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### 1NC - PTX

#### Obama holding off new Iranian sanctions now – credibility key. No thumpers

WSJ 12 – 19 – 13 [Obama Issues Rare Veto Threat on Iran Bill; Bipartisan Senate Bill Would Slap Tehran With New Sanctions. Lee, Carol EView Profile. Wall Street Journal (Online) [New York, N.Y] 19 Dec 2013: n/a.]

The White House issued a rare veto threat in response to a bipartisan Senate bill that would slap Iran with new sanctions if it violates an interim deal reached last month to curb its nuclear program.

The threat sets up a standoff in the new year between President Barack Obama and more than two dozen Senate Democrats and Republicans who introduced the legislation on Thursday. The challenge to Mr. Obama is particularly stark because half of the lawmakers sponsoring the new bill are from his own party.

The bill could also imperil Mr. Obama's efforts to reach a diplomatic end to the decadelong standoff over Iran's nuclear program, which administration officials hope will be a signature achievement of his second term.

Iranian officials have repeatedly threatened in recent days to back out of negotiations with the U.S. and other global powers over Tehran's nuclear program if Washington enacts new sanctions.

White House Press Secretary Jay Carney criticized the Senate move, saying such sanctions would undermine Mr. Obama's diplomatic efforts "no matter how they're structured."

"We don't think it will be enacted. We certainly don't think it should be enacted," Mr. Carney said. "If it were to pass, the president would veto it."

Iranian officials didn't comment Thursday on the introduction of the legislation. But in recent days they have described Iranian President Hasan Rouhani as in a power struggle with hard-liners in Iran's military and clergy over the November agreement with the five permanent members of the United Nations Security Council and Germany, a bloc called the P5+1.

Any moves by the U.S. to impose new sanctions on Tehran, said these officials, could weaken Mr. Rouhani's hand.

"Naturally, there is opposition to this agreement, both inside Iran and elsewhere," said Iran's Ambassador to France Ali Ahani, at a conference last weekend. "There are people who say you can't trust the Americans."

In Washington, Mr. Obama has little political capital with a divided Congress that has given him few recent victories. He is already bracing for tough legislative battles next year.

Republicans are weighing a fight over the need to raise the debt limit early next year, and Mr. Obama is set to give a speech in January outlining potentially sweeping changes to the government's contested spying programs. The programs, like Iran diplomacy, have prompted some members of the president's own Democratic Party to criticize his administration.

A presidential veto, while unusual for Mr. Obama--particularly on Democratic-backed legislation--could appease all sides. Mr. Obama may strengthen his hand in negotiations by keeping Congress at bay, while lawmakers who are under pressure over Iran get to vote for additional sanctions.

And a veto threat by Mr. Obama could provide American diplomats with a way to assure Iran that they are earnest about the diplomacy. Iran last week objected to U.S. moves to enforce existing U.S. sanctions against alleged violations by more than a dozen Iranian individuals and businesses.

But the White House also risks seeing Mr. Obama's veto overridden, if Republicans in the Senate remain unified and Democrats continue to feel emboldened to challenge the party line.

Mr. Obama, Secretary of State John Kerry and other top administration officials have worked vigorously to keep Congress from enacting new sanctions against Iran while the U.S. and other world powers negotiate a long-term diplomatic agreement with Tehran to curb its nuclear program. Iran says its program is for peaceful purposes only.

#### Plan kills Obama’s agenda

KRINER 10 Assistant professor of political science at Boston University [Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, page 276-77]

One of the mechanisms by which congressional opposition influences presidential cost-benefit calculations is by sending signals of American disunity to the target state. Measuring the effects of such congressional signals on the calculations of the target state is always difficult. In the case of Iraq it is exceedingly so, given the lack of data on the non-state insurgent actors who were the true “target” of the American occupation after the fall of the Hussein regime. Similarly, in the absence of archival documents, such as those from the Reagan Presidential Library presented in chapter 5, it is all but impossible to measure the effects of congressional signals on the administration’s perceptions of the military costs it would have to pay to achieve its objectives militarily.

By contrast. measuring the domestic political costs of congressional opposition, while still difficult, is at least a tractable endeavor. Chapter 2 posited two primary pathways through which congressional opposition could raise the political costs of staying the course militarily for the president. First. high-profile congressional challenges to a use of force can affect real or anticipated public opinion and bring popular pressures to bear on the president to change course. Second, congressional opposition to the president’s conduct of military affairs can compel him to spend considerable political capital in the military arena to the detriment of other major items on his programmatic agenda. On both of these dimensions, congressional opposition to the war in Iraq appears to have had the predicted effect.

#### US/Iran war & Iranian prolif

WORLD TRIBUNE 11 – 13 – 13 [Obama said to suspend Iran sanctions without informing Congress, <http://www.worldtribune.com/2013/11/13/obama-said-to-suspend-iran-sanctions-without-informing-congress/>]

The administration has also pressured Congress to suspend plans for new sanctions legislation against Iran. The sources said the White House effort has encountered resistance from both Democrats and Republicans, particularly those in the defense and foreign affairs committees.

“I urge the White House and the Senate to learn from the lessons of the past and not offer sanctions relief in return for the false hopes and empty promises of the Iranian regime,” Rep. Ileana Ros-Lehtinen, chairwoman of the House Middle East and North Africa Subcommittee, said. “Instead, new rounds of sanctions must be implemented to gain further leverage because any misstep in calculations at this juncture will have devastating and irreversible consequences that will be difficult to correct retroactively.”

On Nov. 12, the White House warned that additional sanctions on Iran would mean war with the United States. White House press secretary Jay Carney, in remarks meant to intensify pressure on Congress, said sanctions would end the prospect of any diplomatic solution to Iran’s crisis.

“The American people do not want a march to war,” Carney said. “It is important to understand that if pursuing a resolution diplomatically is disallowed or ruled out, what options then do we and our allies have to prevent Iran from acquiring a nuclear weapon?”

Still, the Senate Banking Committee has agreed to delay any vote on sanctions legislation until a briefing by Secretary of State John Kerry on Nov. 13. The sources said Kerry was expected to brief the committee on the P5+1 talks in Geneva that almost led to an agreement with Teheran.

“The secretary will be clear that putting new sanctions in place would be a mistake,” State Department spokeswoman Jen Psaki said on Nov. 12. “We are still determining if there’s a diplomatic path forward. What we are asking for right now is a pause, a temporary pause, in sanctions.”

#### Iran war escalates

White, July/August 2011 (Jeffrey—defense fellow at the Washington Institute for Near East Policy, What Would War With Iran Look Like, National Interest, p. <http://www.the-american-interest.com/article-bd.cfm?piece=982>)

A U.S.-Iranian war would probably not be fought by the United States and Iran alone. Each would have partners or allies, both willing and not-so-willing. Pre-conflict commitments, longstanding relationships, the course of operations and other factors would place the United States and Iran at the center of more or less structured coalitions of the marginally willing. A Western coalition could consist of the United States and most of its traditional allies (but very likely not Turkey, based on the evolution of Turkish politics) in addition to some Persian Gulf states, Jordan and perhaps Egypt, depending on where its revolution takes it. Much would depend on whether U.S. leaders could persuade others to go along, which would mean convincing them that U.S. forces could shield them from Iranian and Iranian-proxy retaliation, or at least substantially weaken its effects. Coalition warfare would present a number of challenges to the U.S. government. Overall, it would lend legitimacy to the action, but it would also constrict U.S. freedom of action, perhaps by limiting the scope and intensity of military operations. There would thus be tension between the desire for a small coalition of the capable for operational and security purposes and a broader coalition that would include marginally useful allies to maximize legitimacy. The U.S. administration would probably not welcome Israeli participation. But if Israel were directly attacked by Iran or its allies, Washington would find it difficult to keep Israel out—as it did during the 1991 Gulf War. That would complicate the U.S. ability to manage its coalition, although it would not necessarily break it apart. Iranian diplomacy and information operations would seek to exploit Israeli participation to the fullest. Iran would have its own coalition. Hizballah in particular could act at Iran’s behest both by attacking Israel directly and by using its asymmetric and irregular warfare capabilities to expand the conflict and complicate the maintenance of the U.S. coalition. The escalation of the Hizballah-Israel conflict could draw in Syria and Hamas; Hamas in particular could feel compelled to respond to an Iranian request for assistance. Some or all of these satellite actors might choose to leave Iran to its fate, especially if initial U.S. strikes seemed devastating to the point of decisive. But their involvement would spread the conflict to the entire eastern Mediterranean and perhaps beyond, complicating both U.S. military operations and coalition diplomacy.

### CP

#### Text: The United States federal government and European Union should sign the Transatlantic Trade and Investment Partnership. The United States federal government should substantially increase H1B visas for cyber security researchers.

Solves the advantage – proven by cross ex – just need to sign the agreement

### CP

#### Text: The Office of Legal Counsel should determine that the Executive Branch, based on a congressional assessment of national security threats the United States, lacks the legal authority to conduct executive intelligence collection on issues that are not determined to be a significant threat to national security.

#### The President should require the Office of Legal Counsel to publish any legal opinions regarding policies adopted by the Executive Branch.

#### The CP is competitive and solves the case—OLC rulings do not actually remove authority but nevertheless hold binding precedential value on the executive.

Trevor W. Morrison, October 2010. Professor of Law, Columbia Law School. “STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448, Lexis.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the  [\*1462]  legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to OLC, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that value depends on OLC maintaining its reputation for serious, evenhanded analysis, not mere advocacy. n53

The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is  [\*1463]  at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC.

Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients.

But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although the Executive Branch at large has an interest in OLC's credibility and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether OLC honors its oft-asserted commitment to legal advice based on its best view of the law depends largely on its own self-restraint.

2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, OLC has developed practices and policies that help maintain its independence and credibility. First, before it provides a written opinion, n55 OLC typically requires that the request be in writing from the head or general counsel of the requesting agency, that the request be as specific and concrete as possible, and that the agency provide its own written  [\*1464]  views on the issue as part of its request. n56 These requirements help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, makes it more difficult for the agency to press extreme positions.

Second, as noted in the Introduction, n57 OLC's legal advice is treated as binding within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because by longstanding tradition the advice is treated as binding. n60 OLC protects that tradition today by generally refusing to provide advice if there is any doubt about whether the requesting entity will follow it. n61 This guards against "advice-shopping by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might  [\*1465]  construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But the settled practice of treating OLC's advice as binding ensures it is not simply ignored.

In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, legal advice obtained from an office other than OLC - especially an agency's own general counsel - is unlikely to command the same respect as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality.

OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "when OLC concludes that an administration proposal is impermissible, it is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC should stand ready to work with the administration to craft lawful alternatives." n67 This is a critical component of OLC's work, and distinguishes it sharply from the courts. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69

 [\*1466]  To be sure, OLC's opinions are treated as binding only to the extent they are not displaced by a higher authority. A subsequent judicial decision directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such reversals are rare, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So the President needs at least a plausible legal basis for  [\*1467]  disagreeing with OLC's advice, which itself would likely require some other source of legal advice for him to rely upon.

The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 it continues to be virtually unheard of for the White House to reverse OLC's legal analysis. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for  [\*1468]  providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76

Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that the prospect of literal reversal by the White House is remote and does not meaningfully threaten the effective bindingness of OLC's decisions.

#### Mandatory publishing requirements prevent OLC deferral to presidential pressure—can be self-imposed—avoids SOP concerns with congressional interference.

Ross L. Weiner, February 2009. JD May 2009 @ George Washington University Law School. “THE OFFICE OF LEGAL COUNSEL AND TORTURE: THE LAW AS BOTH A SWORD AND SHIELD,” THE GEORGE WASHINGTON LAW REVIEW, 77 Geo. Wash. L. Rev. 524, Lexis.

The Torture Memo exposed serious deficiencies in how the OLC operates. For two years, interrogators were given erroneous legal advice regarding torture, with two adverse results. First, American interrogators behaved in ways contrary to traditional American values, possibly leading in part to the Abu Ghraib scandal n147 and to a decline in American reputation around the globe. n148 Second, agents on the  [\*549]  frontlines were given advice that, if followed, might be the basis for prosecution one day. n149 More importantly, when the Torture Memo was leaked to the public, it exposed the OLC to charges of acting as an enabler to the executive branch. John Yoo, the author of the Torture Memo, was known as "Dr. Yes" for his ability to author memos asserting exactly what the Bush Administration wanted to hear. n150 To ensure that this situation does not repeat itself in the future, it is critical for changes to be implemented at the OLC by mandating publication and increasing oversight.

A. Mandated Publishing
One explanation for the Torture Memo and its erroneous legal arguments was the OLC authors' belief that the Memo would remain secret forever. When he worked in the OLC, Harold Koh was often told that we should act as if every opinion might be [sic] some day be on the front page of the New York Times. Almost as soon as the [Torture Memo] made it to the front page of the New York Times, the Administration repudiated it, demonstrating how obviously wrong the opinion was. n151
Furthermore, James B. Comey, a Deputy Attorney General in the OLC, told colleagues upon his departure from the OLC that they would all be "ashamed" when the world eventually found out about other opinions that are still classified today on enhanced interrogation techniques. n152 This suggests that OLC lawyers, operating in relative obscurity, felt somewhat protected by the general veil of secrecy surrounding their opinions.

[\*550]  For many opinions, some of which are already published on the OLC's Web site, n153 this will not be a controversial proposition. Publication has three advantages: (1) accessibility; (2) letting people see the factual predicate on which an opinion is based; and (3) eliminating people's ability to strip an OLC opinion of nuance in favor of saying "OLC says we can do it." n154 Koh provides a telling illustration of the problems associated with the absence of mandated publishing as he found an OLC opinion placed in the Territorial Sea Journal that was critical to a case he was trying on behalf of a group of Haitians seeking to enter the United States. n155 He was incredulous that on a matter "of such consequence," n156 he literally had to be lucky to find the opinion. n157

Secrecy in government facilitates abuse, and nowhere is the need for transparency more important than the OLC, whose opinions are binding on the entire executive branch. In a telling example, on April 2, 2008, the Bush Administration declassified a second Torture Memo. n158 In eighty-one pages, John Yoo presented legal arguments that effectively allowed military interrogators carte blanche to abuse prisoners without any fear of prosecution. n159 While the Memo was classified at the "secret" level, it is clear that there was no strategic rationale for classifying it beyond avoiding public scrutiny. n160 According  [\*551]  to J. William Leonard, the nation's top classification oversight official from 2002-2007, "There is no information contained in this document which gives an advantage to the enemy. The only possible rationale for making it secret was to keep it from the American people." n161

To address this problem, the OLC should be required to publish all of its opinions, with a few limited exceptions. John F. Kennedy once said, "The very word 'secrecy' is repugnant in a free and open society." n162 Justice Potter Stewart, in New York Times Co. v. United States, n163 laid out the inherent dangers of secrecy in the realm of foreign affairs:
I should suppose that moral, political, and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained. n164

The proposal to require the OLC to publish its opinions has been advocated by many, including former heads of the OLC. n165 [\*552]

1. Process for Classification
In certain situations, an opinion may have to remain confidential for national security purposes, but mechanisms can be designed to deal with this scenario. First, in order to deem a memorandum classified as a matter of national security, another agency in the executive branch with expertise on the subject should be required to sign off on such a classification. The Torture Memo exposed an instance of the OLC acting secretively not only for national security purposes, but also because it knew the Torture Memo could not withstand scrutiny. n166 Thus, only opinions dealing with operational matters that give aide to the enemy should be classified. Opinions that consist solely of legal reasoning on questions of law clearly would not pass that test.

If there is a disagreement between those in the OLC who choose to classify something and those in the other executive agency who believe it should be published, then the decision should be sent back to the OLC to review the potential for publishing a redacted version of the opinion. For example, consider a memo from the OLC on the different interrogation techniques allowable under the law. While it would be harmful for the OLC to publish specific activities, and thus alert the country's enemies as to interrogation tactics, publishing the legal analysis that gives the President this authority would not be harmful. Publishing would restore legitimacy to the work the OLC is doing and help remove the taint the Torture Memo has left on the office.

2. Exceptions
There are a few necessary exceptions to a rule requiring publication, and the former OLC attorneys who wrote a series of guidelines for the OLC are clear on them:
Ordinarily, OLC should honor a requestor's desire to keep confidential any OLC advice that the proposed executive action would be unlawful, where the requestor then does not take the action. For OLC routinely to release the details of all contemplated action of dubious legality might deter executive branch actors from seeking OLC advice at sufficiently early stages in policy formation. n167
 [\*553]  This reasoning stems directly from the attorney-client privilege and the need for candor in government. It is imperative that the executive branch seek information on potential action that may or may not be legal (or constitutional), and this type of inquiry should not be discouraged. This exception is only to be applied when the President does not go ahead with the policy in question. If the OLC were to opine that something is illegal or unconstitutional, and the President were to disregard that advice and proceed with the action anyway, this type of opinion should be made public. n168

If the OLC tells a President he can ignore a statute, and the President follows that advice, that opinion should be available to the public. One of the foundations of American governance is that nobody is above the law; advice that a statute should not be enforced contradicts this maxim. The Torture Memo asserted that violations of U.S. law would probably be excused by certain defenses, including necessity and self-defense. n169 Additionally, the Torture Memo argued that "Congress can no more interfere with the President's conduct of the interrogation of enemy combatants than it can dictate strategic or tactical decisions on the battlefield." n170 The OLC thus told the President that he does not have to enforce any congressional statutes that infringe on his Commander in Chief power. For both the purposes of good government and accountability, this type of claim should be made in public, rather than in secret, so Americans know how the President is interpreting the laws.

3. Oversight of Secret Opinions
Increased oversight at the OLC is most important for opinions that are classified as secret pursuant to the above procedures, and are unlikely to ever be heard in a court of law. According to former OLC attorneys:
The absence of a litigation threat signals special need for vigilance: In circumstances in which judicial oversight of executive branch action is unlikely, the President - and by extension  [\*554]  OLC - has a special obligation to ensure compliance with the law, including respect for the rights of affected individuals and the constitutional allocation of powers. n171
How can oversight be ensured?

First, memos that are both secret and unlikely to be heard in court must be reviewed by others with an expertise in the field. In 2002, there were two major issues with the OLC: first, almost nobody outside a group of five attorneys was allowed to read the secret opinions, n172 and second, there was a lack of expertise in the office on matters of national security. n173 As Goldsmith later confessed, "I eventually came to believe that [the immense secrecy surrounding these memoranda] was done [not for confidentiality, but] to control outcomes in the opinions and minimize resistance to them."n174

For opinions that are classified as secret, at least one other legal department in the federal government, with a similar level of expertise, should be asked to review a secret opinion in order to take a [\*555]  substantive look at the legal work in question. According to Jack Goldsmith, this process was traditionally how things worked; n175 when the Bush Administration started "pushing the envelope," n176 however, nearly all outside opinion was shut out under the guise of preventing leaks. n177 It is now apparent that the concern stemmed more from a fear of objections than from the national security concern of a leak. n178 Based on the declassification of the Torture Memo, along with the subsequent declassification of another memo on torture, n179 there was no national security purpose for keeping the memos secret.

The reason an outside review of memos labeled as classified is important is that in times of crisis, proper oversight mechanisms need to be in place. It is in times of emergency when the country is most vulnerable to decisions that it might later regret. n180 Based on the legal reasoning exposed in both the Torture Memo and the released Yoo opinion from March 2003, it is reasonable to surmise that other opinions written in the aftermath of September 11 are similarly flawed. n181 Currently, there are a number of classified memoranda that have been referenced in declassified OLC opinions, but have never been declassified themselves. n182 What these memoranda assert, and whether President Bush decided to follow them, are currently unknown. In a recently declassified opinion, however, there is a footnote indicating that the Fourth Amendment's protection against unreasonable searches and seizures is not applicable to domestic military operations related to the war on terror.n183 Because this would be a novel assertion  [\*556]  of authority, the American public should be able to evaluate the merits of such a legal argument.

Different agencies of government have personnel with different expertise, so it will be incumbent upon those in the OLC to determine which department, and which individual in the department, has the required security clearance and knowledge to review an opinion. Thus, when an opinion has been deemed classified, before it can be forwarded outside of the OLC, it would have to go to another agency for approval.

The question that the reviewer should have to answer is whether the work he or she is analyzing is an "accurate and honest appraisal of applicable law." n184 If it is, then there is no problem with the opinion, and the second agency will sign off on it. If it is not, then the reviewer should prepare a minority report. What is most critical is that both the Attorney General and the President - who might not be an attorney - understand exactly what their lawyers are saying. For a controversial decision, it should not be sufficient for someone in the OLC like John Yoo to write an inaccurate legal memo that asserts one thing, while the law and precedent say another, with the eventual decisionmaker - the President - only viewing the flawed opinion. The minority report will serve two purposes: first, it will encourage lawyers to avoid dressing up a shoddy opinion in "legalese" to make it look legitimate when in reality it is not; and second, it will ensure that the opinion truly is a full and fair accounting of the law.

The most important by-product from mandated review of secret opinions will be that lawyers in the OLC will no longer be able to hide behind a wall of total confidentiality. n185 Rather than acting as if the OLC is above the law and answerable to no one, the knowledge that every classified opinion will be reviewed by someone with an expertise in the field should give pause to any OLC attorney who lacks independence and serves as a yes-man for the President.

 [\*557]

B. Mechanisms for Implementing Changes

1. Self-Imposed by Executive
The easiest way to implement such a change in OLC requirements would be for the President to impose them on the OLC. The OLC's authority stems from the Attorney General, who has delegated some of his power to the OLC. n186 The Attorney General is in the executive branch, which means that the President has the authority to order these changes.

It is unlikely that the executive branch would self-impose constraints on the OLC, because Executives from both parties have historically exhibited a strong desire to protect the levers of power. n187One of the reasons lawyers at the OLC were able to write documents like the Torture Memo without anyone objecting was because the results were in line with what the Bush Administration wanted to hear. n188 Thus, it was unlikely that the Bush Administration would make any changes during its final year in office, and as it turned out, the Bush Administration ended on January 20, 2009, without making any changes.

