as the ill-fated Southeast Asia Treaty Organization (SEATO), but most were bilateral arrangements between the United States and countries in all regions throughout the globe.

### Link Debate

#### The threshold is low --- tensions are on a knife’s edge now but a small deterrence loss triggers escalation

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

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