Nevertheless, in light of the OPR's publicly announced investigation of the OLC's conduct, n189 and the release of another John Yoo memorandum on torture, n190 the lack of oversight at the OLC could come to the forefront of the public's attention. n191 Thus, it is possible that through public pressure, President Bush could be persuaded to mandate these changes himself. n192

2. Congressional Mandate
Alternatively, Congress could step into the void and legislate. Any potential congressional interference, however, would be fraught with separation of powers concerns, which would have to be dealt with directly. First, the President is entitled to advice from his advisors. n193 Second, a great deal of deference is owed to the President when he is operating in the field of foreign affairs. n194 Any attempt by Congress to limit either of these two powers will most likely be met with resistance. n195

### 1NC Critique

#### Security politics are self defeating – restraints on the executive are only a guise for further imperialism

Aziz RANA Law at Cornell 11 [“Who Decides on Security?” Cornell Law Faculty Working Papers, Paper 87, http://scholarship.law.cornell.edu/clsops\_papers/87 p. 1-7]

Today politicians and legal scholars routinely invoke fears that the balance between liberty and security has swung drastically in the direction of government’s coercive powers. In the post-September 11 era, such worries are so commonplace that in the words of one commentator, “it has become part of the drinking water of this country that there has been a trade-off of liberty for security.”1 According to civil libertarians, centralizing executive power and removing the legal constraints that inhibit state violence (all in the name of heightened security) mean the steady erosion of both popular deliberation and the rule of law. For Jeremy Waldron, current practices, from coercive interrogation to terrorism surveillance and diminished detainee rights, provide government the ability not only to intimidate external enemies but also internal dissidents and legitimate political opponents. As he writes, “We have to worry that the very means given to the government to combat our enemies will be used by the government against its enemies.”2 Especially disconcerting for many commentators, executive judgments—due to fears of infiltration and security leaks—are often cloaked in secrecy. This lack of transparency undermines a core value of democratic decisionmaking: popular scrutiny of government action. As U.S. Circuit Judge Damon Keith famously declared in a case involving secret deportations by the executive branch, “Democracies die behind closed doors. . . . When government begins closing doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation.”3 In the view of no less an establishment figure than Neal Katyal, now the Principal Deputy Solicitor General, such security measures transform the current presidency into “the most dangerous branch,” one that “subsumes much of the tripartite structure of government.”4 Widespread concerns with the government’s security infrastructure are by no means a new phenomenon. In fact, such voices are part of a sixty-year history of reform aimed at limiting state (particularly presidential) discretion and preventing likely abuses. What is remarkable about these reform efforts is that, every generation, critics articulate the same basic anxieties and present virtually identical procedural solutions. These procedural solutions focus on enhancing the institutional strength of both Congress and the courts to rein in the unitary executive. They either promote new statutory schemes that codify legislative responsibilities or call for greater court activism. As early as the 1940s, Clinton Rossiter argued that only a clearly established legal framework in which Congress enjoyed the power to declare and terminate states of emergency would prevent executive tyranny and rights violations in times of crisis.5 After the Iran-Contra scandal, Harold Koh, now State Department Legal Adviser, once more raised this approach, calling for passage of a National Security Charter that explicitly enumerated the powers of both the executive and the legislature, promoting greater balance between the branches and explicit constraints on government action.6 More recently, Bruce Ackerman has defended the need for an “emergency constitution” premised on congressional oversight and procedurally specified practices.7 As for increased judicial vigilance, Arthur Schlesinger argued nearly forty years ago, in his seminal book The Imperial Presidency (1973), that the courts “had to reclaim their own dignity and meet their own responsibilities” by abandoning deference and by offering a meaningful check to the political branches.8 Today, Lawrence Tribe and Patrick Gudridge once more imagine that, by providing a powerful voice of dissent, the courts can play a critical role in balancing the branches. They write that adjudication can “generate[]—even if largely (or, at times, only) in eloquent and cogently reasoned dissent—an apt language for potent criticism.”9 The hope—returned to by constitutional scholars for decades—has been that by creating clear legal guidelines for security matters and by increasing the role of the legislative and judicial branches, government abuse can be stemmed. Yet despite this reformist belief, presidential and military prerogatives continue to expand even when the courts or Congress intervene. Indeed, the ultimate result has primarily been to entrench further the system of discretion and centralization. In the case of congressional legislation (from the 200 standby statutes on the books to the postSeptember 11 and Iraq War Authorizations for the Use of Military Force to the Detainee Treatment Act and the Military Commissions Acts), this has often entailed Congress self-consciously playing the role of junior partner—buttressing executive practices by providing its own constitutional imprimatur to them. Thus, rather than rolling back security practices, greater congressional involvement has tended to further strengthen and internalize emergency norms within the ordinary operation of politics.10 As just one example, the USA PATRIOT Act, while no doubt controversial, has been renewed by Congress a remarkable ten consecutive times without any meaningful curtailments.11 Such realities underscore the dominant drift of security arrangements, a drift unhindered by scholarly suggestions and reform initiatives. Indeed, if anything, today’s scholarship finds itself mired in an argumentative loop, re-presenting inadequate remedies and seemingly incapable of recognizing past failures. What explains both the persistent expansion of the federal government’s security framework as well as the inability of civil libertarian solutions to curb this expansion? In this article I argue that the current reform debate ignores the broader ideological context that shapes how the balance between liberty and security is struck. In particular, the very meaning of security has not remained static but rather has changed dramatically since World War II and the beginning of the Cold War. This shift has principally concerned the basic question of who decides on issues of war and emergency. And as the following pages explore, at the center of this shift has been a transformation in legal and political judgments about the capacity of citizens to make informed and knowledgeable decisions in security domains. Yet, while underlying assumptions about popular knowledge—its strengths and limitations—have played a key role in shaping security practices in each era of American constitutional history, this role has not been explored in any sustained way in the scholarly literature. As an initial effort to delineate the relationship between knowledge and security, I will argue that throughout most of the American experience, the dominant ideological perspective saw security as grounded in protecting citizens from threats to their property and physical well-being (especially those threats posed by external warfare and domestic insurrection). Drawing from a philosophical tradition extending back to John Locke, politicians and thinkers—ranging from Alexander Hamilton and James Madison at the founding to Abraham Lincoln and Roger Taney—maintained that most citizens understood the forms of danger that imperiled their physical safety. The average individual knew that securing collective life was in his or her own interest, and also knew the institutional arrangements and practices that would fulfill this paramount interest. A widespread knowledge of security needs was presumed to be embedded in social experience, indicating that citizens had the skill to take part in democratic discussion regarding how best to protect property or to respond to forms of external violence. Thus the question of who decides was answered decisively in favor of the general public and those institutions—especially majoritarian legislatures and juries—most closely bound to the public’s wishes. What marks the present moment as distinct is an increasing repudiation of these assumptions about shared and general social knowledge. Today the dominant approach to security presumes that conditions of modern complexity (marked by heightened bureaucracy, institutional specialization, global interdependence, and technological development) mean that while protection from external danger remains a paramount interest of ordinary citizens, these citizens rarely possess the capacity to pursue such objectives adequately. Rather than viewing security as a matter open to popular understanding and collective assessment, in ways both small and large the prevailing concept sees threat as sociologically complex and as requiring elite modes of expertise. Insulated decision-makers in the executive branch, armed with the specialized skills of the professional military, are assumed to be best equipped to make sense of complicated and often conflicting information about safety and self-defense.12 The result is that the other branches—let alone the public writ large—face a profound legitimacy deficit whenever they call for transparency or seek to challenge presidential discretion. Not surprisingly, the tendency of procedural reform efforts has been to place greater decision-making power in the other branches and then to watch those branches delegate such power back to the very same executive bodies. How did the governing, expertise-oriented concept of security gain such theoretical and institutional dominance and what alternative formulations exist to challenge its ideological supremacy? In offering an answer to these questions, I begin in Part II by examining the principal philosophical alternatives that existed prior to the emergence of today’s approach, one of which grounded early American thought on security issues. I refer to these alternatives in the Anglo-American tradition as broadly ‘Hobbesian’ and ‘Lockean’ and develop them through a close reading of the two thinkers’ accounts of security. For all their internal differences, what is noteworthy for my purposes is that each approach rejected the idea—pervasive at present—that there exists a basic divide between elite understanding and mass uncertainty. In other words, John Locke and even Thomas Hobbes (famous as the philosopher of absolutism) presented accounts of security and self-defense that I argue were normatively more democratic than the current framework. Part III will then explore how the Lockean perspective in particular took constitutional root in early American life, focusing especially on the views of the founders and on the intellectual and legal climate in the mid nineteenth century. In Part IV, I will continue by detailing the steady emergence beginning during the New Deal of our prevailing idea of security, with its emphasis on professional expertise and insulated decision-making. This discussion highlights the work of Pendleton Herring, a political scientist and policymaker in the 1930s and 1940s who co-wrote the National Security Act of 1947 and played a critical role in tying notions of elite specialization to a new language of ‘national security.’ Part V will then show how Herring’s ‘national security’ vision increasingly became internalized by judicial actors during and after World War II. I argue that the emblematic figure in this development was Supreme Court Justice Felix Frankfurter, who not only defended security expertise but actually sought to redefine the very meaning of democracy in terms of such expertise. For Frankfurter, the ideal of an ‘open society’ was one premised on meritocracy, or the belief that decisions should be made by those whose natural talents make them most capable of reaching the technically correct outcome. According to Frankfurter, the rise of security expertise meant the welcome spread of meritocratic commitments to a critical and complex arena of policymaking. In this discussion, I focus especially on a series of Frankfurter opinions, including in Ex parte Quirin (1942), Hirabayashi v. United States (1943), Korematsu v. United States (1944), and Youngstown Steel & Tube Co. v. Sawyer (1952), and connect these opinions to contemporary cases such as Holder v. Humanitarian Law Project (2010). Finally, by way of conclusion, I note how today’s security concept—normatively sustained by Frankfurter’s judgments about merit and elite authority—shapes current discussions over threat and foreign policy in ways that often inhibit rather than promote actual security. I then end with some reflections on what would be required to alter governing arrangements. As a final introductory note, a clarification of what I mean by the term ‘security’ is in order. Despite its continuous invocation in public life, the concept remains slippery and surprisingly under-theorized. As Jeremy Waldron writes, “Although we know that ‘security’ is a vague and ambiguous concept, and though we should suspect that its vagueness is a source of danger when talk of trade-offs is in the air, still there has been little or no attempt in the literature of legal and political theory to bring any sort of clarity to the concept.”13 As a general matter, security refers to protection from those threats that imperil survival—both of the individual and of a given society’s collective institutions or way of life. At its broadest, these threats are multidimensional and can result from phenomena as wide-ranging as environmental disasters or food shortages. Thus, political actors with divergent ideological commitments defend the often competing goals of social security, economic security, financial security, collective security, human security, food security, environmental security, and—the granddaddy of them all—national security. But for my purposes, when invoked without any modifier the word ‘security’ refers to more specific questions of common defense and physical safety. These questions, emphasizing issues of war and peace, are largely coterminous with what Franklin Delano Roosevelt famously referred to in his “Four Freedoms” State of the Union Adresss as “the freedom from fear”: namely ensuring that citizens are protected from external and internal acts of “physical aggression.”14 This definitional choice is meant to serve two connected theoretical objectives. First, as a conceptual matter it is important to keep the term security analytically separate from ‘national security’—a phrase ubiquitous in current legal and political debate. While on the face of it, both terms might appear synonymous, my claim in the following pages is that ‘national security’ is in fact a relatively novel concept, which emerged in the mid twentieth century as a particular vision of how to address issues of common defense and personal safety. Thus national security embodies only one of a number of competing theoretical and historical approaches to matters of external violence and warfare. Second, and relatedly, it has become a truism in political philosophy that the concept of liberty is plural and multifaceted.15 In other words, different ideals of liberty presuppose distinct visions of political life and possibility. Yet far less attention has been paid to the fact that security is similarly a plural concept, embodying divergent assumptions about social ordering. In fact, competing notions of security—by offering different answers to the question of “who decides?”—can be more or less compatible with democratic ideals. If anything, the problem of the contemporary moment is the dominance of a security concept that systematically challenges those sociological and normative assumptions required to sustain popular involvement in matters of threat and safety.

#### National security frame justifies extinction in the name of saving human life.

Dillon 96—Michael, University of Lancaster [October 4, 1996, “Politics of Security: Towards a Political Philosophy of Continental Thought”]

The way of sharpening and focusing this thought into a precise question is first provided, however, by referring back to Foucault; for whom Heidegger was the philosopher. Of all recent thinkers, Foucault was amongst the most committed to the task of writing the history of the present in the light of the history of philosophy as metaphysics. 4 That is why, when first thinking about the prominence of security in modern politics, I first found Foucault’s mode of questioning so stimulating. There was, it seemed to me, a parallel to be drawn between what he saw the technology of disciplinary power/knowledge doing to the body and what the principle of security does to politics.

What truths about the human condition, he therefore prompted me to ask, are thought to be secreted in security? What work does securing security do for and upon us? What power-effects issue out of the regimes of truth of security? If the truth of security compels us to secure security, why, how and where is that grounding compulsion grounded? How was it that seeking security became such an insistent and relentless (inter)national preoccupation for humankind? What sort of project is the pursuit of security, and how does it relate to other modern human concerns and enterprises, such as seeking freedom and knowledge through representative-calculative thought, technology and subjectification? Above all, how are we to account—amongst all the manifest contradictions of our current (inter)national systems of security: which incarcerate rather than liberate; radically endanger rather than make safe; and engender fear rather than create assurance—for that terminal paradox of our modern (inter)national politics of security which Foucault captured so well in the quotation that heads this chapter. 5 A terminal paradox which not only subverts its own predicate of security, most spectacularly by rendering the future of terrestrial existence conditional on the strategies and calculations of its hybrid regime of sovereignty and governmentality, but which also seems to furnish a new predicate of global life, a new experience in the context of which the political has to be recovered and to which it must then address itself: the globalisation of politics of security in the global extension of nihilism and technology, and the advent of the real prospect of human species extinction.

#### Reject the national security state – key to solve executive dominance

Aziz RANA Law at Cornell 11 [“Who Decides on Security?” Cornell Law Faculty Working Papers, Paper 87, http://scholarship.law.cornell.edu/clsops\_papers/87 p. 45-51]

If both objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the relationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars—emphasizing new statutory frameworks or greater judicial assertiveness—is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants—danger too complex for the average citizen to comprehend independently—it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that no popular base exists to raise these questions. Unless such a base emerges, we can expect our prevailing security arrangements to become ever more entrenched.

### 1NC – Solvency

#### Their restriction is a smokescreen and will not be enforced

Nzelibe 7—Professor of Law @ Northwestern University [Jide Nzelibe, “Are Congressionally Authorized Wars Perverse?” Stanford Law Review, Vol. 59, 2007]

These assumptions are all questionable. As a preliminary matter, there is not much causal evidence that supports the institutional constraints logic. As various commentators have noted, Congress's bark with respect to war powers is often much greater than its bite. Significantly, skeptics like Barbara Hinckley suggest that any notion of an activist Congress in war powers is a myth and members of Congress will often use the smokescreen of "symbolic resolutions, increase in roll calls and lengthy hearings, [and] addition of reporting requirements" to create the illusion of congressional participation in foreign policy.' 0 Indeed, even those commentators who support a more aggressive role for Congress in initiating conflicts acknowledge this problem," but suggest that it could be fixed by having Congress enact more specific legislation about conflict objectives and implement new tools for monitoring executive behavior during wartime. 12

Yet, even if Congress were equipped with better institutional tools to constrain and monitor the President's military initiatives, it is not clear that it would significantly alter the current war powers landscape. As Horn and Shepsle have argued elsewhere: "[N]either specificity in enabling legislation ... nor participation by interested parties is necessarily optimal or self-fulfilling; therefore, they do not ensure agent compliance. Ultimately, there must be some enforcement feature-a credible commitment to punish ....Thus, no matter how much well-intentioned and specific legislation Congress passes to increase congressional oversight of the President's military initiatives, it will come to naught if members of Congress lack institutional incentives to monitor and constrain the President's behavior in an international crisis.

Various congressional observers have highlighted electoral disincentives that members of Congress might face in constraining the President's military initiatives. 14 Others have pointed to more institutional obstacles to congressional assertiveness in foreign relations, such as collective action problems. 15 Generally, lawmaking is a demanding and grueling exercise. If one assumes that members of Congress are often obsessed with the prospect of reelection, 16 then such members will tend to focus their scarce resources on district-level concerns and hesitate to second-guess the President's response in an international crisis. 17 Even if members of Congress could marshal the resources to challenge the President's agenda on national issues, the payoff in electoral terms might be trivial or non-existent. Indeed, in the case of the President's military initiatives where the median voter is likely to defer to the executive branch's judgment, the electoral payoff for members of Congress of constraining such initiatives might actually be negative. In other words, regardless of how explicit the grant of a constitutional role to Congress in foreign affairs might be, few members of Congress are willing to make the personal sacrifice for the greater institutional goal. Thus, unless a grand reformer is able to tweak the system and make congressional assertiveness an electorally palatable option in war powers, calls for greater congressional participation in war powers are likely to fall on deaf ears. Pg. 912-913

#### President will not abide - Congress will inevitably fall in line

Bell 4—Professor of Political Science @ Randolph-Macon College [Lauren Cohen Bell, “Following the Leaders or Leading the Followers? The US President's Relations with Congress,” Journal of Legislative Studies, Summer/Autumn, 2004, Vol. 10 Issue 2/3, pg. 193-205]

As noted ahove. Article I of the Constitution grants to the Congress the sole authority to make declarations of war. However, the president has the power to command US military personnel based on the provisions of Article II. Over the course of US history, the commander-in-chief power has been interpreted to permit presidents to commit troops to areas of conflict even in the absence of a formal declaration of war. Today, formal declarations of war are the exception rather than the rule; separation of powers expert Louis Fisher notes that through 1991 only five wars had ever been declared and that "in only one (the War of 1812) did members of Congress actually debate the merits of entering into hostilities'.'^ As Samuel Kemell and Gary Jacohson note: "[SJince 1989 U.S. armed forces have been almost continuously engaged somewhere in the world.''^

This was not always the case. Fisher points out that there is evidence of presidential restraint with regard to war-making by relating the story of President Grover Cleveland (1885-89; 1893-97), who refused to mobilise troops for a conflict with Cuba despite Congress' intention to declare war. In Fisher's account, Cleveland told the Congress: 'I will not mobilize the army ... I happen to know that we can buy the island of Cuba from Spain for $100,000,000, and a war will cost vastly more than that and will entail another long list of pensioners. It would be an outrage to declare war.''^ Yet, in the modem history of presidential-congressional relations, it is much more frequently the president who has mobilised American troops without consultation with the Congress and in the absence of a formal declaration of war. And it is clear that even when we consider Cleveland's actions, the president has been far more important to the conduct of American foreign policy than the Congress.

This circumstance led, in the aftermath of the war in Vietnam, to congressional passage of the War Powers Resolution in 1973. The War Powers Resolution (WPR) was an attempt to constrain presidential discretion with regard to committing troops oversees. Section 3 of the WPR requires that 'The president in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances".' Section 4 of the WPR gives the president 48 hours to provide a report to both Chambers of the Congress detailing the reason for committing troops, the authority under which he committed them and his prediction conceming the duration of the troops' engagement abroad.'^ Once the president has informed the Congress of the commitment of troops, and in the event that the Congress does not declare war, the WPR requires the president to end the engagement within 60 days, with the possibility of an additional 30 days' commitment in the event that the president certifies to the Congress that the additional time is necessary.^\*\* According to the Congressional Research Service (CRS), the research branch of the Library of Congress, since the War Powers Resolution was enacted over President Richard M. Nixon's 1973 veto, it has been invoked on 107 occasions (to 23 July 2003).^' Figure 2 illustrates both the absolute number of times as well as the rate of each president's exercise of war powers. As Figure 2 demonstrates, the rate of War Powers Resolution uses has continually increased since it took effect in 1974.

A reading of the WPR would seem to clarify the relationship between Congress and the president with regard to the exercise of national war powers. A close reading would also suggest that the president and Congress share war-making power. Yet no president has ever recognised the WPR as a constraint on his ability to move American armed forces around the globe or keep them in place as long as necessary. Moreover, presidents rarely abide by the provisions of the Resolution that require their consultation with the Congress. As CRS researcher Richard F. Grimmett notes, 'there has been very little consultation with Congress under the Resolution when consultation is defined to mean seeking advice prior to a decision to introduce troops'.^" And while the Congress has, from time to time, expressed its sense that troops should be withdrawn from conflicts or engagements abroad, in truth the Congress has relatively few options for dealing with a president that violates the WPR. Indeed, as the late presidency scholar Aaron Wildavsky notes, the Congress is much less likely to challenge presidents" foreign policy actions than it is willing to challenge presidents" domestic policy actions.'^'^ This is because presidents oversee an enormous national security apparatus and because the constituents represented by members of Congress rarely hold strong opinions on matters of foreign policy. As a result, congressional challenges to violations of the WPR consist mostly of holding oversight hearings and passing symbolic resolutions.''\* Moreover, once troops are committed abroad. Congress almost always falls in line with the president’s vision of the scope of the conflict and the need for a military presence. The members of Congress become reluctant to challenge a president who has troops on the ground and typically acquiesce to the president’s wishes when it comes to provisions for support. In this way, the president is able to exercise some leadership over the Congress, whose members generally find it politically expedient to follow the president on matters pertaining to the military or the conduct of America's relations with other countries. Pg. 200-202

### 1NC – Navy

#### U.S. naval power is so totally dominant now that any “shift” is irrelevant

Work 9—Robert, VP of Strategic Studies—Center for Strategic and Budgetary Assessments [“Strategy for the Long Haul: the US Navy Charting A Course for Tomorrow’s Fleet”, February 17, 2009, http://www.csbaonline.org/4Publications/PubLibrary/R.20090217.The\_US\_Navy\_Charti/R.20090217.The\_US\_Navy\_Charti.pdf]

On August 1, 2008, the TSBF numbered 280 ships of all types (see Figure One).3 Predictably, naval advocates fretted that the smaller fleet posed a great risk to US national security. For example, Seth Cropsey, a Deputy Undersecretary of the Navy in the Reagan and George H. W. Bush administrations, cautioned that, “Without intending it, US policy is verging toward unilateral naval disarmament.”4 He went on to say: The Navy’s focus is [unclear]. Its [280] combat ships — a number that House Armed Services Committee Chairman Ike Skelton called “shocking” — comprise a force that is less than half the size achieved during the Reagan years . . . The last time the US possessed so small a fleet was sometime between December 1916 and April 1917, on the eve of the nation’s entry into World War I. While technically true, these dire comments are misleading. Of the many ways to gauge US naval power, comparing the size of the current US battle force to that of past US fleets is the least useful. Past TSBFs are reflections of different strategic environments, federal budgets, national grand strategies, and stages of technological development. They also reflect the state of the contemporary global naval competition. In 1916, although the TSBF numbered only 245 ships of all types, the 36 battleships of the Navy’s battle line placed it second among world navies behind the British Royal Navy. Despite having “only” 245 ships, it could safely assume it would never have to fight the Royal Navy, and be relatively confident that it could fight and defeat any other navy in the world. During the 1980s, even as it grew to a post-Vietnam high of nearly 600 vessels, the Navy was fighting off a concerted effort by the Soviet Navy to knock it out of the top spot.5 In other words, whether today’s TSBF is as big as the US fleets in 1916 or 1987 is utterly irrelevant. Far more important is the answer to the following question: how does the US Navy stack up against its potential contemporary competitors? And the answer to this question paints a very different picture than comparing today’s TSBF with that of past US fleets. SECOND TO NONE The first true indicator of US naval dominance comes from comparing the size of the US battle force with other world navies. What alarmists over fleet size fail to mention is that although the US TSBF is the smallest it has been in over ninety years, so too are the rest of the world’s navies.6 At the height of its naval dominance, Great Britain strove to achieve at least a “two-navy standard.” That is, the Royal Navy aimed to maintain a fleet and battle line that was as large as the combined fleets of the two closest naval powers. Today, counting those ships that can perform naval fire and maneuver in distant theaters — aviation platforms of all types, tactical submarines (nuclear and diesel-electric attack boats and conventional guided-missile submarines), and surface combatants and amphibious ships with full load displacements greater than 2,000 tons7 — the next two largest contemporary navies belong to Russia and the People’s Republic of China (PRC). Together, they operate a total of 215 warships of all types. The US Navy alone operates 203 such warships, very close to, but not quite, a two-navy standard.8 However, when factoring in a second important indicator of naval power — aggregate fleet displacement (tonnage) — the US Navy enjoys considerably more than a two-navy standard. As naval analyst Geoffrey Till explains, “[t]here is a rough correlation between the ambitions of a navy and the size and individual fighting capacity of its main units, provided they are properly maintained and manned.”9 Therefore, full load displacements and aggregate fleet warship displacements are the best proxies available to measure a ship’s and a fleet’s overall combat capability, respectively. Accordingly, both are useful measures for sizing up the contemporary global hierarchy of naval competitors.10 When considering aggregate fleet displacements, the US Navy’s overwhelming advantage in combat capability is readily apparent. Besides the United States, there are only twenty navies in the world that operate fleets with aggregate displacements of 50,000 tons or more. In order of fleet displacement (largest to smallest), these navies are operated by: Russia, the PRC, Japan, the United Kingdom, France, India, Taiwan, Italy, Indonesia, Spain, South Korea, Brazil, Turkey, Australia, Greece, Canada, Germany, the Netherlands, Peru, and Singapore. Together, these twenty navies operate a total of 719 ships with a combined displacement of 3,632,270 tons.11 In comparison, the combined displacement of the US Navy’s 203 fighting warships totals 3,121,014 tons — which exceeds the total tonnage of warships operated by the next thirteen navies combined. In other words, in terms of overall fleet combat capability, the US Navy enjoys a thirteen-navy standard. However, it is important to note that of the twenty countries discussed above, eighteen are formal US allies (Australia, Canada, France, Germany, Greece, Italy, Japan, the Netherlands, South Korea, Spain, Turkey, and the United Kingdom), governments friendly to the United States, (Peru, Brazil, Indonesia, and Singapore), or emerging strategic partners (India). Moreover, all of these nations are either full or partial democracies. The likelihood of the United States ever finding itself in a war or naval confrontation with any of these countries is extremely remote. Indeed, if anything, during times of crisis the US Navy can normally count on receiving important naval contributions from some or all of these nations. At the turn of the twentieth century, the officers of the British Royal Navy concluded that they would never again fight the US Navy, and could remove its rapidly expanding fleet from calculations over the minimal two-navy standard. Similarly, eight years after the turn of the twenty-first century, the US can confidently exclude these eighteen navies from its naval force planning calculations. This is the implicit message of the Navy’s recently published Cooperative Strategy for 21st Century Seapower, which seeks to foster and sustain cooperative maritime relationships with more international partners.12

#### Carriers aren’t key to naval power. They’ll get shredded in naval combat

Thompson 7 [Roger, Fellow—Inter-University Seminar on Armed Forces and Society, Member of the Research Committee on Armed Forces and Conflict Resolution @ International Sociological Association, “Lessons Not Learned: The U.S. Navy’s Status Quo Culture,” p. 106-107]

Please note that Goff called the U.S. a "bully," not I. Sadly, this kind of official denial is standard operating procedure in the U.S. Navy. Consider also the American submarine commander who once said that during war games he "put six torpedoes into a carrier, and I was commended—for reducing the carrier’s efficiency by 2 percent."24 The battleship admirals played the same mind and word games when they ran the Navy, and we all know what happened to the battleship. Many of the criticisms of the carrier-centered Navy come from U.S. Army officers who see the Navy more as a rival than a partner in national defense. One might dismiss such criticisms as merely parochial slander, but some Army critics make good sense. tt. Col. Douglas Macgregor made a number of convincing arguments in his ground-breaking book Breaking the Phalanx. Macgregor is a vocal critic of American military strategy, and his criticisms are not restricted to the Army. He argues that with the U.S. Navy’s new focus on littoral warfare, the big-carrier force is in even more danger than during its days as a high-seas fleet designed to face the Soviet Union. The fact that American aircraft carriers are so big, with so much firepower concentrated within them, makes them attractive and worthy targets for weapons of mass destruction in littoral waters: "The concentration of several thousand sailors, airmen, and Marines in an amphibious or Nimitz-class aircraft carrier risks single point failure in future warfighting."25 Also, as the quality and availability of cruise missiles increase, so do the chances of a successful attack on carrier battle groups: "The survivability of large carriers and amphibious ships depends on antiship missile defenses, which must perform perfectly within a few seconds of a missile alert. In both cases, very expensive platforms can be destroyed by relatively inexpensive weapons."26 Inexpensive weapons, like antiship missiles fired from speedy hydrofoils, have indeed made life difficult for aircraft carriers in free-play exercises, for example. Recently, Capt. D. Michael Abrashoff, USN, described in detail how his friend, Capt. Al Collins, while serving on the hydrofoil USS Pegasus, once clobbered a carrier. Lying quietly in wait with all transmitting equipment shut down, the hydrofoil would listen for electronic emissions from the battle group— not just radar signals, but virtually anything in the electromagnetic spectrum, including radio transmissions and the signal waves generated by running engines. Al would triangulate the source and calculate where to aim the missiles. In the simulated firing, a radar ping would signal each of five missiles headed for the carrier in Al’s sights. . . . ‘One hundred percent of the time, we were successful in getting in, attacking, and then sprinting out of there before they knew what hit them,’ Al told me.27 Williscroft said in September 2004 that there are several possible nightmare scenarios that face the modern U.S. Navy, and they most certainly involve quiet conventional submarines: "The bad guys can station one of the new ultraquiet AIP subs at a choke point, and seriously damage or even sink a carrier. An AIP sub can sneak up on a Virginia-class [nuclear submarine] deploying a Seal team with devastating results. A hunter-killer pack of several AIP subs can take out any nuke we have, once they find it."28 Macgregor also noted that at a cost of approximately four billion dollars for construction alone, the loss of even one Nimitz-class carrier would be morally and financially devastating. The loss of one or more of the twobillion-dollar Virginia-class nuclear submarines would also be a tremendous burden on the U.S. Treasury.29

#### US tech advances risks war with China. Empirical data is on our side

Markowitz & Fariss 2/27/13—PhD Candidates in political science @ UC San Diego [Jonathan N. Markowitz & Christopher J. Fariss, “Going the Distance: The Price of Projecting Power,” International Interactions: Empirical and Theoretical Research in International Relations, 27 Feb 2013, pg. DI: 10.1080/03050629.2013.768458]

Conclusion

The goal of this paper was to establish the relationship between power projection, technology and economic power. The results provide empirical support for the hypotheses we test. We find that as technology decreases the cost of projecting power, more states deploy their military forces within the system. Our results also suggest that as states becomes economically powerful they tend to project power at greater distances and with greater frequency. Rather than competing, these hypotheses complement one another as more economically powerful states are likely better able to afford the technologies that reduce the cost of projecting power. These empirical relationships have implications for international relations in the twenty-first century, as a number of states have experienced tremendous economic growth.

Today we are witnessing a renegotiating of regional orders as the economic power of states such as China and India increase. Such renegotiations are based largely on changes in the relative ability of these states to project power and the limit of the power projection capabilities of geographically distant countries like the United States. The shape of future regional orders and even the international system depends in part on the relative ability of these rising states to project power. States that project power globally may enact more hierarchical relationships with the states that exist within their order. This of course, does not mean that states that have capability to project power will attempt to create such relationships, only that they can. The ability of states to project power acts as a constraint on the types of behaviors and relationships such states can engage in. Because these behaviors and hierarchical relationships are so central to the study of international relations, it is important to understand what factors condition and constrain the choices of actors to engage in power projection over other forms of influence.

#### The conflict will escalate. Ceding the Pacific the only way to prevent war

Marvin 12—UC San Diego graduate with degrees in economics and political science [Taylor Marvin, “PRC Area-Denial Capabilities and American Power Projection, Part 5,” Smoke & Stir, June 28, 2012, pg. http://smokeandstir.org/2012/06/28/prc-area-denial-capabilities-and-american-power-projection-part-5/]

China’s hesitant pursuit of power projection is an encouraging development. While China’s A2/AD vector is clearly designed to force the US to disengage from what China perceives as its exclusive sphere of influence, this second vector appears to align with US global goals. Globally, China’s naval policy is driven by the need to protect sea lines of communication, ensure its access to oil, preserve the maritime commons, and possess the capability to evacuate Chinese nationals abroad. These interests all mirror America’s. Similarly, when Chinese power projection has been used for warlike purposes it has been as part of the international system: contributing forces to UN peacekeeping missions, and conducting anti-piracy operations off the Gulf of Aden.[2]

While the conventional vector of the PLAN could be used in concert with A2/AD capabilities to coerce China’s smaller regional rivals, it could also play a positive global role. The PLAN “is arguably the only one in today’s world that the US Navy must deter or be able to defeat,” Eric A. McVadon explains, “but also a navy that under different circumstances could become a high-seas partner.”[3]

Asymmetric Warfare, Asymmetric Commitment

Hopeful thoughts of global partnerships aside, hegemony in the Western Pacific is a zero sum game—either the United States will continue to dominate the region to the benefit of its allies, or China will displace the old power. For the last six decades the United States’ monopoly on power projection in the Western Pacific was unopposed. However, advances in anti-access/area-denial capabilities have made the status quo untenable, and the United States’ ability to project power from offshore platforms will deteriorate as asymmetric capabilities shift the primary determinant of strategic victory from force superiority to locality. If power projection is no longer feasible at an acceptable level of risk, local actors not reliant on projection at all can deny more distant opponents control over the local theater.

The United States’ favored China policy is a mix of engagement and limited containment.[4] This strategy is superficially rational; while US and PRC strategic goals and political systems differ it is not clear that they are incompatible, and the two nations’ mutual economic interests encourage engagement.[5] However, as Gartzke and Markowitz argue, this mixed strategy is actually the worst of both worlds: limited containment will not prevent China from challenging the US hegemony, while forsaking the benefits of open engagement. If the United States attempts to contain China without making the necessary, and painful, level of commitment, an increasingly militant China will resent what it rightfully sees as an attempt by a declining power to constrain it.[6] Gartzke and Markowitz conclude that the US should acknowledge the Western Pacific as China’s sphere of influence, allowing the United States to devote its resources to ensuring China does not attempt to radically disrupt the existing global order.[7] This realignment would strengthen the credibility of the US military, lessen the prospect of war, and allow for mutually beneficial engagement with China.

The emergence of powerful anti-access/area-denial capabilities supports Gartzke and Markowitz’s conclusion. The United States is accustomed to projecting power in distant theaters from invulnerable removed platforms, sanctuaries that A2/AD capabilities threaten. If novel defensive technologies and reformed operational concepts are not able to remove the anti-access/area-denial threat, maintaining US hegemony in the Western Pacific will require credibly committing to a higher level of risk and a greater public tolerance for losses. US global hegemony is based on the US military’s ability to defeat any prospective opponent at an acceptable cost. As China’s asymmetric capabilities continue to grow more lethal, continued US commitment to regional dominance will require a shift to a pure containment policy, and a more capable military force to back it up.[8] If the US military cannot threaten to quickly overcome China’s anti-access/area-denial capabilities its commitments to the region are not credible, and China can coerce the US to not enter the theater through raising the expected costs of war. However, it is doubtful the American public has any desire for the increased loss tolerance a continued mixed strategy of engagement and limited containment requires.

A2/AD capabilities constrain US power projection in two ways: by eroding actual warfighting capabilities by striking concrete US military assets, and by deterring the United States from electing entering a conflict. This deterrent is based on a credible threat to inflict heavy enough causalities on US forces as to make an American victory uncertain, and not worth the costs in lives and treasure. The deterrent value of A2/AD capabilities are an important addition to China’s nuclear deterrent: while nuclear deterrents suffer from their lack of flexibility, A2/AD assets could be used to selectively threaten US military platforms while potentially avoiding the escalation risk of nuclear weapons.

It is difficult to truly comprehend the magnitude of the catastrophic loss of a carrier, and it is impossible to predict how American policymakers would react to such a catastrophic lose. Sinking an American carrier could end the war in China’s favor; if USN admirals informed the president that could not guarantee another carrier would not be lost in the exact same way, he or she might have no choice but to capitulate. Of course, sinking a carrier could leave the American populace howling for blood and increase their commitment to the conflict. The loss of a single Nimitz class with all hands—certainly a possible outcome of a devastating hit by an ASBM warhead—would kill over twice as many Americans as the attack on Pearl Harbor. Frustrated US leaders would be tempted to strike ASBM launchers on the Chinese mainland, perhaps escalating a previously maritime confrontation to a broader conflict.

The loss of a capital ship has the potential to either escalate or deescalate a conflict. This escalation risk is determined by both individual opponent’s incentives, and domestic politics. After the Argentine cruiser the ARA Belgrano was sunk by a Royal Navy submarine during the Falklands War, the Argentine Navy withdrew their entire surface fleet, including the carrier Veinticinco de Mayo, to port. Despite the Argentine commitment to the ongoing war, Argentina’s admirals realized that the Navy’s contribution to the conflict was not worth risking the fleet and their own prestige. The loss of the Belgrano was a shock to Argentine admirals—it definitively demonstrated that Royal Navy submarines were active in the south Atlantic, and that the Argentine Navy had no way to counter them. This is significant: despite its deficiencies the Veinticinco, ironically an antiquated ex-British ship acquired by the Argentines in 1968, did possess formidable A-4 Skyhawk ground attack aircraft that could have complicated the British landing had the Veinticinco remained in the Falklands theater. In the Falklands example, a costly naval loss early in the war arguably reduced the ultimate aggregate cost of the conflict by reducing the number of assets one side were willing to commit, and possibly lose, to the conflict.

However, the loss of the Belgrano did not force the Argentine’s to capitulate, because junta never had any real incentive to back down anyway. The junta had begun the war in a desperate attempt to shore up faltering domestic support and drown calls for democratic reforms and an end to military rule in a patriotic outpouring of rallying around the flag. The social breakdown of the post-Peronist era and the Dirty War had irrevocably demonstrated that the military was an incompetent public administrator, and if an unfavorable end to the manufactured Falklands crisis destroyed the public’s perception of the junta’s military competence the generals’ administration—and possibly their personal freedom—would be at risk. Of course, the junta had massively misjudged the Thatcher government’s willingness to go to war to defend the Falklands, but once the war had actually begun and the extent of this miscalculation became apparent it did not change the options available to the junta. The Argentine junta’s survival depended on their ability to present a victory to their domestic population, mandating a continued commitment to the war. However, the Navy knew that it could not protect surface ships from superior British undersea warfare capabilities, making continued power projection around the Falklands Islands unacceptably risky. The loss of the ARA Belgrano did not alter the Argentine leadership’s commitment to the conflict, but forced a tactical shift to sea denial, primarily Execot anti-ship cruise missile attacks on the Royal Navy.[9]

The United States’ commitment the Western Pacific is not the same as the Argentine junta’s experience in the South Atlantic. Importantly, US prestige is not as integrally tied to American security commitments in the theater as Argentina’s was to recovering las Islas Maldivas. Additionally, Argentina retained limited power projection ability from the mainland even after the withdrawal of Argentine surface assets. These differences suggest that a forced withdrawal from the theater is likely if the US military judges it cannot protect irreplaceable assets from PLA A2/AD capabilities.

Ultimately the direction US involvement would evolve towards after a costly US naval loss—towards further escalation, or disengagement—would likely depend on how the loss was to the American public. If Americans viewed the deaths of thousands US sailors as a deliberate attack by a foreign power the public would likely support retaliation, as in the case of the 1898 sinking of the USS Maine in Havana harbor. However, if the dominant media narrative depicted this loss as the result of presidential incompetence or unnecessary US involvement in a foreign conflict few Americans saw as integral to US interests—similar to the Beirut barracks bombing or the 1993 Battle of Mogadishu—voters would likely demand a withdrawal. These domestic demands for disengagement would be stronger if there was a strong public perception that the US military could not prevent further, increasingly catastrophic losses if the war continued. Which domestic narrative would dominate is likely dependent on the specific circumstances of the specific conflict. An unprovoked Chinese attack on Japan would likely fit the criteria for popular US demands for a response; a more complicated dispute between China and a less important US ally likely would not.[10]

Making the decision to target a US carrier would be an enormously risky decision for the Chinese leadership. A successful strike could force the US to concede and withdrawal from a conflict. It could just as easily escalate a limited, maritime conflict into a disastrous war. Would Beijing take this risk? It is impossible to know, but the Chinese Communist Party has a history of erring towards decisive, and ultimately regrettable, decisions: the Great Leap Forward, the Cultural Revolution, the bloody repression at Tianemen all proved to be poor choices.[11] If robust A2/AD capability were not a sufficient deterrent in and of itself to keep the US from intervening in a regional conflict, it is possibly that the Chinese leadership would judge a strike on a US carrier to be worth the risk, or initiate a broader A2/AD campaign designed to knock out US combat capability in the region.

If China can credibly threaten US military assets in the Western Pacific theater, the American commitment to the region is only credible if the United States can persuasively commit to bearing high casualties and risk. China’s A2/AD capability’s deterrent value rests on their ability to raise these expected losses beyond a value the United States can credibly commit to. If US leaders wish to maintain a credible commitment to defend US interests in the Western Pacific against Chinese encroachment, they must raise the American public’s tolerance for loss. Offshore balancing is not a low commitment strategy.

The End of Limited Containment

While policymakers in the United States recognize that the Chinese military is on the path the near-peer status, there is little appetite for the complete realignment of US force structures necessary to counter a future, more capable China, the Obama administration’s “pivot” to the Pacific notwithstanding. Similarly, in an age of falling acceptance of casualties overseas it is unlikely that the American public has any appetite for a costly war in the Western Pacific. Compounding this problem is the asymmetry between the US and China commitment: after all, it is the South China Sea. It is reasonable to suggest that China is willing to suffer higher losses to exert control over its own littorals than the US is to defend a single theater of its global hegemony.

In contrast to other US security commitments, a conflict in the Western Pacific would be an American war of choice. Unlike in the Korean Peninsula, the China could structure a campaign to coerce Taiwan or its rivals in the South China Sea as to avoid striking American forces. This avoids the American “trip wire” commitment device. Treaty obligations aside, even though an American president would face little incentive to commit to a costly war defending South Korea from its northern neighbor, the annihilation of US Forces Korea would force his or her hand. If China avoided attacking American forces stationed in Japan, Korea, Guam, or Australia, a US president would have to make a deliberate choice to intervene.

The United States should shift to a policy of engagement with China because its military positions in the Western Pacific are no longer tenable. China’s nascent A2/AD capabilities are growing rapidly more lethal, and America’s technological and doctrinal defenses are not likely to overcome the anti-access/area-denial challenge. The emergence of robust A2/AD will reduce the capabilities of the American military, raise the costs of war, and lessen the chances of victory.[12] It is inherently easier to attack the elements of power projection than to defend them. During the Korean War, communist forces could challenge UN air superiority only by fielding a rival, and comparably expensive, air force of their own. Two decades later the advent of capable surface-to-air missiles allowed the North Vietnamese to deny the United States the ability to project power from the air uncontested. Today technological advances continue this trend, allowing locality to dominate power projection. If the United States cannot project power at an acceptable cost, its distant spheres of influence will eventually slip into the control of local rivals.

Barring an economic catastrophe, the balance of power in the Western Pacific will continue to shift towards China.[13] During the 1996 Taiwan Strait crisis, two carrier strike groups were enough to coerce China into stepping down.[14] While Taiwan’s independence is not a core American interest, China understood that it could not inflict heavy enough losses on US forces to offset this limited interest. However, the day is coming when China can credibly threaten to arbitrarily destroy a US carrier that strays within operational range of the Chinese coast. If China can guarantee a war would be both costly and risky for the United States, America’s presence to the region at a reasonable commitment level is no longer credible and its coercive power will vanish. As long as a near-peer status China with robust anti-access/area-denial capabilities is prepared to bear a greater cost to exert control over a local theater than the US is a peripheral one, America’s regional hegemony is not tenable. Even if the United States decided to attempt an aggressive containment policy, denying China any sphere of influence is likely impossible. The United States would be wise not to try.

Ceding the Western Pacific to China in favor of pure engagement is not simply the best of limited options; it is America’s only feasible choice. This realignment will be costly. Conflicts between Chinese and American interests are real, and America’s allies in the region are understandably nervous about China’s growing power. However, ceding China a legitimate sphere in the Western Pacific is not an invitation to Chinese global dominance. The United States should make it clear that it is committed to a potentially costly defense of Japan, where distance and robust basing infrastructure make anti-access strikes less threatening. Similarly, it is important to remember that China’s deterrence power is dependent on locality—anti-access/area-denial weapons are fundamentally defensive, and much less powerful outside China’s local theater. Once China’s forces leave the protective confines of the South China Sea, they will be vulnerable to the same tactics they threaten American forces with. A senior Chinese official once remarked that “when China has aircraft-carriers the two countries should draw a line down the middle of the Pacific through Hawaii to define their spheres of operation.”[15] Until the Chinese Navy can challenge the US on an equal footing far from the reach of its protective A2/AD defenses, this veiled threat is an illusion.

The second island chain and the limits of China’s A2/AD capabilities is a natural dividing line between a local Chinese sphere and America’s. Within this limit, China’s growing anti-access/area-denial capabilities make a US military presence indefensible in wartime. Outside of this line, Chinese military assets are not survivable against America’s overwhelming conventional superiority. Fortunately, outside this line both countries’ interests appear to align. Both seek to preserve the maritime commons, protect energy transports, and safeguard the world economy. Recognition that American dominance in China’s geographic backyard is no longer possible does not mean the end of America’s global leadership, or the end of the current global order. Instead, it is a recognition that power projection is inherently more difficult than regional defense, and America’s goals must align with its feasible capabilities.

#### No internal link – losing a few recruits won’t destroy the entire US system – still

**No cyber terrorism—tech complexity, image factor, and accident issue.**

Conway 11 — Maura Conway, Lecturer in International Security in the School of Law and Government at Dublin City University, 2011 (“Against Cyberterrorism: Why cyber-based terrorist attacks are unlikely to occur,” *Communications of the ACM*, Volume 54, Number 2, February, Available Online to Subscribing Institutions via ACM Online)

Three Arguments Against Cyberterrorism

In my opinion, the three most compelling arguments against cyberterrorism are:

 The argument of Technological Complexity;

 The argument regarding 9/11 and the Image Factor; and

 The argument regarding 9/11 and the Accident Issue.

The first argument is treated in the academic literature; the second and third arguments are not, but ought to be. None of these are angles to which journalists appear to have devoted a lot of thought or given adequate consideration.

In the speech mentioned earlier, FBI Director Mueller observed "Terrorists have shown a clear interest in pursuing hacking skills. And they will either train their own recruits or hire outsiders, with an eye toward combining physical attacks with cyber attacks." That may very well be true, but the argument from Technological Complexity underlines that 'wanting' to do something is quite different from having the ability to do the same. Here's why:

Violent jihadis' IT knowledge is not superior. For example, in research carried out in 2007, it was found that of a random sampling of 404 members of violent Islamist groups, 196 (48.5%) had a higher education, with information about subject areas available for 178 individuals. Of these 178, some 8 (4.5%) had trained in computing, which means that out of the entire sample, less than 2% of the jihadis came from a computing background.3 And not even these few could be assumed to have mastery of the complex systems necessary to carry out a successful cyberterrorist attack.

Real-world attacks are difficult enough. What are often viewed as relatively unsophisticated real-world attacks undertaken by highly educated individuals are routinely unsuccessful. One only has to consider the failed car bomb attacks planned and carried out by medical doctors in central London and at Glasgow airport in June 2007.

Hiring hackers would compromise operational security. The only remaining option is to retain "outsiders" to undertake such an attack. This is very operationally risky. It would force the terrorists to operate outside their own circles and thus leave them ripe for infiltration. Even if they successfully got in contact with "real" hackers, they would be in no position to gauge their competency accurately; they would simply have to trust in same. This would be very risky.

So on the basis of technical know-how alone cyberterror attack is not imminent, but this is not the only factor one must take into account. The events of Sept. 11, 2001 underscore that for a true terrorist event spectacular moving images are crucial. The attacks on the World Trade Center were a fantastic piece of performance violence; look back on any recent roundup of the decade and mention of 9/11 will not just be prominent, but pictures will always be provided.

The problem with respect to cyber-terrorism is that many of the attack scenarios put forward, from shutting down the electric power grid to contaminating a major water supply, fail on this account: they are unlikely to have easily captured, spectacular (live, moving) images associated with them, something we—as an audience—have been primed for by the attack on the World Trade Center on 9/11.

The only cyberterrorism scenario that would fall into this category is interfering with air traffic control systems to crash planes, but haven't we seen that planes can much more easily be employed in spectacular "real-world" terrorism? And besides, aren't all the infrastructures just mentioned much easier and more spectacular to simply blow up? It doesn't end there, however. For me, the third argument against cyberterrorism is perhaps the most compelling; yet it is very rarely mentioned.

In 2004, Howard Schmidt, former White House Cybersecurity Coordinator, remarked to the U.S. Senate Committee on the Judiciary regarding Nimda and Code Red that "we to this day don't know the source of that. It could have very easily been a terrorist."4 This observation betrays a fundamental misunderstanding of the nature and purposes of terrorism, particularly its attention-getting and communicative functions.

A terrorist attack with the potential to be hidden, portrayed as an accident, or otherwise remain unknown is unlikely to be viewed positively by any terrorist group. In fact, one of the most important aspects of the 9/11 attacks in New York from the perpetrators viewpoint was surely the fact that while the first plane to crash into the World Trade Center could have been accidental, the appearance of the second plane confirmed the incident as a terrorist attack in real time. Moreover, the crash of the first plane ensured a large audience for the second plane as it hit the second tower.

Alternatively, think about the massive electric failure that took place in the northeastern U.S. in August 2003: if it was a terrorist attack—and I'm not suggesting that it was—but if it was, it would have been a spectacular failure.

Conclusion

Given the high cost—not just in terms of money, but also time, commitment, and effort—and the high possibility of failure on the basis of manpower issues, timing, and complexity of a potential cyberterrorist attack, the costs appear to me to still very largely outweigh the potential publicity benefits. The publicity aspect is crucial for potential perpetrators of terrorism and so the possibility that an attack may be apprehended or portrayed as an accident, which would be highly likely with regard to cyberterrorism, is detrimental. Add the lack of spectacular moving images and it is my belief that cyberterrorism, regardless of what you may read in newspapers, see on television, or obtain via other media sources, is not in our near future.

So why then the persistent treatment of cyberterrorism on the part of journalists? Well, in this instance, science fiction-type fears appear to trump rational calculation almost every time. And I haven't even begun to discuss how the media discourse has clearly influenced the pronouncements of policymakers.

**Cyberwar is hype**

Rid 12—reader in war studies at King's College London, is author of "Cyber War Will Not Take Place" and co-author of "Cyber-Weapons." [March/April, 2012, Thomas Rid, “Think Again: Cyberwar,” http://www.foreignpolicy.com/articles/2012/02/27/cyberwar?page=full]

"Cyberwar Is Already Upon Us."

No way. "Cyberwar is coming!" John Arquilla and David Ronfeldt predicted in a celebrated Rand paper back in 1993. Since then, it seems to have arrived -- at least by the account of the U.S. military establishment, which is busy competing over who should get what share of the fight. Cyberspace is "a domain in which the Air Force flies and fights," Air Force Secretary Michael Wynne claimed in 2006. By 2012, William J. Lynn III, the deputy defense secretary at the time, was writing that cyberwar is "just as critical to military operations as land, sea, air, and space." In January, the Defense Department vowed to equip the U.S. armed forces for "conducting a combined arms campaign across all domains -- land, air, maritime, space, and cyberspace." Meanwhile, growing piles of books and articles explore the threats of cyberwarfare, cyberterrorism, and how to survive them.

Time for a reality check: Cyberwar is still more hype than hazard. Consider the definition of an act of war: It has to be potentially violent, it has to be purposeful, and it has to be political. The cyberattacks we've seen so far, from Estonia to the Stuxnet virus, simply don't meet these criteria.

**Resiliency prevents their impacts.**

Lawson 11 — Sean Lawson, Assistant Professor in the Department of Communication at the University of Utah, former Associate National Security Analyst with DynCorp Systems & Solutions, LLC, holds a Ph.D. from the Department of Science and Technology Studies at Rensselaer Polytechnic Institute, 2011 (“Beyond Cyber-Doom: Cyberattack Scenarios and the Evidence of History,” Mercatus Center Working Paper Number 11-01, January, Available Online at http://mercatus.org/sites/default/files/publication/beyond-cyber-doom-cyber-attack-scenarios-evidence-history\_1.pdf, Accessed 09-22-2011, p. 12)

Even today, planning for disasters and future military conflicts alike, including planning for future conflicts in cyberspace, often relies upon hypothetical scenarios that begin with the same assumptions about infrastructural and societal fragility found in early 20th-century theories of strategic bombardment. Some have criticized what they see as a reliance in many cases upon hypothetical scenarios over empirical data (Glenn, 2005; Dynes, 2006; Graham & Thrift, 2007: 9–10; Ranum, 2009; Stiennon, 2009). But, there exists a body of historical and sociological data upon which we can draw, which casts serious doubt upon the assumptions underlying cyberdoom scenarios. Work by scholars in various fields of research, including the history of technology, military history, and disaster sociology has shown that both infrastructures and societies are more resilient than often assumed by policy makers.

**Framing argument: strongly err neg until they can produce hard evidence of the threat.**

Brito and Watkins 11 — Jerry Brito, Senior Research Fellow at the Mercatus Center at George Mason University, holds a J.D. from George Mason University School of Law and a B.A. in Political Science from Florida International University, and Tate Watkins, Research Associate at the Mercatus Center at George Mason University, holds an M.A. in Economics from Clemson University and a B.A. in Economics from Clemson University, 2011 (“Loving The Cyber Bomb? The Dangers of Threat Inflation in Cybersecurity Policy,” forthcoming article in the *Harvard National Security Journal*, May 2nd, Available Online via SSRN at http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1830625, Accessed 09-22-2011, p. 14)

Given the weakness of the public evidence they offer, it is difficult to trust the evidence Clarke and Knake present based on anonymous sources. Specifically, they write that countries such as China have “laced U.S. infrastructure with logic bombs.”88 That is, that hackers have penetrated into the control systems of utilities, including the electrical grid, and left behind computer programs that can later be triggered remotely to cause damage.89 Depending on the scope of the intrusions and which systems are compromised, this could pose a serious threat. However, Clarke and Knake present only suppositions, not evidence.

We are told that “America‘s national security agencies are now getting worried about logic bombs, since they seem to have found them all over our electric grid,”90 and that “[enemies] have probably done everything short of a few keystrokes of what they would do in real cyber war.”91 This is speculation.

The notion that our power grid, air traffic control system, and financial networks are rigged to blow at the press of a button would be terrifying if it were true. But fear should not be a basis for public policy making. We learned after the invasion of Iraq to be wary of conflated threats and flimsy evidence. If we are to pursue the type of regulation of Internet service providers and utilities that Clarke and Knake advocate, we should demand more precise evidence of the threat against which we intend to guard, and of the probability that such a threat can be realized.

**Cyber threat inflation parallels Iraq—no credibility.**

Brito and Watkins 11 — Jerry Brito, Senior Research Fellow at the Mercatus Center at George Mason University, holds a J.D. from George Mason University School of Law and a B.A. in Political Science from Florida International University, and Tate Watkins, Research Associate at the Mercatus Center at George Mason University, holds an M.A. in Economics from Clemson University and a B.A. in Economics from Clemson University, 2011 (“Loving The Cyber Bomb? The Dangers of Threat Inflation in Cybersecurity Policy,” forthcoming article in the *Harvard National Security Journal*, May 2nd, Available Online via SSRN at http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1830625, Accessed 09-22-2011, p. 6-7)

Over the past two years, there has been a drive for increased federal involvement in cybersecurity. This drive is evidenced by the introduction of several comprehensive cybersecurity bills in Congress,36 the initiation of several regulatory proceedings related to cybersecurity by the Federal Communications Commission and Commerce Department,37 and increased coverage of the issue in the media.38 The official consensus seems to be that the United States is facing a grave and immediate threat that only quick federal intervention can address.39 This narrative has gone largely [end page 6] unchallenged by members of Congress or the press, and it has inflated the threat.

There is very little verifiable evidence to substantiate the threats claimed, and the most vocal proponents of a threat engage in rhetoric that can only be characterized as alarmist. Cyber threat inflation parallels what we saw in the run-up to the Iraq War.

### 1NC – EU

**Alliances are resilient --- institutional incentives mean states wont opt for new security arrangements even when they don’t like the alliance anymore.**

Celeste A. **Wallander**, Autumn **2000**. Director and Senior Fellow of the Russia and Eurasia Program at the Center for Strategic and International Studies, Professor in the School of International Service at American University, PhD Political Science @ Yale. “Institutional Assets and Adaptability: NATO After the Cold War,” International Organization 54, Ebsco.

Alliances can be more than simply pieces of paper or aggregations of military power: as explicit, persistent, and connected sets of rules that prescribe behavioral roles and constrain activity, sometimes alliances are institutions. To understand why they are created, how they affect security relations, and whether they will persist, we need to develop hypotheses that draw on institutional theory.6 Analysts have turned to institutional theory to explain the persistence of NATO, focusing on the alliance’s high degree of institutionalization as a central explanatory variable.7 States create costly institutions in anticipation of the cooperation they will be able to achieve. Institutional maintenance entails costs, but these costs are generally lower than those involved in creating new institutions. Changed circumstances, **such as shifts in the distribution of power, changes in national policies**, or the appearance of new cooperation problems are likely to alter the original cost/benefit relationship. Yet if the **marginal costs of maintaining an existing institution outweigh the considerable costs of creating an entirely new set** of norms, rules, and procedures, **states will choose to sustain existing arrangements rather than abandon them**.8 In addition, abandoning an existing institution risks competitive bargaining over alternative equilibria, with the chance that states will fail to agree, forcing them to settle for suboptimal outcomes.9 Other things being equal, then, the more institutionalized a security coalition, the more likely it is to persist in the face of change in its environment.

**No relationship between alliances and war --- commitments are only followed 25% of the time and they are just as likely to motivate aggression as deter it.**

Alastair **Smith**, December **1995**. Associate professor of political science at Yale University, in political science from the University of Rochester. “Alliance Formation and War,” International Studies Quarterly, 39.4, Ebsco.

The Correlates of War project (COW) has produced a data set containing war and alliance data since 1815 (Singer and Small, 1966a, 1969; Small and Singer 1982). Using these data, Singer and Small (1966b, 1967, 1968) were among the first to examine the empirical link between alliances and war. Vasquez (1987) provides a comprehensive summary of the extensive empirical work on the alliance-war relationship. He summarizes the two major findings of this work as: First, **alliances do not prevent war or promote peace**; instead they are associated with war, although they are probably not a cause of war. Second, the major consequence of alliances is to expand war once it has started; in the war alliances are important in accounting for the magnitude and severity of the war. (Vasquez, 1987, p. 119) The inductive method of analysis has not brought us closer to understanding the underlying relationship between alliances and war. Despite numerous studies of the empirical relationship between alliance formation and the occurrence of war, there are few robust findings. This evidence is often contradictory and generally inconclusive (Bueno de Mesquita and Singer, 1973; Ostrom and Hoole, 1978; Levy, 1981; Kegley and Raymond, 1982; Siverson and Sullivan, 1984; King, 1989; Wayman, 1990). From the sum of these studies **it is unclear whether alliances make war more or less likely**. Even the inclusion of intervening variables, such as system polarization (Wallace 1973; Bueno de Mesquita 1978), has failed to generate conclusive evidence to relate alliance formation with the occurrence of war. There is convincing evidence that alliances expand conflict (Altfeld and Bueno de Mesquita 1979; Sabrosky, 1980; Siverson and King, 1980; Siverson and Tennefloss, 1984; King, 1989; Oren, 1990; Kim, 1991). An allied nation is far more likely to intervene in a war than a nonallied nation. If a nation becomes involved in a conflict then it might expect its allies to intervene on its behalf. However, empirically, alliance reliability is low. **For every three or four opportunities to intervene on behalf of an ally, only one is used**. Although the presence of an alliance increases the probability of allied aid during a war, it does not guarantee it.

**Europe isn’t the key partner anymore – not sufficient to ensure peace**

**Zaborowski 11** [Marcin, “How to Renew Transatlantic Relations in the 21st Century,” 3-30, The International Spectator, Vol 46, Issue 1, p. 101-113]

The value of this relationship is indisputable but its relative efficiency in delivering results is another matter. Clearly the relationship was effective during the Cold War and arguably in the 1990s, during the so-called unipolar moment. But with the emergence of new powers and the rise of multipolarity the exclusive focus on the health of transatlantic relations is both outdated and untenable. China is now the biggest holder of US government debt, it is already the world's third biggest economy and on the way to becoming the second. Brazil and India are also growing rapidly, defying the global economic crisis and emerging as the new pillars of the world economy. Another giant, Russia, was deeply affected by the crisis and lacks the dynamism of China or India, but its massive crude energy reserves and its status as a nuclear superpower ensure that it will remain a vital actor. The changing structure of the international order means in practice that a transatlantic consensus on, say, sanctioning Iran or Sudan or even on the Balkans is far less meaningful today than it would have been in the 1990s. This has led some observers to posit that, while indispensable, transatlantic relations are no longer sufficient in ensuring global peace and security.[5](http://www.tandfonline.com/doi/full/10.1080/03932729.2011.549757#FN0005) But, in reality, even these assessments may prove too optimistic since it is no longer apparent that a transatlantic consensus is, in fact, still indispensable. For example, during Obama's first year there were instances when the US was reaching a global deal with the major developing powers while Europe was either marginalised or even excluded. The climate change conference in Copenhagen would probably not have happened without the EU having fiercely lobbied for it and there is little doubt that the European agenda was more progressive than that of the US and other powers. However, the final deal was reached between the US and major developing economies with the EU not even present at the final negotiations. The other example is the disarmament negotiations, which are driven by the US and Russia, while Europe is put in the (untenable) position of either following or obstructing President Obama's initiative. In none of these cases has Europe been indispensable and this trend is only likely to grow in the future.

**3. Other issues poison the alliance – we can’t overcome Israel**

**Wittes and Youngs 9** [Tamara, deputy assistant secretary of state for Near Eastern affairs at the U.S. Department of State, research fellow at the [Saban Center for Middle East Policy](http://en.wikipedia.org/wiki/Saban_Center_for_Middle_East_Policy) at the Brookings Institute, and Richard, director general of FRIDE, assistant professor at the University of Warwick, “Europe, the United States, and Middle Eastern Democracy: Repairing the Breach,” January, The Saban Center for Middle East Policy at the Brookings Institution, no 18, <http://www.brookings.edu/~/media/Files/rc/papers/2009/01_middle_eastern_democracy_wittes/01_middle_eastern_democracy_wittes.pdf>]

Despite plentiful E.U. rhetoric asserting the need to move beyond the disagreements over Iraq, in practice most European governments continue to see and speak about the Middle Eastern democracy agenda through the lens of broader U.S. policy failures in the Middle East. If many European policymakers and commentators have come to question the normative legitimacy of democracy promotion, it is because they have come to associate the latter with U.S. actions in Iraq. Compounding this “Iraq spill-over,” the well-known European line persists that Washington’s imbalanced position on the Arab-Israeli conflict complicates other areas of policy in the Middle East. The European conviction remains strong that support for democratic reform is unlikely to prove fruitful until the Arab-Israeli peace process makes significant progress, a development that in turn requires a more even-handed U.S. attitude. In short, transatlantic differences on broader issues continue to infect attitudes toward the formally shared agenda of democracy promotion.

**4. European problems make the partnership useless**

NATO is redundant—other international organizations solve—NATO only creates free-riding and lowers over-all security

Hartung 13 (Farina Hartung, Master Thesis International and European Relations, Linköping University, “Case-study of NATO: Is NATO a redundant international organization or not?”, http://www.liu.se/utbildning/pabyggnad/F7MME/student/courses/733a27masterthesis/filarkiv/spring-2013/theses-june/1.464731/MasterThesisFinalVersionFarinaHartung.pdf)

Just as mentioned above, NATO has gone through a process of changes since it was first established. It can be said that the changes where necessary or as a matter of fact that they were not - it always depends on the view one takes. The position of this paper has been stated before that it is going to investigate the question if NATO is redundant and to show proof that it is. As history has shown, it can be argued that the organization is redundant and has survived much longer passed its due time. From this point of view, it can be argued that this is what hurts the organization; they need to reform before they have a chance to act.

It is quite difficult to claim that NATO is not redundant, but as mentioned before, this Thesis will take a look at the opposite side of this claim. Instead of trying to prove that NATO is needed, I will try to show that it is not needed and has long surpassed its duty. That has become clear over the past years. NATO has reformed itself in order to ensure that it will stay relevant enough in order to play an impacting role in politics and international relations. Although they have taken the initiative to stay relevant, they seem to have failed. There have been different voices, such as Theo Sommer and Kenneth Waltz, who claim and argue that NATO is as a matter of fact redundant.

One could always ask what is redundancy and how can it be measured. Redundancy is not self-evident, and it also cannot really be defined. Neither can redundancy be measured. Redundancy is what one makes out of it and what others understand of redundancy is left open for discussion. But in regards to this paper, redundancy is just the fact that NATO is not really needed any longer. The task it is currently doing, such as the peacekeeping, can be done by other international organizations, such as the United Nations There is no longer the need for just one international organization to have its sole focus and propose on collective security. Security is something that is desired by so many countries and there is no need that NATO needs to be the one organization that will provide this to all the countries in the world. And as mentioned before, NATO already goes outside its territorial borders in order to provide security to the world (“NATO in the 21st Century).

NATO is a redundant international organization simply because it has lost its endeavor. It strives to do so much in order to provide its member states with the necessary certainty that in case of a threat, there is a whole community that will act and protect each member state. But how should NATO really do that in reality? The member states have cut down their size of military they have. In time of great danger, one country might not want to act because there could be a conflict of interests. Currently, there is just not such a big threat as the Soviet Union was that there needs to be a military alliance. In case that such a great threat rises to the surface again, it is just simply as easy to create a new international military organization which can then function according to the actual needs, because it is always during the time of threat that new alliances are created.

As mentioned above, the main purpose of NATO has vanished when the Cold War was over and the Soviet Union ceased to exist. Since the Cold War and the threat that the Soviet Union posed so close to European borders dissolved in the beginning of the 1990s, NATO just has lost its main function. According to Theo Sommer, NATO has ever since then been in a constant stage of “transformation”, never really knowing what it should achieve and what its goal is (17). In addition to that, one could argue that NATO is facing more problems that seem to have come along with the problem of the lacking threat.

This Thesis argues that NATO is neither necessary to fulfill a defensive function or that of providing security for its members. NATO is an international organization that is in fact no longer permissible. It has surpassed its life expectancy by many years. Moreover, it can be said that since it has surpassed its reason of existence, it will step down from the position it holds in regards of an international security organization. It is no longer the main focus of the member states. NATO should also no longer be the main focus. Other organizations have emerged over the past decades that show that they are able to do the necessary work without having to go through a process of transformation. For example regional international organization, such as the European Union could take over this task, since most of the members are located on the European continent to begin with. Furthermore, it can be claimed that NATO should be able to see that they are no longer fit for modern times. Before NATO is able to act on any kind of problem or concern, it has to go through a process of transforming itself; otherwise, it might not be able to act. This point of view may seem a bit exaggerated; however, it is suitable for NATO since it is pragmatic. NATO is not the same since the end of the Cold War. It can be said that the main reason why the NATO was established was to be able to encounter the Soviet Union in a time of crisis. According to Lindley-French, NATO today is a strategic and defensive focal point that can project both military and partnership power worldwide (89). She continuous her argument by noting that the job the alliance has to done is the same as ever and has not changed (Ibid). The job of the alliance has always been to safeguard the freedom and security of its member nations through political and security needs, instituted by the values of “democracy, liberty, rule of law and the peaceful resolution to disputes” (Ibid). Yet another point he claims is that NATO provides a strategic forum for consultation between North Americans and Europeans on security issues of common concern and the facility for taking joint action to deal with them (Ibid).

To repeat, NATO has lost its power and maybe even its standpoint in the modern day time politics. There are many different international organizations that all could take over the work of NATO or even could continue it in a better manner than NATO is currently doing. Claiming that NATO is not redundant just does not seem to follow the actual fact of the position that NATO is currently in. They have missed indeed the point where it was time to either dissolve the whole international organization or the time to reform which would have actually created positive outcomes. The latter point, however, seems impossible now. It just is impossible for NATO to change yet again. In the time of its existence, NATO has undergone so many different changes and reforms, altogether a total of six. There is just no logical reason why NATO is able to successfully undergo another process of changes and transformation. New reforms always bring changes and if they actually will help NATO is left in the open.

As Theo Sommer puts it, NATO has served its time simply because the world has changed (9). The threats are no longer the same and to some extend may not even exist anymore. There are of course new threats, such as terrorism, piracy, and cyber-attacks, now that have emerged and rose to the surface of international politics. However, those are not really the same as they were when NATO was created. Hence, NATO is not suitable to tackle new issues and problems. They can try to reform, but it will never be the same because NATO itself will have to adjust to the new situation. But this is not what this once great military alliance was intended to do.

#### Double bind – either NATO is always effective or it isn’t effective

**NATO impacts outdated—no longer key.**

John R. **Schmidt** is the senior analyst for Europe in the Bureau of Intelligence and Research at the Department of State, served as director of the NATO office at the State Department and as director for NATO affairs at the National Security Council, “Last Alliance Standing? NATO after 9/11,” Washington Quarterly, Winter, **2007**

The real problem is that the United States does not really know what it wants from NATO. It continues to perceive the alliance through what is essentially a Cold War prism, as the key mechanism through which the United States attempts to project influence in Europe. The successes of the NATO enlargement process, which addressed genuine security concerns among newly freed former Communist states, and of NATO involvement in the Balkans have only helped to sustain this perception. Current U.S. efforts to give NATO a more global reach also reflect the same perception of NATO preeminence, with the alliance moving out from its European core to embrace the wider world. It is undeniably a grand vision, but it is also **clearly at odds with reality**. The notion of giving pride of place to a military alliance made sense during the Cold War, but it does not make sense today when the most critical threats are more varied and diffuse. NATO is of limited use as a diplomatic actor, which is why the United States has never really used it in this capacity. Other vehicles and partners are preferred for U.S. diplomatic activity, the EU increasingly among them, and this is unlikely to change. Even in the military sphere, NATO is no longer the primary instrument of choice and has at best only a circumscribed, if still important, role to play.

**NATO is screwed—EU, inter-alliance disagreements and lack of purpose after the Cold War.**

**Ullman** **2007** (Harlan, a senior associate with the Center for Strategic and International Studies, 10/31/. “Winning in Afghanistan,” Washington Times, <http://www.washingtontimes.com/article/20071031/EDITORIAL/110310006/1013/EDITORIAL>.

Brussels -- The North Atlantic Treaty Organization (NATO) has been the most successful military alliance in history. But NATO is confronting massive challenges today, in many ways more perplexing and explosive than during the Cold War, when its existence was credibly justified to its publics by the threat of the Soviet Union. The Soviet Union disintegrated long ago. And new threats and dangers to the alliance and its cohesion are neither state actors nor confined to Europe, NATO's traditional area of responsibility. NATO has bet its future on succeeding in Afghanistan, where, for the first time ever, the alliance is fighting a land war. The European Union has eclipsed NATO as the pre-eminent European structure in European political, social and economic integration. NATO suffers from inter-alliance strains, such as with Turkey and America's global war on terror and intra-alliance tensions over enlargement of member states and missile defense that antagonize Russia. And it must resolve the most profound and testing dilemma of all — maintaining a strong, cohesive military alliance long after the military threat that created it has imploded.

**Climate solvency is not credibility because of congress—obama cannot make any deep emission cuts**

**Pappas, 13** (Stephanie, January 20th, 2013, Will Climate Change Get Cold Shoulder in Obama's 2nd Term?

Challenges in Congress, <http://www.livescience.com/26370-climate-change-obama-second-term.html>)

The party schisms seen in the polling data are more pronounced in Congress, where representatives routinely deny the scientific consensus that climate is changing and that greenhouse gas emissions by humans are the main driver.¶ "I'm not going to bet the U.S. economy or the Texas economy on a theory that is not proven," Rep. Joe Barton (R-Texas) told the Dallas Morning News this month. "Climate has always been changing." [Reality of Climate Change: 10 Myths Busted]¶ Attitudes like Barton's are why climate policy specialists expect little in the way of climate legislation in the upcoming four years.¶ The administration can make some progress on its own, said Elizabeth Sawin, co-director of Climate Interactive. In Obama's first term, for example, the administration ordered new fuel standards for lightweight vehicles and coal-fired power plants, and there was money included in the economic stimulus for public transportation and clean energy. Similar efforts in the second term could move the country toward lower carbon emissions, Sawin told LiveScience.¶ "Anything is better than nothing," she said.¶ But a piecemeal approach is less likely than an overarching plan to succeed in slowing warming significantly, Franck, the policy analyst for Climate Interactive, said. Moreover, a failure to act nationally puts the administration in an awkward spot in international negotiations. The 2011 climate talks in Durban, South Africa, set a plan for a new international climate treaty to be prepared by 2015.¶ "We've lost a lot of credibility in climate change negotiations, because we've been kind of paralyzed," Franck told LiveScience. "If [international negotiators] bring home a treaty or agree to something, when does it get ratified by the Senate? Will we have domestic legislation already? Will the Senate pass it and then we'll have to pass domestic legislation?"¶ If the Obama administration is stuck with instituting piecemeal regulations, it will be a "major challenge" to communicate this progress to the international community, Höhne told LiveScience.

**International multilateralism fails ---- it's a pipedream**

**Smith in ‘4** (Lee, Visiting Fellow @ Hudson Institute, “The West's Favorite Fantasy Why do we put so much faith in the myth of multilateralism?” 9-13, http://slate.msn.com/id/2106610/

Multilateralism is a nice idea, but in the end it's a very rarified and not especially useful one. It is the intellectual product of a comfortable and generally well-intentioned West that, as it turns out, maybe isn't fearful enough for its own existence. The Bush administration has been taken to task for letting the mission determine the coalition, rather than the other way around. But that is how history, especially military history, usually works. If it were otherwise—if coalitions determined missions—the United States might never have launched the D-Day invasion. It didn't matter whether we found the Soviet cause just or Stalin a noble ally; the purpose of Operation Overlord was to open up a second front to defeat the Nazis. Of course, a large part of history entails facing the consequences of our coalitions. We are often reminded that the terrorists who reduced the World Trade Center towers and their inhabitants to dust were drawn from the same CIA-sponsored warriors who brought the Soviet Union to its knees. Americans know as well as anyone, then, that it is rude to talk about "blowback" in the wake of a massacre; nevertheless, it is a fact that throughout much of the Cold War, the former Soviet Union sponsored the Arab terrorist organizations whose early designs provided the model for the Beslan massacre. But in the long run, what's much more costly than our alliances of convenience are the coalitions that exist only in the abstract rather than reality. We knew 30 years ago that the Western nations that had created the idea of "the international community" had neither the stomach nor the will to fight global terrorism as one, even if that war was directed against them all. In November 1974, PLO Chairman Yasser Arafat addressed the U.N. General Assembly brandishing a gun holster (he'd been convinced to leave his pistol outside the hall) and warned, "Don't let this olive branch fall from my hand." As Barry Rubin writes in his biography of Arafat, "To bin Ladin's assistant, [Abu Ubeid el-] Qurashi, a quarter-century later, 'the best proof' of terrorism's value as a strategy was that Arafat was an honored guest at the UN General Assembly just eighteen months after his men gunned down athletes at the Olympic games." If we're still looking for root causes of Sept. 11, Arafat's coming-out party in the inner sanctum of multilateralism is one of them. The Western caretakers of the international community signaled then that since they could not comprehend the actions and read the intentions of men like Arafat, neither could they protect us from them. For his part, Arafat knew that if 11 members of the Israeli Olympics delegation could be executed on television and he was allowed to walk away, then the guardians of world order were weakest when they let the coalition determine the mission. After three decades of consensus-building that has rationalized terrorist violence as legitimate resistance, the butchering of hundreds of children at Beslan is not beyond reason. It is the logical result of accepting our enemy's description of the world as legitimate. What Bin Laden and the rest are doing is the work Arafat made possible. At the United Nations, he laughed in the faces of the high priests of international accord and mocked their idols—world peace, safety in numbers, international agreement, and multilateral action. It's time we acknowledged that these were always false gods.

#### No internal link to warming -

#### No recourse wars – empirically denied

**Can’t solve – 2 degree rise inevitable**

**Anderson and Bows, 11**—\*Tyndall Centre for Climate Change Research, School of Mechanical, Aerospace and Civil Engineering; \*\*Sustainable Consumption Institute, School of Earth, Atmospheric and Environmental Sciences, University of Manchester (Kevin and Alice, “Beyond ‘dangerous’ climate change: emission scenarios for a new world,” Philosophical Transactions of the Royal Society”)

This already demanding conclusion becomes even more challenging when assumptions about the rates of viable emission reductions are considered alongside an upgrading of the severity of impacts for 2◦C. Within global emission scenarios, such as those developed by Stern [6], the CCC [8] and ADAM [47], annual rates of emission reduction beyond the peak years are constrained to levels thought to be compatible with economic growth—normally 3 per cent to 4 per cent per year. However, on closer examination these analyses suggest such reduction rates are no longer sufficient to avoid dangerous climate change. For example, in discussing arguments for and against carbon markets the CCC state ‘rich developed economies need to start demonstrating that a low-carbon economy is possible and compatible with economic prosperity’ [8, p. 160]. However, given the CCC acknowledge ‘it is not now possible to ensure with high likelihood that a temperature rise of more than 2◦C is avoided’ and given the view that reductions in emissions in excess of 3–4% per year are not compatible with economic growth, the CCC are, in effect, conceding that avoiding dangerous (and even extremely dangerous) climate change is no longer compatible with economic prosperity.

In prioritizing such economic prosperity over avoiding extremely dangerous climate change, the CCC, Stern, ADAM and similar analyses suggest they are guided by what is feasible.34 However, while in terms of emission reduction rates their analyses favour the ‘challenging though still feasible’ end of orthodox assessments, the approach they adopt in relation to peaking dates is very different. All premise their principal analyses and economic assessments on the ‘infeasible’ assumption of global emissions peaking between 2010 and 2016; a profound departure from the more ‘feasible’ assumptions framing the majority of such reports. The scale of this departure is further emphasized when disaggregating global emissions into Annex 1 and non-Annex 1 nations, as the scenario pathways developed within this paper demonstrate.

Only if Annex 1 nations reduce emissions immediately35 at rates far beyond those typically countenanced and only then if non-Annex 1 emissions peak between 2020 and 2025 before reducing at unprecedented rates, do global emissions peak by 2020. Consequently, the 2010 global peak central to many integrated assessment model scenarios as well as the 2015–2016 date enshrined in the CCC, Stern and ADAM analyses, do not reflect any orthodox ‘feasibility’. By contrast, the logic of such studies suggests (extremely) dangerous climate change can only be avoided if economic growth is exchanged, at least temporarily, for a period of planned austerity within Annex 1 nations36 and a rapid transition away from fossil-fuelled development within non-Annex 1 nations.

The analysis within this paper offers a stark and unremitting assessment of the climate change challenge facing the global community. There is now little to no chance of maintaining the rise in global mean surface temperature at below 2◦C, despite repeated high-level statements to the contrary. Moreover, the impacts associated with 2◦C have been revised upwards (e.g. [20,21]), sufficiently so that 2◦C now more appropriately represents the threshold between dangerous and extremely dangerous climate change. Consequently, and with tentative signs of global emissions returning to their earlier levels of growth, 2010 represents a political tipping point. The science of climate change allied with emission pathways for Annex 1 and non-Annex 1 nations suggests a profound departure in the scale and scope of the mitigation and adaption challenge from that detailed in many other analyses, particularly those directly informing policy.

However, this paper is not intended as a message of futility, but rather a bare and perhaps brutal assessment of where our ‘rose-tinted’ and well intentioned (though ultimately ineffective) approach to climate change has brought us. Real hope and opportunity, if it is to arise at all, will do so from a raw and dispassionate assessment of the scale of the challenge faced by the global community. This paper is intended as a small contribution to such a vision and future of hope.

**No spillover – tech won’t be adopted by China or India – can’t solve warming without the biggest emitters on board**

**Not anthropogenic – other factors are more important and there is a diminishing curve. Evidence to the contrary is media hysteria**

**Paterson 11** [Norman R., Professional Engineer and Consulting Geophysicist, PhD in Geophysics from University of Toronto, Fellow of the Royal Society of Canada, “Global Warming: A Critique of the Anthropogenic Model and its Consequences,” Geoscience Canada, Vol 38, No 1, March, Ebsco]

The term ‘global warming’ is commonly used by the media to mean ‘anthropogenic’ global warming; that is, warming caused by human activity. In this article, the writer has chosen to prefix ‘global warming’, where appropriate, by the terms ‘anthropogenic or ‘humancaused’ in order to avoid confusion. We are led today by our media, governments, schools and some scientific authorities to believe that, through his CO2 emissions, man is entirely, or almost entirely, responsible for the modest, modulated rise in global temperature of about 0.7° C that has taken place over the past 100 years. We are told, and many sincere people believe, that if we continue on this path, the planet will experience escalating temperature and dangerous sealevel rise before the end of this century. Over the past 20 years or so, this has become so much a part of our belief system, that to challenge it is to be labelled a ‘denier’ and put in the same category as a member of the Flat Earth Society. Yet, even a cursory review of the peer-reviewed scientific literature will show that the popular anthropogenic global warming dogma is being questioned by hundreds of respected scientists. Furthermore, emerging evidence points directly to other natural phenomena as probably having greater effects on global temperatures than can be attributed to human-caused CO2 emissions. The disproportionate scientific weighting attributed to the anthropogenic warming interpretation, and the general public perception of its validity, could be a serious problem for society, as the human-caused global warming belief is diverting our attention from other, more serious anthropogenic effects such as pollution and depletion of our water resources, contamination of our food and living space from chemicals, and diminishing conventional energy resources.

PROBLEMS WITH THE ANTHROPOGENIC MODEL The fact that the world has undergone cycles of warming and cooling has been known for a very long time, but the question as to man’s influence on climate did not become a hot debate until after the mid-twentieth century, when Revelle and Seuss (1957) first drew attention to the possible effect of greenhouses gases (particularly CO2 ) on the earth’s temperature. Subsequent studies pointed to the increase in atmospheric CO2 from roughly 0.025% to 0.037%, or 50%, over the past 100 years. Much was made of the apparent but crude covariance of atmospheric CO2 and global temperature, and the conclusion was drawn that [hu]man’s escalating carbon emissions are responsible for the late 20 th century temperature rise. Anxiety was rapidly raised among environmentalists, and also attracted many scientists who found ready funding for studies aimed at better understanding the problem. However, scientists soon encountered three important difficulties:

i) To this date, no satisfactory explanation is forthcoming as to how CO2 at less than 0. 04% of atmospheric concentration can make a major contribution to the greenhouse effect, especially as the relationship between increasing CO2 and increasing temperature is a diminishing logarithmic one (Gerlich and Tscheuschner 2009);

ii) Geological records show unequivocally that past temperature increases have always preceded, not followed, increases in CO2 ; i.e. the warming could potentially cause the CO2 increase, but not the reverse. Studies (e.g. Petit et al. 1999) have shown that over the past 400 000 years of cyclical variations, temperature rose from glacial values about 800 years before CO2 concentration increased. A probable explanation is that solar warming, over a long period of time, causes the oceans to outgas CO2 , whereas cooling results in more CO2 entering solution, as discussed by Stott et al. (2007). Averaged over a still longer period of geological time, it has been shown (Shaviv and Veizer 2003) that there is no correlation between CO2 and temperature; for example, levels of CO2 were more than twice present day values at 180 Ma, at a time when temperature was several degrees cooler;

iii) Other serious mistakes in analysis were made by some scientists over the years. Perhaps the worst of these (see Montford 2010 for a thorough discussion) was the publication of the ‘Hockey Stick Curve’ (Fig. 1), a 1000-year record of past temperature which purported to show that “The 20 th century is likely the warmest century in the Northern Hemisphere, and the 1990s was the warmest decade, with 1998 as the warmest year in the last 1000 years” (Mann et al. 1999). This conclusion was adopted by the Intergovernmental Panel on Climate Change (IPCC) in its 2001 report and also by Al Gore in the movie An Inconvenient Truth. Subsequently, Mann et al.’s work has been challenged by several scientists (though to be fair, it is also supported by some). For example, McIntyre and McKitrick (2003) amended Mann’s graph, using all available data and better quality control (Fig. 1), and showed that the 20 th century is not exceptionally warm when compared with that of the 15 th century. However, the IPCC has continued to report a steady increase in global temperature in the face of clear evidence that average temperature has remained roughly level globally, positive in the northern hemisphere and negative in the southern hemisphere, since about 2002 (Archibald 2006; Fig. 2).

WHAT CAUSES WARMING? It is likely that the cyclical warming and cooling of the earth results from a number of different causes, none of which, taken alone, is dominant enough to be entirely responsible. The more important ones are solar changes (including both irradiance and magnetic field effects), atmosphere–ocean interaction (including both multidecadal climatic oscillations and unforced internal variability), and greenhouse gases. All of these factors have been discussed by IPCC, but the first two have been dismissed as negligible in comparison with the greenhouse-gas effect and man’s contribution to it through anthropogenic CO2 . It is claimed (e.g. Revelle and Suess 1957) that the particular infrared absorption bands of CO2 provide it with a special ability to absorb and reradiate the sun’s longer wavelength radiation, causing warming of the troposphere and an increase in high-altitude (cirrus) cloud, further amplifying the heating process. Detailed arguments against this conclusion can be found in Spencer et al. (2007) and Gerlich and Tscheuschner (2009). These scientists point out (among other arguments, which include the logarithmic decrease in absorptive power of CO2 at increasing concentrations), that clouds have poor ability to emit radiation and that the transfer of heat from the atmosphere to a warmer body (the earth) defies the Second Law of Ther-modynamics. They argue that the Plank and Stefan-Boltzman equations used in calculations of radiative heat transfer cannot be applied to gases in the atmosphere because of the highly complex multi-body nature of the problem. Veizer (2005) explains that, to play a significant role, CO2 requires an amplifier, in this case water vapour. He concludes that water vapour plays the dominant role in global warming and that solar effects are the driver, rather than CO2 . A comprehensive critique of the greenhouse gas theory is provided by Hutton (2009).

It is firmly established that the sun is the primary heat source for the global climate system, and that the atmosphere and oceans modify and redirect the sun’s heat. According to Veizer (2005), cosmic rays from outer space cause clouds to form in the troposphere; these clouds shield the earth and provide a cooling effect. Solar radiation, on the other hand, produces a thermal energy flux which, combined with the solar magnetic field, acts as a shield against cosmic rays and thereby leads to global warming. Figures 3 and 4 illustrate both the cooling by cosmic rays (cosmic ray flux, or CRF) and warming by solar irradiation (total solar irradiance, or TSI) in the long term (500 Ma) and short term (50 years), respectively. CRF shows an excellent negative correlation with temperature, apart from a short period around 250 Ma (Fig. 3). In contrast, the reconstructed, oxygen isotope-based temperature curve illustrates a lack of correlation with CO2 except for a period around 350 Ma.

Other studies have highlighted the overriding effect of solar radiation on global heating. Soon (2005) studied solar irradiance as a possible agent for medium-term variations in Arctic temperatures over the past 135 years, and found a close correlation in both decadal (5–10 years) and multi-decadal (40–80 years) changes (Fig. 5). As to the control on this variation, the indirect effect of solar irradiance on cloud cover undoubtedly results in modulations of the sun’s direct warming of the earth. Veizer (2005) estimated that the heat reflected by cloud cover is about 78 watts/m2 , compared to an insolation effect of 342 watts/m2 , a modulation of more than 25%. This contrasts with an IPCC estimate of 1.46 watts/m2 , or about 0.5% of TSI, for the radiative effect of anthropogenic CO2 accumulated in the modern industrial era (IPCC 2001). Veizer concludes: “A change of cloud cover of a few percent can therefore have a large impact on the planetary energy balance.” In addition to solar insolation effects, the intensity of the Earth’s magnetic field (which deflects the charged particles that constitute cosmic rays) and associated sun-spot maxima are correlated with historic periods of global warming such as the Medieval Climate Optimum (Fig. 6), and typically occur mid-way between ice ages (Veizer 2005). Solar magnetic minima have accompanied global cooling, such as occurred during the Little Ice Age between 1350 and 1850 A.D. A proxy for sunspot activity prior to the start of telescope observations in 1610 can be reconstructed from the abundance of cosmogenic 10 Be in ice cores from Antarctica and Greenland (Miletsky et al. 2004).

Global temperature oscillations have been evident in both geologic and recent times, with periods varying from a few years (mostly solar and lunar driven) up to 120 million years (galactic and orbital influences) (Plimer 2009). In addition, ocean– atmosphere interactions are implicated in the control of some shorter-period climatic oscillations. For example, McLean et al. (2009) have studied the El Niño Southern Oscillation (ENSO), a tropical Pacific ocean–atmosphere phenomenon, and compared the index of intensity (the Southern Oscillation Index, or SOI) with global tropospheric temperature anomalies (GTTA) for the 1960–2009 period (Fig. 7). McLean et al. (2009) concluded that “Change in SOI accounts for 72% of the variance in GTTA for the 29-year long record, and 68% for the 50-year record”. They found the same or stronger correlation between SOI and mean global temperature, in which SOI accounted for as much as 81% of the variance in the tropics (Fig. 8). A delay of 5 to 7 months was deduced between the SOI maximum and the associated temperature anomaly. Volcanic influences on temperature are also evident (Figs. 7, 8), probably caused by the injection of sulphur dioxide into the stratosphere, where it is converted into sulphate aerosols that reflect incoming solar radiation (McLean et al. 2009). The GTTA nearly always falls in the year or two following major eruptions.

Both solar irradiation and ocean–atmosphere oscillations have therefore been demonstrated to have effects on global temperature of at least the same order of magnitude as the CO2 greenhouse gas hypothesis, and these alternative mechanisms are supported by well-documented empirical data. Nevertheless, the CO2 hypothesis, the theoretical basis for which is being increasingly challenged, remains the popular explanation for global warming in the public domain.

THE CONTROVERSY The main factors that have led to heated scientific controversy regarding the cause of the mild late 20 th century global warming can be summarized as follows: i) A surge of media coverage and consequent public interest and anxiety, magnified by productions such as Al Gore’s An Inconvenient Truth.

ii) Fear and concern on the part of environmentalists, who were already aware of many other harmful aspects of industrial, commercial and other human activities. Environmentalists, including NGOs such as Greenpeace and the World Wildlife Fund, exploited the open disagreements that existed among scientists as to the scale of the warming and its impacts, disagreements that inevitably arose because climate science is complex and empirical data were in short supply until recently.

**Slowing now due to natural forcings – no risk of runaway warming**

Klimenko 11 [VV, Research Assistant at the [Department of Theoretical Astrophysics](http://www.ioffe.ru/astro/) of the [Ioffe Physico-Technical Institute](http://www.ioffe.ru/), “Why Is Global Warming Slowing Down?,” 5-20, Doklady Earth Sciences, 2011, Vol. 440, Part 2, pp. 1419–1422]

The first decade of the present century has ended with a remarkable climatic event: for the first time over the past 65 years, the five year average global temperature over 2006–2010 turned out to be lower than the value for the previous five year interval (2001–2005). In addition, the absolute maximum temperature, which was attained as long ago as in 1998, has not been surpassed for thirteen years. Both these facts seem ingly support the arguments of the opponents of global warming theory, at least those who regard the anthropogenic origin of warming questionable or even far fetched. Indeed, the anthropogenic emission of carbon dioxide, which is the major greenhouse atmospheric component, has risen by 60% from 5.2 giga tons to 8.5 gigatons of carbon, and its concentration has increased from 339 to 390 ppmv (parts per million by volume). How then do we explain the apparent slowdown in the rate of global warming?

Evidently, the observed global rise in temperature (Fig. 1) is a response of the climatic system to the combined action of both anthropogenic and natural impacts. Some of the latter are precisely the factors responsible for the current climatic paradox. Further, we will attempt to identify these factors and, based on their analysis, forecast the global climatic trends for the next decades.

Figure 2 presents the wavelet spectra yielded by continuously analyzing the time series of global tem perature over 1850–2011 [1]. Here, we analyze only one of three existing global temperature datasets which are continuously updated, namely the HadCRUT3 temperature series provided by the Uni versity of East Anglia (accessible at http://www.cru. uea.ac.uk/cru/data/temperature/), because this is, as of now, the only dataset covering more than a 150-year interval, which is crucial for our study. We note that it only recently became possible to analyze such long time series and, thus, identification of multidecade rhythms became a solvable task. The temperature data were preliminarily rid of the longterm anthropogenic trend associated with the accumulation of greenhouse gases and aerosols in the atmosphere; this trend was calculated from the energybalance climate model developed at the Moscow Power Engineering Institute (MPEI) [2]. The resulting temperature series, free of anthropogenic trends, will contain important infor mation on the influence of natural factors. Figure 2 shows that, throughout the entire interval of instrumental observations since the mid nineteenth century, the data contain rather stable 70 year and 20 year cyclic components. A less significant 9year cycle was present in most observations (during 1870– 1900 and 1940–2000), and a 6year cycle persisted over a considerable part of the entire time span. Closely consistent results were also obtained when analyzing the temperature series by the maximum entropy method (MEM) (Fig. 3). As the order of the auroregression (AR) method is known to significantly affect the result, in our case this parameter was chosen to be onethird the length of the studied data series: according to the long experience in application of MEM in climate research, this value is suitable for providing useful information. All the harmonic components identified above are statistically significant with a confidence level of 90%.

Supposedly, the source of the dominant 70year cycle is the North Atlantic, where this harmonic is reliably identified not only in the ocean [3–5] but also on the continental margins: in Greenland [6], England [7], Finland [8], at the Novaya Zemlya Archipelago, and on the Yamal Peninsula [9]. More over, this periodical component is not only recognized in the instrumental data but it is also revealed in the time series of paleotemperature and pressure which date back to over hundreds and even thousands of years ago. We believe that this rhythm is associated with the quasiperiodical changes in the atmospheric and oceanic circulation known as the North Atlantic Oscillation (NAO) and with the related pulsations in the advection of warm waters to the basins of the Nor wegian and Barents seas. Indeed, the time series of the NAO index contain an approximately 60to 70year component [10] and show a strong positive correlation with the time series of temperature in the Northern hemisphere [11]. The positive phases of NAO indices are characterized by a more intense westerly air mass transport and a noticeable warming of the major part of the nontropical zone in the northern hemisphere, which is most prominent in the winter–spring season. Incidentally, the most rapid phase of the presentday warming (1975–2005) just featured such seasonal asymmetry, which is more evidence in favor of the hemispherical and global temperatures being related to NAO. Finally, it turns out that the 70year periodicity is present in the globally averaged temperature and in the temperature averaged over the northern hemisphere, whereas in the spectrum for the southern hemisphere, this harmonic component is rather weak (Fig. 3). This is an important additional argument in favor of the North Atlantic origin of the 70year cycle.

The existence of the quasibidecadal oscillations is often attributed to the influence of the Sun. However, the situation is not so simple: in our case, this cycle is almost not recognizable in the northern hemisphere, although clearly pronounced in the southern hemisphere (Fig. 3). This fact motivates one not to con strain the probable origin of this periodicity to the behavior of the Sun, but also to search for its possible correlations to the variability in the Southern Oscillation (SO) whose index has a peak at a period of 22 years [12, 13]. The latter hypothesis is supported by the fact that the temperature series over the equatorial and southern portions of the Pacific as well as those over the entire water area of the Indian Ocean contain a distinctly expressed quasibidecadal oscillation [3]. In turn, the SO, which largely controls the temperature regime of the southern hemisphere, is undoubtedly affected by the variations in the rate of the Earth’s rotation, which also have a significant periodical component at 22 years [14].

As of now, the nature of the 9year oscillations is least clear. We suppose it to be a result of superimposition of oscillations associated with the lunar–solar tides that have characteristic times of 8.85 (the perigee period of the Moon) and 9.86 years (the period of barycenter of the Sun–Jupiter system), which are certainly able to cause significant changes to the atmo spheric circulation and, therefore, temperature. The comparison of the instrumental data series since 1850 with the results of calculations using the energy balance model with superimposed main cyclic components is presented in Fig. 1. The calculated curve in the interval 1850–2011 accounts for more than 75% of the observed variability in the data and clearly demonstrates that the natural factors may considerably enhance or, quite the opposite, reduce the ongoing warming up to its complete disappearing or even shortterm cooling, as has occurred during the last 6–8 years. We suppose warming will resume shortly in the years to come (Fig. 1). However, up to the end of the century, its rate will likely be lower than the value attained in 1975–2005 when the extremely intense positive phases of NAO and SO concurrent with the highest solar irradiation over the last 600 years [15] resulted in a rate of warming as high as in excess of 0.2°C per decade. In the next few decades, the natural forcings will restrain the process of global warming. This will be primarily associated with the decline in solar activity and the transition to the negative phase in NAO, which features a weaker westerly air mass transport. Recent measurements show that both these processes are gaining strength. Indeed, the NAO index has consistently decreased since early 1990 and is now at a 40year low (http://www.cgd. ucar.edu/cas/jhurrell/indices.html). At the same time, the minimal solar constant over the entire 33year history of satellite observations has been recorded in the current, solar cycle 24, which started in the fall of 2008 (http://www.pmodwrc.ch/pmod.php?topic=tsi/ composite/SolarConstant/).

**Negative feedbacks solve**

Singer et al 11 [S Fred, PhD, a distinguished atmospheric physicist and first director of the U.S. Weather Satellite Service, Craig Idso, editor of the online magazine CO2 Science and author of several books and scholarly articles on the effects of carbon dioxide on plant and animal life, Robert M Carter, marine geologist and research professor at James Cook University in Queensland, Australia Climate Change Reconsidered: 2011 Interim Report]

In the 2009 NIPCC report, Idso and Singer (2009) discussed the plausibility of a multistage negative feedback process whereby warming-induced increases in the emission of dimethyl sulfide (DMS) from the world‘s oceans tend to counteract any initial impetus for warming. The basic tenet of this hypothesis is that the global radiation balance is significantly influenced by the albedo of marine stratus clouds (the greater the cloud albedo, the less the input of solar radiation to the Earth‘s surface). The albedo of these clouds, in turn, is known to be a function of cloud droplet concentration (the more and smaller the cloud droplets, the greater the cloud albedo and the reflection of solar radiation), which is dependent upon the availability of cloud condensation nuclei on which the droplets form (the more cloud condensation nuclei, the more and smaller the cloud droplets). And in completing the negative feedback loop, the cloud condensation nuclei concentration often depends upon the flux of biologically produced DMS from the world‘s oceans (the higher the sea surface temperature, the greater the sea-to-air flux of DMS).

Since the publication of the 2009 NIPCC report, additional empirical evidence has been found to support the several tenets of the DMS feedback process. Qu and Gabric (2010), for example, introduce their contribution to the subject by stating, ―dimethylsulfide (DMS) is the main volatile sulfur [species] released during the formation and decay of microbial ocean biota‖ and ―aerosols formed from the atmospheric conversion of DMS to sulfate and methanesulfonic acid can exert a climate cooling effect directly by scattering and absorbing solar radiation and indirectly by promoting the formation of cloud condensation nuclei and increasing the albedo of clouds, thus reflecting more solar radiation back into space.‖

Working with climate and DMS production data from the region of the Barents Sea (70–80°N, 30– 35°E) obtained over the period 1998 to 2002, Qu and Gabric employed a genetic algorithm to calibrate chlorophyll-a measurements (obtained from SeaWiFS satellite data) for use in a regional DMS production model. Then, using GCM temperature outputs for the periods 1960–1970 (pre-industry CO2 level) and 2078–2086 (triple the pre-industry CO2 level), they calculated the warming-induced enhancement of the DMS flux from the Barents Sea region. The two researchers report, ―significantly decreasing ice coverage, increasing sea surface temperature and decreasing mixed-layer depth could lead to annual DMS flux increases of more than 100% by the time of equivalent CO2 tripling (the year 2080).‖ In commenting on their findings, they state, ―such a large change would have a great impact on the Arctic energy budget and may offset the effects of anthropogenic warming that are amplified at polar latitudes.‖ What is more, they write, ―many of these physical changes will also promote similar perturbations for other biogenic species (Leck et al., 2004), some of which are now thought to be equally influential to the aerosol climate of the Arctic Ocean.‖ Thus it can be appreciated that DMS production in a warming world—especially when augmented by analogous biogenic phenomena—may provide a large moderating influence on the primary impetus for warming that is produced by mankind‘s emissions of CO2 and other greenhouse gases.

Kim et al. (2010) write that DMS ―represents 95% of the natural marine flux of sulfur gases to the atmosphere (Bates et al., 1992; Liss et al., 1997),‖ and they say it ―may be oxidized to form non sea-salt sulfate aerosols, which are known to act as cloud condensation nuclei and thereby exert a cooling effect by absorbing or scattering solar radiation.‖ They cite Charlson et al. (1987), who first described the intriguing and important chain of events. They also note ―DMS is generated by intracellular or extracellular enzymatic cleavage of DMSP [dimethylsulfoniopropionate] by DMSP-lyase, which is synthesized by algae and bacteria, following DMSP secretion from producer cells or release following autolysis or viral attack,‖ while noting that ―grazing activity can also result in DMSP conversion to DMS if DMSP and DMSP-lyase are physically mixed following grazing,‖ citing Stefels et al., 2007, and Wolfe and Steinke, 1996.

Working in the coastal waters of Korea from 21 November to 11 December 2008, the 14 Korean scientists utilized 2,400-liter mesocosm enclosures to simulate, in triplicate, three sets of environmental conditions—an ambient control (~400 ppm CO2 and ambient temperature), an acidification treatment (~900 ppm CO2 and ambient temperature), and a greenhouse treatment (~900 ppm CO2 and ~3°C warmer-than-ambient temperature)—and within these mesocosms they initiated phytoplankton blooms by adding equal quantities of nutrients to each mesocosm on day 0. For 20 days thereafter they measured numerous pertinent parameters within each mesocosm. This work revealed, as they describe it, that ―total accumulated DMS concentrations (integrated over the experimental period) in the acidification and greenhouse mesocosms were approximately 80% and 60% higher than the values measured in the control mesocosms, respectively,‖ which they attribute to the fact that, in their experiment, ―autotrophic nanoflagellates (which are known to be significant DMSP producers) showed increased growth in response to elevated CO2‖ and ―grazing rates [of microzooplankton] were significantly higher in the treatment mesocosms than in the control mesocosms.‖ In the concluding paragraph of their paper, they write, ―the key implication of our results is that DMS production resulting from CO2-induced grazing activity may increase under future high CO2 conditions,‖ concluding that ―DMS production in the ocean may act to counter the effects of global warming in the future.‖

# 1NR

### 1NR – Overview

#### Proliferation increases the risk of nuclear conflict geometrically – turns case and makes all current conflicts more likely to erupt

Talent and Hall, March 2010 (Jim - distinguished fellow in government relations at the Heritage Foundation, and Heath, Sowing the Wind, p. <http://www.freedomsolutions.org/2010/03/sowing-the-wind-the-decay-of-american-power-and-its-consequences/>)

There is a reason that regimes like Iran and North Korea go to the time and expense, and assume the risks of developing nuclear weapons programs; nuclear capability empowers them to achieve their ends, and thereby poses challenges to the United States, for several reasons. First, there is a danger that rogue regimes with nuclear material may assist terrorists in developing weapons of mass destruction.[36] Even the possibility that such regimes may do so gives them leverage internationally. Second, these regimes have ambitions in their regions and around the world.[37] Some of their leaders are fanatical enough to actually consider a first strike using nuclear weapons; for example, high-ranking officials of the Iranian government have openly discussed using a nuclear weapon against Israel.[38] Whether a first strike occurs or not, the possession of nuclear capability frees aggressive regimes to pursue their other goals violently with less fear of retaliation. For example, North Korea’s nuclear capability means that it could attack South Korea conventionally with a measure of impunity; even if the attack failed, the United States and its allies would be less likely to remove the North Korean regime in retaliation. In other words, nuclear capability lessens the penalties which could be exacted on North Korea if it engages in aggression, which makes the aggression more likely. The same logic applies to Iran, which is why the other nations in the Middle East are so concerned about Iran’s nuclear program. A nuclear attack by Iran is possible, but the real danger of Iranian nuclear capability is that it would make conventional aggression in the region more likely.[39] Finally, the more nations that get nuclear weapons, the greater the pressure on other nations to acquire them as a deterrent, and this is particularly true when a government acquiring the capability is seen as unstable or aggressive. North Korea’s possession of nuclear weapons has tended, for obvious reasons, to make the South Koreans and Japanese uncomfortable about having no deterrent themselves. The possibility of uncontrolled proliferation—what experts call a “nuclear cascade”[40]—is tremendously dangerous; it increases the possibility that terrorists can get nuclear material from a national program, and it raises the prospect of a multilateral nuclear confrontation between nations.[41] Many of the smaller nuclear nations do not have well-established first strike doctrine or launch protocols; the chance of a nuclear exchange, accidental or intentional, increases geometrically when a confrontation is multilateral.

#### AND Extinction

Giribets 12 [Miguel Giribets, “If US Attacks Iran, Human Survival May Be at Risk (Part III),” Argen Press, 10 January 2012, pg. http://watchingamerica.com/News/141596/if-us-attacks-iran-human-survival-may-be-at-risk-part-iii/]

The dangers of global war are clear. On one side, hundreds of Russian technicians would die working on Iranian nuclear facilities, to which Russia could not stand idly by. According to Chossudovsky: "Were Iran to be the object of a "pre-emptive" aerial attack by allied forces, the entire region, from the Eastern Mediterranean to China's Western frontier with Afghanistan and Pakistan, would flare up, leading us potentially into a World War III scenario. The war would also extend into Lebanon and Syria. It is highly unlikely that the bombings, if they were to be implemented, would be circumscribed to Iran's nuclear facilities as claimed by US-NATO official statements. What is more probable is an all out air attack on both military and civilian infrastructure, transport systems, factories, public buildings.

"The issue of radioactive fallout and contamination, while casually dismissed by US-NATO military analysts, would be devastating, potentially affecting a large area of the broader Middle East (including Israel) and Central Asian region." As an example, a few years ago Burma moved its capital Rangoon to Pyinmana, because it believed that the effects of nuclear radiation caused by an attack on Iran would be less there. Radiation and nuclear winter could have uncontrollable consequences for humans. Put plainly, the survival of the human race would be put at stake if the U.S. attacks Iran.

#### New sanctions undermine negotiations

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| **Al Jazeera 11/13**/13 [“Kerry: new sanctions would scupper Iran deal,” Al Jeezara, Last updated: 13 Nov 2013 20:26, pg. http://www.aljazeera.com/news/middleeast/2013/11/kerry-new-sanctions-would-scupper-iran-deal-20131113201258666645.html |
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The US secretary of state, John Kerry, has said that new sanctions being prepared by Congress would "break apart" ongoing negotiations with Iran about its nuclear programme.

Kerry was speaking on Wednesday before meeting US politicians about their plans for more sanctions against Tehran, whose economy has already been badly hit by international measures.

"The risk is that if Congress were to unilaterally move to raise sanctions it could break faith in those negotiations and actually stop them and break them apart," said ahead of the meeting with senators.

The State Department spokesman, Jen Psaki, said Kerry wanted a "temporary pause" on new sanctions to allow diplomats from six world powers to negotiate with Iran and to test whether it may be possible to resolve a 10-year standoff.

"The secretary will be clear that putting new sanctions in place would be a mistake while we are still determining if there is a diplomatic path forward," Psaki said.

Members of both houses of Congress are currently debating a new round of sanctions on Tehran, more severe than those already in place that have destroyed import and export markets, increased unemployment and sent inflation rocketing.

#### That destabilizes the Afghani transition. They can’t win offense because the sanction regime will inevitably collapse

**Freidman 11/12/13** – 3x Pulitzer Prize winner & NYT’s foreign-affairs Op-Ed columnist [Thomas L. Friedman, “What About US?,” New York Times, Nov 12, 2013, pg. http://www.nytimes.com/2013/11/13/opinion/friedman-what-about-us.html?\_r=0

Some of our allies don’t share those “other” interests and believe the only acceptable outcome is bombing Iran’s nuclear facilities and keeping Iran an isolated, weak, pariah state. They don’t trust this Iranian regime — and not without reason. I don’t begrudge their skepticism. Without pressure from Israel, Saudi Arabia and the United Arab Emirates, and the global sanctions on Iran they helped to spur, Iran would not be offering to scale back its nuclear program today.

But that pressure was never meant to be an end itself. It was meant to bring Iran in from the cold, provided it verifiably relinquished the ability to breakout with a nuclear weapon. “Just because regional actors see diplomacy with Iran as a zero-sum game — vanquish or be vanquished — doesn’t mean America should,” said Karim Sadjadpour, the expert on Iran at the Carnegie Endowment.

Why? Let’s start with the fact that Iran has sizable influence over several of America’s most critical national security concerns, including Syria, Iraq, Afghanistan, the Palestinian-Israeli conflict, terrorism, energy security, and nuclear proliferation. Whereas tension with Iran has served to exacerbate these issues, détente with Tehran could help ameliorate them. Iran played a vital role in helping us to defeat the Taliban in Afghanistan in 2001 and can help us get out without the Taliban completely taking over again.

 “Iran has at least as much at stake in a stable Iraq, and a stable Afghanistan, as we do — and as an immediate neighbor has a far greater ability to influence them, for good or ill,” said Nader Mousavizadeh, the Iranian-American co-founder of Macro Advisory Partners and a former top aide to U.N. Secretary General Kofi Annan.

There is a struggle in Tehran today between those who want Iran to behave as a nation, looking out for its interests, and those who want it to continue behaving as a permanent revolution in a permanent struggle with America and its allies. What’s at stake in the Geneva nuclear negotiations — in part — “is which Iranian foreign policy prevails,” argued Mousavizadeh. A mutually beneficial deal there could open the way for cooperation on other fronts.

Moreover, there is nothing that threatens the future of the Middle East today more than the sectarian rift between Sunni and Shiite Muslims. This rift is being used by President Bashar al-Assad of Syria, Hezbollah and some Arab leaders to distract their people from fundamental questions of economic growth, unemployment, corruption and political legitimacy. It is also being used to keep Iran isolated and unable to fully exploit its rich oil and gas reserves, which could challenge some Arab producers. But our interest is in quelling these sectarian passions, not taking one side.

The Iran-U.S. cold war has prevented us from acting productively on all these interests. It is easy to say we should just walk away from talks if we don’t get what we want, but isolating Iran won’t be as easy as it once was. China, Russia, India and Japan have different interests than us vis-à-vis Iran. The only man who could unite them all behind this tough sanctions regime was Iran’s despicable previous president, Mahmoud Ahmadinejad. The new president, Hassan Rouhani, is much more deft.  “Our sanctions leverage may have peaked,” said Sadjadpour. “Countries like China won’t indefinitely forsake their own commercial and strategic interests vis-à-vis Iran simply to please the U.S. Congress.”

#### Turns the entire aff – china and terror

Miller 12—Professor of International Security Affairs & Director for the Afghanistan-Pakistan program @ National Defense University [Paul D. Miller (Former Director for Afghanistan on the National Security Council staff under Presidents Bush and Obama), “It’s Not Just Al-Qaeda: Stability in the Most Dangerous Region,” World Affairs Journal, March-April 2012, pg. http://tinyurl.com/lnplsb7]

In fact, the war is only now entering its culminating phase, indicated by the willingness of both US and Taliban officials to talk openly about negotiations, something parties to a conflict do only when they see more benefit to stopping a war than continuing it. That means the war’s ultimate outcome is likely to be decided by the decisions, battles, and bargaining of the next year or so. And its outcome will have huge implications for the future of US national security. In turn, that means the collective decision to ignore the war and its consequences is foolish at best, dangerous at worst. While Americans have lost interest in the war, the war may still have an interest in America. Now is the time, more than ten years into the effort, to remind ourselves what is at stake in Afghanistan and why the United States must secure lasting stability in South Asia.

It was, of course, al-Qaeda’s attack on the US homeland that triggered the intervention in Afghanistan, but wars, once started, always involve broader considerations than those present at the firing of the first shot. The war in Afghanistan now affects all of America’s interests across South Asia: Pakistan’s stability and the security of its nuclear weapons, NATO’s credibility, relations with Iran and Russia, transnational drug-trafficking networks, and more. America leaves the job in Afghanistan unfinished at its peril.

The chorus of voices in the Washington policy establishment calling for withdrawal is growing louder. In response to this pressure, President Obama has pledged to withdraw the surge of thirty thousand US troops by September 2012—faster than US military commanders have recommended—and fully transition leadership for the country’s security to the Afghans in 2013. These decisions mirror the anxieties of the electorate: fifty-six percent of Americans surveyed recently by the Pew Research Center said that the US should remove its troops as soon as possible.

But it is not too late for Obama (who, after all, campaigned in 2008 on the importance of Afghanistan, portraying it as “the good war” in comparison to Iraq) to reformulate US strategy and goals in South Asia and explain to the American people and the world why an ongoing commitment to stabilizing Afghanistan and the region, however unpopular, is nonetheless necessary.

The Afghanistan Study Group, a collection of scholars and former policymakers critical of the current intervention, argued in 2010 that al-Qaeda is no longer in Afghanistan and is unlikely to return, even if Afghanistan reverts to chaos or Taliban rule. It argued that three things would have to happen for al-Qaeda to reestablish a safe haven and threaten the United States: “1) the Taliban must seize control of a substantial portion of the country, 2) Al Qaeda must relocate there in strength, and 3) it must build facilities in this new ‘safe haven’ that will allow it to plan and train more effectively than it can today.” Because all three are unlikely to happen, the Study Group argued, al-Qaeda almost certainly will not reestablish a presence in Afghanistan in a way that threatens US security.

In fact, none of those three steps are necessary for al-Qaeda to regain its safe haven and threaten America. The group could return to Afghanistan even if the Taliban do not take back control of the country. It could—and probably would—find safe haven there if Afghanistan relapsed into chaos or civil war. Militant groups, including al-Qaeda offshoots, have gravitated toward other failed states, like Somalia and Yemen, but Afghanistan remains especially tempting, given the network’s familiarity with the terrain and local connections. Nor does al-Qaeda, which was never numerically overwhelming, need to return to Afghanistan “in strength” to be a threat. Terrorist operations, including the attacks of 2001, are typically planned and carried out by very few people. Al-Qaeda’s resilience, therefore, means that stabilizing Afghanistan is, in fact, necessary even for the most basic US war aims. The international community should not withdraw until there is an Afghan government and Afghan security forces with the will and capacity to deny safe haven without international help.

Setting aside the possibility of al-Qaeda’s reemergence, the United States has other important interests in the region as well—notably preventing the Taliban from gaining enough power to destabilize neighboring Pakistan, which, for all its recent defiance, is officially a longstanding American ally. (It signed two mutual defense treaties with the United States in the 1950s, and President Bush designated it a major non-NATO ally in 2004.) State failure in Pakistan brokered by the Taliban could mean regional chaos and a possible loss of control of its nuclear weapons. Preventing such a catastrophe is clearly a vital national interest of the United States and cannot be accomplished with a few drones.

Alarmingly, Pakistan is edging toward civil war. A collection of militant Islamist groups, including al-Qaeda, Tehrik-e Taliban Pakistan (TTP), and Tehrik-e Nafaz-e Shariat-e Mohammadi (TNSM), among others, are fighting an insurgency that has escalated dramatically since 2007 across Khyber Pakhtunkhwa, the Federally Administered Tribal Areas, and Baluchistan. According to the Brookings Institution’s Pakistan Index, insurgents, militants, and terrorists now regularly launch more than one hundred and fifty attacks per month on Pakistani government, military, and infrastructure targets. In a so far feckless and ineffectual response, Pakistan has deployed nearly one hundred thousand regular army soldiers to its western provinces. At least three thousand soldiers have been killed in combat since 2007, as militants have been able to seize control of whole towns and districts. Tens of thousands of Pakistani civilians and militants—the distinction between them in these areas is not always clear—have been killed in daily terror and counterterror operations.

The two insurgencies in Afghanistan and Pakistan are linked. Defeating the Afghan Taliban would give the United States and Pakistan momentum in the fight against the Pakistani Taliban. A Taliban takeover in Afghanistan, on the other hand, will give new strength to the Pakistani insurgency, which would gain an ally in Kabul, safe haven to train and arm and from which to launch attacks into Pakistan, and a huge morale boost in seeing their compatriots win power in a neighboring country. Pakistan’s collapse or fall to the Taliban is (at present) unlikely, but the implications of that scenario are so dire that they cannot be ignored. Even short of a collapse, increasing chaos and instability in Pakistan could give cover for terrorists to increase the intensity and scope of their operations, perhaps even to achieve the cherished goal of stealing a nuclear weapon.

Although our war there has at times seemed remote, Afghanistan itself occupies crucial geography. Situated between Iran and Pakistan, bordering China, and within reach of Russia and India, it sits on a crossroads of Asia’s great powers. This is why it has, since the nineteenth century, been home to the so-called Great Game—in which the US should continue to be a player.

Two other players, Russia and Iran, are aggressive powers seeking to establish hegemony over their neighbors. Iran is seeking to build nuclear weapons, has an elite military organization (the Quds Force) seeking to export its Islamic Revolution, and uses the terror group Hezbollah as a proxy to bully neighboring countries and threaten Israel. Russia under Vladimir Putin is seeking to reestablish its sphere of influence over its near abroad, in pursuit of which it (probably) cyber-attacked Estonia in 2007, invaded Georgia in 2008, and has continued efforts to subvert Ukraine.

Iran owned much of Afghan territory centuries ago, and continues to share a similar language, culture, and religion with much of the country. It maintains extensive ties with the Taliban, Afghan warlords, and opposition politicians who might replace the corrupt but Western-oriented Karzai government. Building a stable government in Kabul will be a small step in the larger campaign to limit Tehran’s influence.

Russia remains heavily involved in the Central Asian republics. It has worked to oust the United States from the air base at Manas, Kyrgyzstan. It remains interested in the huge energy reserves in Kazakhstan and Turkmenistan. Russia may be wary of significant involvement in Afghanistan proper, unwilling to repeat the Soviet Union’s epic blunder there. But a US withdrawal from Afghanistan followed by Kabul’s collapse would likely embolden Russia to assert its influence more aggressively elsewhere in Central Asia or Eastern Europe, especially in the Ukraine.

A US departure from Afghanistan will also continue to resonate for years to come in the strength and purpose of NATO. Every American president since Harry Truman has affirmed the centrality of the Atlantic Alliance to US national security. The war in Afghanistan under the NATO-led International Security Assistance Force (ISAF), the Alliance’s first out-of-area operation in its sixty-year history, was going poorly until the US troop surge. Even with the limited success that followed, allies have complained that the burden in Afghanistan has been distributed unevenly. Some, like the British, Canadians, and Poles, are fighting a shooting war in Kandahar and Helmand, while others, like the Lithuanians and Germans, are doing peacekeeping in Ghor and Kunduz. The poor command and control—split between four regional centers—left decisionmaking slow and poorly coordinated for much of the war. ISAF’s strategy was only clarified in 2008 and 2009, when Generals David McKiernan and Stanley McChrystal finally developed a more coherent campaign plan with counterinsurgency-appropriate rules of engagement.

A bad end in Afghanistan could have dire consequences for the Atlantic Alliance, leaving the organization’s future, and especially its credibility as a deterrent to Russia, in question. It would not be irrational for a Russian observer of the war in Afghanistan to conclude that if NATO cannot make tough decisions, field effective fighting forces, or distribute burdens evenly, it cannot defend Europe. The United States and Europe must prevent that outcome by salvaging a credible result to its operations in Afghanistan—one that both persuades Russia that NATO is still a fighting alliance and preserves the organization as a pillar of US national security.

### 1NR – Uniqueness

#### Bipart support for sanctions now – ameks all of their turns useless – Obama holding them off is crucial

FOX NEWS 12 – 27 – 13 Top Dem presses Obama on Iran sanctions after centrifuge surprise, http://www.foxnews.com/politics/2013/12/27/top-dem-presses-obama-on-iran-sanctions-after-centrifuge-announcement/

President Obama faced mounting bipartisan pressure on Friday to drop his resistance to an Iran sanctions bill after Tehran announced a new generation of equipment to enrich uranium -- a move the Israelis claimed was further proof the regime seeks nuclear weapons.

One of the president's top Democratic allies is leading the charge for Congress to pass sanctions legislation, despite the president's pleas to stand down. Senate Foreign Relations Committee Chairman Bob Menendez, D-N.J., told Fox News that the "Iranians are showing their true intentions" with their latest announcement.

"If you're talking about producing more advanced centrifuges that are only used to enrich uranium at a quicker rate ... the only purposes of that and the only reason you won't give us access to [a military research facility] is because you're really not thinking about nuclear power for domestic energy -- you're thinking about nuclear power for nuclear weapons," he said.

Menendez was reacting after Iran's nuclear chief Ali Akbar Salehi said late Thursday that the country is building a new generation of centrifuges for uranium enrichment. He said the system still needs further tests before the centrifuges can be mass produced. His comments appeared aimed at countering hard-liner criticism by showing the nuclear program is moving ahead and has not been halted by the accord. At the same time, the government was walking a fine line under the terms of the deal.

Iran, as part of a six-month nuclear deal with the U.S. and other world powers, agreed not to bring new centrifuges into operation during that period. But the deal does not stop it from developing centrifuges that are still in the testing phase.

On Friday, the Embassy of Israel in Washington released a statement reiterating their call for Iran to halt enrichment and remove the infrastructure behind it.

"Installing additional advanced centrifuges would be further indication that Iran intends to develop a nuclear bomb -- and to speed up the process of achieving it," the statement said.

Menendez said he, like the president, wants to test the opportunity for diplomacy.

"The difference is that we want to be ready should that diplomacy not succeed," the senator said. "It's getting Congress showing a strong hand with Iranians at the same time that the administration is seeking negotiation with them. I think that that's the best of all worlds."

Obama would not appear to agree.

At his year-end news conference, the president tried to push back on those advocating new legislation by insisting the tentative deal with Iran has teeth.

"Precisely because there are verification provisions in place, we will have more insight into Iran's nuclear program over the next six months than we have previously," Obama said. "We'll know if they are violating the terms of the agreement. They're not allowed to accelerate their stockpile of enriched uranium."

Obama argues that Congress could step in at any time to approve new sanctions if Iran violates the terms of the agreement. Further, he argues that legislation at this stage could imperil the hard-fought Geneva deal.

But sponsors of the legislation in the Senate, which would only trigger sanctions if Iran violates the interim deal or lets it expire without a long-term accord, say the legislation would do just the opposite -- put added pressure on Iran to rein in its nuclear program.

When Congress returns to work next month, there could be new urgency for legislation. A total of 47 co-sponsors are now behind the legislation introduced by Menendez and Sen. Mark Kirk, R-Ill. Supporters are hoping to reach a 67-member, veto-proof majority.

Kirk told Fox News that the latest development in Iran shows why Americans are distrustful of Iran's intentions.

#### AND - Obama has capital left – analysts agree

CSM 12 – 2 – 13 Is Obama already a lame-duck president? (+video), <http://www.csmonitor.com/USA/DC-Decoder/2013/1202/Is-Obama-already-a-lame-duck-president-video>

Still, the early rumblings of 2016 are a sideshow compared with the present challenge of being president. And for Obama, analysts say, despite the rough rollout of the ACA, there’s plenty of juice left in his presidency – especially with more than three years to go.

“It has to do with the inherent powers of the presidency,” says Ross Baker, a political scientist at Rutgers University in New Jersey. “Between now and the 20th of January 2017, there will be many opportunities for him to do things, even if Congress doesn’t cooperate.”

Obama has shown clear willingness to use executive power to effect policy without Congress. Examples include changes to the ACA, actions on firearms, limits on greenhouse gases, changes to IRS rules that affect political action committees, and deferring deportation of young illegal immigrants.

The president has held back on taking other executive actions, despite pressure from activists, especially on gay rights and broader immigration reform. That hesitancy likely signals a desire to keep working with Congress on those matters, bringing more public buy-in and the ability to institute more sweeping reform.

The White House is putting out the word that Obama is keeping his powder dry on issues like comprehensive immigration reform and expanded background checks on guns, two initiatives that ran aground in Congress this year.

“The president takes a long view of things,” White House communications director Jennifer Palmieri told MSNBC on Monday. “We made a lot of progress in this past year on those issues, and we’ll continue to push it as long as it takes through the rest of the presidency.”

#### It will get done easily – doesn’t cause PC

USA Today 1/6, “Final push to extend unemployment insurance”, http://www.usatoday.com/story/news/politics/2014/01/06/white-house-unemployment-insurance-senate-vote/4342199/

Benefits expired for many long-term unemployed Americans on Dec. 28 after lawmakers did not extend the program as part of a bipartisan budget agreement. But the Senate is set to consider a bill sponsored by Sens. Jack Reed, D-R.I., and Dean Heller, R-Nev., on Tuesday that would restore benefits for eligible workers for another three months.

Republicans have balked at extending unemployment benefits without offsetting the roughly $6.5 billion that it will cost.

The White House counters that Congress has extended emergency unemployment insurance time-after-time with no strings attached during periods of high unemployment. The current U.S. unemployment rate stands at 7%.

#### Random Domestic thumpers don’t matter – Obama is focusing on foreign policy because it isn’t tangled with domestic issues

HAMMOND 11 – 14 – 13 formerly a special adviser in the government of former UK Prime Minister Tony Blair, and also a geopolitical analyst at Oxford Analytica [Andrew Hammond, Iranian diplomacy underscores Obama's search for legacy, <http://www.cnn.com/2013/11/13/opinion/iran-obama-legacy-hammond/>]

As well as legacy-building, the likelihood of Obama concentrating more on foreign policy also reflects domestic U.S. politics. Particularly the intense polarization and gridlock of Washington.

Since re-election, Obama has achieved little domestic policy success. His gun control bill was defeated, immigration reform faces significant opposition in the Republican-controlled House of Representatives, and the prospect of a long-term federal budgetary "grand bargain" with Congress looks unlikely. Moreover, implementation of his landmark healthcare initiative has been botched.

Many re-elected presidents in the post-war era have, like Obama, found it difficult to acquire domestic policy momentum. In part, this is because the party of re-elected presidents, as with the Democrats now, often hold a weaker position in Congress. Thus Dwight Eisenhower in 1956, Richard Nixon in 1972, and Bill Clinton in 1996 were all re-elected alongside Congresses where both the House and Senate were controlled by their partisan opponents.

Another factor encouraging foreign policy focus in second terms is the fact that re-elected presidents have often been impacted by domestic scandals in recent decades. Thus, Watergate ended the Nixon administration in 1974, Iran-Contra badly damaged the Reagan White House, and the Lewinsky scandal led to Clinton being impeached.

Since Obama's re-election, a series of problems have hit the administration. These include revelations that the Internal Revenue Service targeted some conservative groups for special scrutiny; and the Department of Justice's secret subpoenaing of private phone records of several Associated Press reporters and editors in the wake of a terrorist plot leak.

Even if Obama escapes further significant problems, he will not be able to avoid the "lame-duck" factor. That is, as a president cannot seek more than two terms, political focus will refocus elsewhere, particularly after the November 2014 congressional ballots when the 2016 presidential election campaign kicks into gear.

Taken overall, Iranian diplomatic progress and wider recent events in the Middle East are therefore likely to accentuate the incentives for Obama to place increasing emphasis on foreign policy -- which Congress has less latitude over -- in his remaining period of office. And, this shift is only likely to be reinforced if, as anticipated, the U.S. economic recovery continues to build up steam in 2014.

#### Vote soon – momentum building. If Obama loses clout, the vote will speed up

J POST 12 – 22 – 13 Senate prepares major vote on Iran sanctions next month, http://www.jpost.com/Iranian-Threat/News/Senate-prepares-major-vote-on-Iran-sanctions-next-month-335835

White House braces for decision that will be increasingly difficult to avoid, as bill authors seek broad support.

A bill challenging diplomatic efforts with Iran may get a vote on the Senate floor in January.

The Nuclear Weapon Free Iran Act of 2013 would trigger new sanctions against Iran should negotiations fail to produce a comprehensive agreement on its nuclear program in six-to-12 months – or should its government fall short of complying with the technical tenets of a temporary deal brokered last month in Geneva.

The interim deal, agreed upon by Iran and the P5+1 powers – the US, United Kingdom, France, Russia, China and Germany – effectively halts Iran’s nuclear program in exchange for modest sanctions relief.

Senate Foreign Relations Committee chairman Robert Menendez said his bill honors the efforts of US President Barack Obama to forge a diplomatic agreement with Iran, and yet holds the international community accountable to deliver one within the time frame outlined in the Geneva accord.

The proposed bill grants the president a year to negotiate with Iran before sanctions are triggered. Those sanctions include harsh new penalties for countries still importing Iranian oil, including allies, requiring they cut at least 30 percent of their purchases within months of enactment.

That will adversely impact countries previously granted sanctions waivers, such as Japan, South Korea and China – a member of the P5+1 talks currently supportive of US efforts.

One specific provision of the Geneva deal would be undermined, warned the White House and Iran alike: that “the US administration, acting consistent with the respective roles of the president and the Congress, will refrain from imposing new nuclear-related sanctions.”

Regardless of when the sanctions are triggered, passage of the bill amounts to an action that could be interpreted as a violation of the agreement. The White House has threatened a presidential veto should the bill come to pass. It would be this president’s third veto since taking office.

Since the bill does not become law without the president’s signature, the White House could argue to Iran that no meaningful action had been taken. It would then be up to Iran whether or not it wants to interpret the bill’s passage as a violation of the Geneva provision, should matters reach that point.

“There is no need for new sanctions legislation, not yet,” Obama told the White House press corps on Friday, adding that he would support swift action should talks fail.

Multiple Senate aides familiar with the legislation told The Jerusalem Post to expect a vote on the bill early next year, though the timeline is contingent on the breadth of support its authors, Menendez (D-New Jersey) and Sen. Mark Kirk (R-Illinois), are able to whip over the next several weeks.

Their staffs are expected to work to compel cosigners over the holiday recess.

### 2nc/1nr Link Wall

#### AND – prefer Kriner – only comprehensive study.

FOWLER 10 Professor of Government, Chair in Policy Studies at Dartmouth [Linda L. Fowler, After the Rubicon, CONGRESS, PRESIDENTS, AND THE POLITICS OF WAGING WAR, <http://press.uchicago.edu/ucp/books/book/chicago/A/bo10156999.html>]

Studies of war and research on Congress typically stand in isolation from each other. Kriner’s new book demonstrates big payoffs from examining the two in concert. He shows how the balance of party power in the legislature trumps conventional strategic variables in explaining the duration of U.S. military conflicts. Kriner also reveals how informal legislative actions, such as hearings, investigations, and resolutions, limit the president’s use of force. The book draws on a wide range of statistical and qualitative evidence and should cause even diehard realists to look more seriously at domestic constraints on U.S. actions abroad. In sum, Kriner’s work suggests that reports of Congress’s death as a participant in international relations are greatly exaggerated.

#### Here’s another Kriner card – statistical and empirical support – the plan trades off with the agenda.

KRINER 10 Assistant professor of political science at Boston University [Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, page 282-283]

The Costs of Congressional Wartime Opposition to the Bush Agenda

There is also considerable circumstantial evidence suggesting that the intense congressional opposition to Bush's Iraq War policies imposed an additional, significant political cost on the president: it brought action on virtually every other issue on his domestic and international agendas to a grinding halt. With an approval rating mired in the low thirties throughout his final year in office and with more than twice that figure disapproving of his job performance, Bush devoted every bit of his political capital to insuring continued funding for the war in Iraq.

Measuring the costs that congressional wartime opposition exacts on other presidential agenda items is perhaps even more difficult than conclusively showing its influence on public opinion. However, on several metrics the data strongly suggests that Bush failed to achieve almost all of his non-Iraq legislative priorities in his final two years in office. One commonly used measure of legislative productivity is Mayhew's class of "sweep one" significant enactments. In raw numerical terms, the emergence of sustained, significant congressional challenges to the war in Iraq did not dampen legislative productivity. The 110th Congress enacted thirteen pieces of landmark legislation, versus fourteen in the 109th Congress, although this total was boosted significantly by three bills responding to the financial crisis. However, a simple comparison of numbers obscures precisely whose agenda items comprised these lists of significant enactments. Landmark initiatives passed in the 109th Congress included a major reform of bankruptcy laws that favored lenders over consumers; the Class Action Fairness Act, which made it more difficult for individuals to bring such suits against businesses; billions of dollars of tax breaks to increase energy production; the Central American Free Trade Agreement; and the opening of more than eight million acres of the Gulf of Mexico to offshore drilling. These and most other items on the list clearly reflected Bush's legislative priorities. By contrast, many of the landmark initiatives enacted by the 110th Congress clearly reflected the priorities of the Democratic majority: an increase in the minimum wage; ethics and lobbying reform; an overhaul of the student loan program that cut subsidies to private lenders and increased federal aid to low-income families; an energy bill raising automobile gas mileage standards and encouraging conservation; and a bill requiring insurance companies to provide equal coverage for mental and physical illnesses.l9

All second-term presidents at some point grapple with the reality of becoming a lame duck, and all presidents in periods of divided government must grapple with legislatures possessing their own programmatic agendas. By almost any standard, however, Bush succeeded in achieving even fewer of his legislative priorities in the final two ears of his presidency than his immediate predecessors. The reasons for this are undoubtedly multifaceted. However, an important piece of the puzzle may well be that Bush, who in 2001 had been the most popular president in the history of the Gallup poll, was forced to expend every remaining bit of political energy in waging a rearguard action against Congress to preserve his policies in Iraq. The animus that his intransigence in Iraq had generated among the American people and many in Congress, even among some in his own party, left him stripped of the political capital needed to advance the remainder of his policy agenda.

#### It trades off

KRINER 10 Assistant professor of political science at Boston University [Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, page 67-69]

Raising or Lowering Political Costs by Affecting Presidential Political Capital

Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction — particularly congressional opposition — to presidential foreign policies. At least since Richard Neustadt’s seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt’s three ‘cases of command’—Truman’s seizure of the steel mills and tiring of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand – yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea. 58

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives . Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60

In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61

When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

### A2 Link Turns – Plan Popular

#### There’s no incentive to support the plan – the GOP knows they’ll be president eventually

COHEN 12 PhD, Political Economy, University of Chicago & Professor of International Affairs and Director at The New School [Michael A. Cohen, “Power Grab,” 3/28, <http://www.foreignpolicy.com.s2.gvirabi.com/articles/2012/03/28/power_grab>]

Running roughshod over Congress has becoming something of a norm within the Obama administration. As one foreign-policy analyst close to the White House said to me "they generally don't do a good job of keeping people in the Hill in the loop on what they are doing. They see congressional oversight as a nuisance -- even within their own party." Another analyst I spoke to had a one-word response to the question of the administration's attitude toward Congress's role in foreign policy: "Dismissive." Whether the lack of proper consultation over the closing of the detainee facility at Guantanamo Bay, the refusal to share with intelligence committees the rationale for targeted killings, or even brief Hill staffers on changes in missile defense deployment, this sort of ignoring of congressional prerogatives has often been the rule, not the exception.

What has been Congress's response to this disregarding of its role in foreign policy decisionmaking? The usual hemming and hawing, but little in the way of concrete action. During the Bush years, Republicans were more than happy to let the president expand his executive powers when it came to Iraq, Afghanistan, and the global war on terrorism. When Democrats took back the House and Senate from Republicans in 2006, they placed greater scrutiny on the Bush administration's conduct of the war in Iraq -- but still continued to fund the conflict. Even in Washington's highly partisan current environment, little has changed; it's mostly sound and fury signifying nothing.

Republicans eschewed a constitutional confrontation with the White House over Libya, though the House GOP did make a rather partisan effort to defund the Libya operations (a measure that failed) and still today House and Senate members raise their frustrations in committee hearings over their heavy-handed treatment by the White House.

But the actions of some Republicans point in a different direction. Last year, House Armed Services Committee Chairman Buck McKeon actually tried to expand the original Authorization for Use of Military Force that granted U.S. kinetic actions just three days after 9/11 -- which would have actually increased executive war-making power. While some on the Hill have long suspected the constitutionality of the War Powers Resolution, it was one of the few checks that Congress maintained over the president (aside from ability to defund operations, which in itself is a difficult tool to wield effectively). Now they have been complicit in its further watering down.

Aside from Ron Paul, there's been little mention of the president's overreach in Libya by the GOP's presidential aspirants. And why should there be? If any of them become president they too would want to enjoy the expanded executive power that Obama has helped provide for them. Quite simply, in a closely divided country in which each party has a fair shot to win the White House every four years, there is little political incentive for either Democrats or Republicans to say enough is enough.

#### The BRIGHT LINE authority question of the aff is unpopular – even if the general area is.

NZELIBE 06 Assistant Professor of Law, Northwestern University Law School [Jide Nzelibe, A Positive Theory of the War-Powers Constitution, Iowa Law Review, March, 2006, 91 Iowa L. Rev. 993]

The starting point for much of the literature regarding the proper division of war powers is usually an effort to apply traditional interpretive canons of constitutional law to the textual language that discusses the authority to conduct war. For instance, references abound in the war-powers literature to canonical phrases like original intent, formalism, textualism, and functionalism. The assumption is that after positing what the proper division should be, the relevant institutional parties, such as Congress and the President, would then adjust their behavior to fit the outcome dictated by the specific interpretive canon. Thus, some pro-Congress scholars have argued that Congress should develop tools to reassert its institutional powers and re-equilibrate the perceived imbalance in war-powers authority. n279

In much of this normative war-powers scholarship, a logically antecedent question is rarely addressed: If the courts are not likely to be involved in war-powers controversies, why do we care about interpretive canons that are almost exclusively employed by the courts? Or, to phrase the question a little differently, why would we expect the political branches that usually make decisions about the allocation of war powers to care about such interpretive canons? Presumably, many constitutional scholars would say that they should care because these interpretive canons provide mechanisms for discovering what the constitutional text specifically prescribes. But hardly any of the political branches would concede that they are simply ignoring the Constitution when they make war-powers decisions. The more relevant question is whether the political branches should coordinate around any specific interpretive approach in circumstances where the constitutional text may be subject to different interpretations. Mysteriously, none of the normative war-powers scholarship seems to discuss why the political branches would have any incentives to take interpretive canons seriously. For instance, does either Congress or the President really have any incentive to adhere to either historical fidelity under the originalist approach or to other non-historical considerations under a more functionalist approach?

 [\*1057] The answer is probably not. From a judicial perspective, one of the great virtues of interpretive canons is that they encourage stability in the law even if the courts do not all agree on the best one. n280 Indeed, some commentators have observed that the institutional incentive that courts have in maintaining stability in legal interpretation makes them better interpreters of the Constitution than the political branches. n281 Understandably, however, interpretive stability hardly seems to be a virtue for members of Congress who are subject to the whims of public opinion and face re-election concerns. n282 Indeed, because members of Congress are not bound by the same institutional incentives that encourage interpretive stability in the judicial branch, some commentators have argued that Congress may actually have an institutional advantage over the courts in interpreting those constitutional norms that change over time. n283

In any event, given the presidential dominance of the national-security agenda in most circumstances, Congress has an incentive to adopt an even more flexible approach to constitutional disputes regarding the allocation of war powers. In other words, since the President can easily shape public opinion at the initiation of a conflict, members of Congress are likely to resist any effort to take a bright-line approach to constitutional interpretation on war-powers issues. Members of Congress are aware that bright-line rules that mandate congressional intervention under certain circumstances are likely to expose them to unpredictable and considerable electoral risks.

Moreover, to the extent that members of Congress engage in constitutional interpretation about the separation of powers, they apparently tend to rely more on local constituency feedback and political [\*1058] considerations in determining the meaning of textual provisions. n284 Also, since members of Congress usually operate with limited legislative resources and crowded schedules, they are more likely to focus their attention on those constitutional issues that directly involve local and constituent concerns, like federalism, separation of church and state, and individual-rights issues. n285 Constitutional questions of foreign affairs do not seem to factor heavily as a congressional concern. n286

Not only do electoral factors dissuade members of Congress from adopting interpretive canons that encourage stable rules, they also dissuade them from taking proactive legislative positions that would impose such bright-line rules. For instance, despite increasing calls by commentators to amend the WPR to give it more bite, very few members of Congress have ever expressed any interest in expanding the congressional role under that statute. On the contrary, influential members of Congress have actually lobbied rigorously to repeal the WPR or radically narrow its scope. n287 Indeed, some of the most vocal support for legislative repeal has come from members of Congress who were not even from the President's party. For instance, both Robert Dole and Henry Hyde - leading Republican members of Congress - introduced legislation in 1995 that would repeal the Resolution under Clinton's presidency. n288 Newt Gingrich, the Speaker of the House at the time, actively campaigned for Representative Hyde's amendment and encouraged his fellow Republican members of Congress to take the unusual step of "increasing the power of President Clinton." n289

#### No votes to be gained

Pyle 12—Professor of constitutional law and civil liberties @ Mount Holyoke College [Christopher H. Pyle, “Barack Obama and Civil Liberties,” Presidential Studies Quarterly, Volume 42, Issue 4, December 2012, Pg. 867–880]

It is also important to remember that presidents cannot, even in the best of circumstances, devote much time to any particular issue. They are, as Richard Rose has observed, more tasters than commanders in chief (Rose 1991, 164). Presidents govern mainly by speeches, tilting this way or that. They make campaign promises, like closing Guantanamo, with no plan of how to sell the idea to Congress. They are crisis managers, not policy planners, and often find it necessary to devote more time to petty urgencies than to important matters, like restoring the rule of law. As crisis managers, presidents have little choice but to entrust enormous powers to people they hardly know, who will, in time, find it expedient to accept most of their agency's goals and confine reformist urges to a few select issues (Pious 2008).

In this case, however, Obama's about-face is not just a response to the inertial forces that make it difficult to turn the ship of state. Nor is it just acquiescence to the inevitable partisanship of Republicans who have unfairly charged Democratic presidents of being “soft” on one “ism” or another since World War II, although that certainly part of it. The fact is that there are few votes and even fewer campaign contributions to be gained by taking a stand against torture, rendition, or assassination, or for the closing of Guantanamo. Just as Harry Truman caved to McCarthyism and Lyndon Johnson caved to the “who lost China” crowd, Barack Obama caved into the fearmongers of his time. Right-wing Republicans have found in fear the perfect technique for driving voters who think mainly in terms of “us” versus “them” to their side and, in the process, guaranteeing that Democratic presidents cannot easily end a war.

### Plan costs Capital

#### Plan costs capital – passing Cyber statutory changes has tons of hurdles & congress is against it

BRECHER 12 J.D. Candidate, May 2013, University of Michigan Law School [Aaron P. Brecher, Cyberattacks and the Covert Action Statute: Toward a Domestic Legal Framework for Offensive Cyberoperations, December, 2012, Michigan Law Review, 111 Mich. L. Rev. 423]

Finally, while urging Congress to clarify the law governing cyberattacks may be advisable, one should consider the reality that such legislation is very difficult to pass. Congress is notoriously slow to act and legislation is difficult to push through the arduous process to enactment. There are numerous stages in the process at which a bill, even on an issue of significant importance, can be stalled or killed. n170 For example, a bill may not be considered by its corresponding committee in either House, may be bogged down with amendments that cause it to lose support, or be subject to the Senate filibuster, among other "vetogates." n171 In the case of clarifying the appropriate procedures for conducting a cyberattack, there may be concern that such legislation, either by imposing substantive constraints or reporting requirements, will improperly burden the president on a national security issue of increasing importance. Congress as an institution tends to acquiesce to presidential prerogative in national security matters. n172 Further, given that Congress has recently addressed cyberattacks in legislation, albeit in an unhelpfully vague provision, n173 the possibility of expansive legislative clarification in the near future seems even more remote.

### Insures a Fight

#### Would cause a fight – cyberwar issues tied to larger controversies

KESAN & HAYES 12 \* Professor, H. Ross & Helen Workman Research Scholar, and Director of the Program in Intellectual Property & Technology Law, University of Illinois College of Law. \*\* Research Fellow, University of Illinois College of Law [Jay P. Kesan\* and Carol M. Hayes\*\*, MITIGATIVE COUNTERSTRIKING: SELF-DEFENSE AND DETERRENCE IN CYBERSPACE, Spring, 2012, Harvard Journal of Law & Technology, 25 Harv. J. Law & Tec 415]

With as much conflict as currently exists between the executive and legislative branches with regard to warmaking powers, cyberwar will introduce even more strife. n156 The NRC Report indicates that Congress is likely not privy to regular or systematic information about cyberattacks in the United States. n157 Dycus asserts that congressional silence on cyberwar matters could potentially be viewed as giving full discretion to the President. n158 Dycus also proposes seventeen recommendations for creating a new policy on cyberwar, including an express prohibition on automating active defense. n159

In addition to warmaking authority issues, there are also concerns about how the rules governing war should apply to cyberwar. Some might argue that cyberwar activities are substantially different from traditional war, and thus the requirements governing traditional war do not apply in the cyber context, but this is not necessarily the case. Michael Wynne, former U.S. Secretary of the Air Force, asserts "all [\*441] aspects of air war will have some equivalent role in cyber war." n160 The NRC Report argues that we should apply the same rules and policies for both forms of conflict, stating "the only differences are operational." n161 In line with these arguments, the NDAA includes a provision directing the military to apply the laws of war to cyberwar. n162

# 2NC

## Critique

### 2NC

#### Legal checks on the executive institutionalizes warfare – critique is the only way out

JOCHNICK AND NORMAND 94. Chris JOCHNICK Director of Projects, Center for Economic and Social Rights AND Roger NORMAND Director of Policy Center for Economic and Social Rights ’94 [“The Legitimation of Violence: A Critical History of the Laws of War” 35 Harv. Int'l L.J. 49 L/N]

While the laws of war impose no substantive restraints on pre-existing customary military practices, they nevertheless have an impact on war. The mere belief that law places humane limits on war, even if factually mistaken, has profound consequences for the way people view war, and therefore the way that war is conducted. The credibility of laws of war lends unwarranted legitimacy to customary military practices. Acts sanctioned by law enjoy a humanitarian cover that helps shield them from criticism. As one commentator warned, "precisely because aggression in its crudest form is now so universally condemned, many of the assaults that are made will be dressed up in some more respectable garb . . . . Because public opinion is itself so confused, [\*57] aggression may secure its fruits without paying the deserved penalty in international goodwill." n21 The "respectable garb" with which belligerents have dressed their assaults is precisely the laws themselves. By legitimating conduct, the laws serve to promote it. Law legitimates conduct on two levels. Because people generally view compliance with "the law" as an independent good, acts are validated by simply being legal. In particular, sovereign conduct that complies with the law will appear more legitimate than that which violates it. n22 Nations acknowledge the power of this form of legitimation by seeking to explain their actions by reference to law. n23 According to a former Legal Advisor to the U.S. State Department, "legal justification is part of the over-all defence [sic] of a public decision." n24 Proponents of Critical Legal Studies ("CLS") n25 identify a deeper sense of legitimation. n26 They argue that law functions ideologically to both reinforce "shared values" and to impress upon people a sense of obligation to the existing order. n27 More than simply supporting or deterring a particular act, law influences the public perception of an act by imbuing it with the psychic trappings of lawfulness. In this way, law helps condition people to accept the prevailing distribution of social and political power, which in turn reinscribes its hierarchies into the law. These effects are by their nature hidden; the contingent, malleable power relations that produce law are made to seem natural, neutral, and inevitable. n28 In essence, this legitimation theory involves a two [\*58] stage process in which law is internalized as belief and belief leads to compliance. Whereas national law legitimates the domestic social order, the international legal regime reflects and reifies the status, rights, and obligations of states. n29 Here again, law operates to shape discourse and lends credence and inevitability to existing arrangements. n30 In the context of war, the basic fact that nations purport to respect the rule of law helps protect the entire structure of war-making from more fundamental challenges. While the laws themselves speak to sovereign nations, their psycho-social effects are visited upon the public at large. A critical understanding of international law compels a reevaluation of the role of law in deterring wartime atrocities. By endorsing military necessity without substantive limitations, the laws of war ask only that belligerents act in accord with military self-interest. n31 Belligerents who meet this hollow requirement receive in return a powerful rhetorical tool to protect their controversial conduct from humanitarian challenges. n32 The notion that humanitarian rhetoric can subvert its stated purpose raises several important questions: How does the legal hierarchy of [\*59] sovereign over individual interests affect the perception of war? How does legal language influence popular attitudes towards wartime violence? How does the law's sanction affect public support for military conduct? Do these effects translate into more or less public pressure on belligerents to adhere to humanitarian standards? These questions have no clear, empirically based answers. n33 However, the importance of public support for war, coupled with the growing stature of international legal rhetoric, validates the search for a critical understanding of the legitimating effects of law. Moreover, the capacity of the laws of war to subvert their own humane rhetoric carries an implicit warning for future attempts to control wars: the promotion of supposedly humane laws may serve the purposes of unrestrained violence rather than of humanity.

#### Rejection of the national security frame is key – acceptance of crisis rhetoric ensures the state of exception

Newell, and Mitzen 2011, Michael E. Newell, and Dr. Jennifer Mitzen, Department of International Studies, 2011, “Crisis Authority, the War on Terror and the Future of Constitutional Democracy”, PDF

To understand how the justification of crisis authority sticks and becomes policy, the term requires closer scrutiny. Throughout history there have been moments when the mechanisms of a government were perceived as inadequate means to cope with an immediate challenge. For a totalitarian state, the reaction to such challenges is uncomplicated: it has absolute sovereignty and may take whatever action it deems necessary without deference to the law because the totalitarian state is the law. Conversely, a constitutional democracy has popular sovereignty, which means its actions are ultimately accountable to its citizens. When faced with a novel challenge, democratic government leaders are faced with two choices: they may either argue for exceptional powers by framing the issue as a crisis or they may respond with policies within the existing mechanisms of government. In this sense crises are not a definable or tangible concept; they are the acceptance of exceptional government powers brought about by government speech acts and the public’s approval. Giorgio Agamben has deemed moments of crisis authority “states of exception” (Agamben, 2005), a term that was originally introduced by Carl Schmitt in the early 20th century (Schmitt, 1985). To induce the state of exception, government leaders frame the challenge as an issue of national security. This process has been termed “securitization” by Ole Waever and involves persuasive dialogue between the government, media and public (Waever, 1995). By successfully applying the national security frame, government policies are exempt from normal obligations to transparency, relevant constitutional and international laws and the balance of powers among the branches of government. Either a conclusive end to the “crisis” or the persistence of political and legal arguments supporting a move away from the state of exception could induce what Waever calls “desecuritization” (Waever, 1995). Desecuritization, like securitization, is similarly grounded in the persuasiveness of government speech-acts and the sentiment of the nation’s citizens. Dissimilarly, desecuritization removes the national security frame from the issue and hence exposes it to the normal processes of the government. This latter aspect of desecuritization gives rise to a process of legal recovery entailing transparency of government actions and review by the institutions within the government and the public. If the consensus is that the extralegal actions were legitimate, then what results is an expansion of executive powers within the exception. If certain policies are deemed illegitimate, then arguably the executive should be constrained from using such means in the future. Agamben, however, posits World War I as the beginning of “exceptional legislation by executive decree,” which he argues became a “regular practice in the European democracies” (Agamben, 2005). After the war, many Western democracies allowed the state of exception to expand and eventually applied it to all types of crisis scenarios, including armed conflict, economic depression, natural disasters and internal sedition. Agamben argues that this tendency has shifted power in liberal democracies from the legislature and judiciary to the executive and has led to the rise of executive dominance in Western politics. Agamben states that “At the very moment when it would like to give lessons in democracy to different traditions and cultures, the political culture of the West does not realize that it has entirely lost its canon” (Agamben, 2005). Indeed, Agamben goes as far to describe the growth of executive authority as “a threshold of indeterminacy between democracy and absolutism” (Agamben, 2005). To cross such a threshold would mean the creation of absolute sovereignty within popular sovereignty. Such a trend is alarming, as it would seem to give democratic legitimacy to “authoritarian” actions. However, I argue that Agamben has overlooked the role of the public and the media in the acceptance of the state of exception, and their ability to instigate desecuritization, and that Agamben has neglected desecuritization and the subsequent legal recovery. In this paper I will investigate an instance of the state of exception: the American War on Terror. I will show that successful securitization elicited media, public and inter-governmental consensus, and that a widespread change in this consensus led to desecuritization. I will review the executive’s extralegal actions to illustrate the policy outcomes of the state of exception. Finally, I will investigate the legal recovery following desecuritization to raise questions concerning Agamben’s prediction of the relative growth of the executive’s authority. To begin, clear definitions of the state of exception and securitization are needed. The State of Exception The state of exception is the temporary suspension of constitutional law or legal norms for the sake of additional flexibility in a time of crisis. The practice of exceptional authority elicits a paradox: as the state of exception suspends law via executive mandate, it also grants the force of law to the very body that has suspended it (Agamben, 2005). Not only is the state of exception a suspension of the legal order, it is also the creation of a force of law outside of the legislative and judicial branches of government. Agamben explains that this results in “the provisional abolition of the distinction among legislative, executive, and judicial powers,” because the state of exception “conflict(s) with the fundamental hierarchy of law and regulation in democratic constitutions and delegates to the executive a legislative power that should rest exclusively with Parliament,” or Congress as is the case in America (Agamben, 2005). Many European democracies, such as England, Switzerland and Germany, have attempted to create laws directly addressing the state of exception within their constitution in order to regulate this imbalance between the executive and the other branches of government (Agamben, 2005). The United States makes no direct reference to how a state of emergency should be handled in the Constitution, but has tried to govern exceptional authority. This can be seen in Article I, which states that “The Privilege of the Write of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it” (The Constitution of the United States of America, 1787). The provision’s location in Article I and Congress’ power to declare war and to raise and support the army suggest that Congress holds this power, but the executive’s role as the “Commander in Chief of the Army and Navy,” has led to a lengthy debate over this power (The Constitution of the United States of America, 1787). Thus it remains unclear which branch has the final say on “Cases of Rebellion or Invasion,” and the suspension of habeas corpus, a term that refers to the government’s requirement to legally review the detainment of any individual accused of a crime. This confusion culminated with the War Powers Act of 1973, a result of the Korean and Vietnam wars wherein the United States was involved in armed conflict without a declaration of war from Congress. This act was a joint resolution from the President and Congress that delineated the correct legal pathways for initiating armed conflict and which was meant to resolve any future controversy surrounding the allotment of war powers. Agamben notes that states of exception generally function to fill a “lacuna” in the legal order in response to novel challenges (Agamben, 2005). Agamben does not discuss the War Powers Act of 1973 directly, but it was clearly an attempt to legally address such a lacuna in the designation of executive and legislative war-time authority. Similar to how other democracies had legally incorporated the state of exception through laws demarcating when an extralegal response to a crisis was necessary (Agamben, 2005), the War Powers Act grounded the use of the military in “the circumstances necessitating the introduction of the United States Armed Forces” (The War Powers Act, 1973). Agamben clarifies this relationship between necessity and the state of exception, explaining that “the state of exception is wholly reduced to the theory of the status necessitates, so that a judgement concerning the existence of the latter resolves the question concerning the legitimacy of the former” (Agamben, 2005). The question then arises, who has the authority to decide when exceptional authority is necessary? Necessity is introduced when the safety of the state or its people are “at risk.” However, stating the country is “at risk” is fundamentally a subjective analysis of a scenario rather than an objective application of a legal definition. Therefore, while some Western democracies have direct constitutional language on the state of exception, and while the War Powers Act sought to establish the “circumstances necessitating the introduction of United States Armed Forces” (The War Powers Act, 1973), the definition of the country or its people as “at risk,” and the circumstances that indicate “imminent involvement in hostilities” are politically subjective. Consequently any decision on the state of exception is reduced to a political, and not a legal, decision. This characteristic of the state of exception reflects the very nature of crises: they are not a tangible or definable object that would lend itself to legal incorporation; they are instead the result of a society’s consensus regarding the magnitude, and requirements, of an immediate challenge. In light of the political nature of security decisions and the seriousness of crisis scenarios one must wonder how a state with popular sovereignty is able to settle on what measures are sufficient to deal with crises. Furthermore, how do democratic government officials, who must by nature be concerned with the sentiment of their constituents, gain the popular support for exceptional security decisions? While Agamben discusses the characteristics and history of the state of exception, he does not consider how popular opinion and media coverage affect such policies within a constitutional democracy. Ole Waever’s theory of securitization provides insight into just how the state of exception can be “sold” to the public, and consequently depoliticized. Securitization Waever invokes Hobbes’ Leviathan to show that the power of securitization rests with “whatsoever Man, or Assembly that hath the Soveraignty, to be Judge both of the meanes of Peace and Defense; and also of the hinderances, and disturbances of the same” (Waever, 1995 citing Hobbes, 1651). Waever adjudicates the power to define security issues to the sovereign similarly to how Agamben and Schmidt define the sovereign as “he who decides on the exception” (Schmitt, 1985). In Waever’s words: “...security is not of interest as a sign that refers to something more real; the utterance itself is the act. By saying it, something is done... By uttering “security,” a state-representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it.” (Waever, 1995) Once an issue has been securitized, the government gains the right to use “whatever means are necessary” to resolve the issue. Hence the securitization of an issue is synonymous with the entrance into the state of exception. But overlooked by this understanding of the state of exception and crisis authority thus far is the public’s acceptance of such terms. If all a state-representative must do is utter the word “security” in relation to a certain issue to gain unprecedented control over that issue then this raises the question: why do government leaders not securitize multiple issues if all that is required is a persuasive speech act? Agamben very occasionally refers to a “presidential political vocabulary” used in invoking the state of exception, but he overlooks the need of this vocabulary to persuade its target audience, the citizens, within popular sovereignty (Agamben, 2005). Michael Williams offers two points to clarify the exact workings of securitization in a democratic state: the persuasiveness of a speech act and the role of the media. As Williams explains, “Casting securitization as a speech-act places that act within a framework of communicative action... [which] involves a process of argument, the provision of reasons, presentation of evidence, and commitment to convincing others of the validity of one’s position. Communicative action (speech-acts) are thus not just given social practices, they are implicated in a process of justification.” (Williams, 2003) Furthermore, Williams stresses that “political communication is increasingly bound with images...” and, therefore, “the speech-act of securitization... is a broader performative act which draws upon a variety of contextual, institutional, and symbolic resources for its effectiveness” (Williams, 2003). This critique of Waever’s theory argues that there is an audience at which the speech-act is directed, that all media of communication may contribute to the debate, and that the audience must be convinced in order for the securitization to stick. Thus, all images, media coverage, political messages and relevant resources have the potential to contribute to a successful, or unsuccessful, securitization speech-act. While the securitizing move allows for the temporary use of exceptional, sometimes covert, measures, it does not suspend the popular and political discourse on how best to handle the crisis, and this conversation can sometimes lead to its desecuritization (Waever, 1995). In conventional warfare, the desecuritization of the crisis almost invariably occurs with a cease-fire or surrender from one of the warring parties. When crises take on less concrete forms such as financial crises or security crises that lack a definable conclusion, their desecuritization is less concrete as well. Waever argues that the East-West relationship in Europe during the 1970’s and 1980’s was a security issue that did not confer a precise conclusion, and that this characteristic allowed the persistent popular and political discourse to lead to the desecuritization of the issue: “A great deal of the East-West dialogue of the 1970s and 1980s, especially that on “non-military aspects of security,” human rights, and the whole Third basket of the Helsinki Accords, could be regarded as a discussion of where to place boundaries on a concept of security: To what degree were Eastern regimes “permitted” to use extraordinary instruments to limit societal East- West exchange and interaction?” (Weaver, 1995) Waever explains that “negotiated desecuritization and limitation of the use of the security speech act,” led to a “speech act failure,” and the subsequent desecuritization of the relationship between Eastern and Western Europe (Waever, 1995). When an issue is securitized executive authorities are granted significant decision-making authority, but the conversation among the media, academics and government elites over the issue continues, and as Waever points out this dialogue can shift the consensus to reject the state of exception, or, in other words, cause desecuritization. The desecuritization of an issue means that it is now subject to political and legal analysis and is no longer sheltered by the security frame. This creates the potential for the polity’s legal recovery as obligations to transperancy, the constitution and checks and balances are reinstated. A full recovery would require a return to the status quo in relation to constitutional laws and balances of powers and international treaties and norms prior to the crisis. However, if the exceptional policies invoked in the crisis are legitimized by the other branches of government, a new precedent is set for future executives facing a crisis scenario.

### Warming Critique

#### AND – It prevents cooperation necessary to solve

Trennel, 06 [Paul – Ph.D University of Wales, “The (Im)possibility of Environmental Security”] PDF

Secondly, the zero-sum mindset of conventional security may hinder the development of effective solutions by preventing transnational cooperation. Ken Conca has suggested “the concept of security invokes images of insulation” (1994: 18) whereby one takes care of one‟s own land and people by any means necessary, and generally disregards the impact of this on other countries. This may lead to a response whereby states attempt to forestall environmental damage by „target hardening‟; protecting their own territory rather than confronting the root of the problem. For example, it is not inconceivable that developed nations could protect against the threat of rising sea levels by utilising their technological and engineering expertise to construct offshore dams to divert water away from major cities (Myers, 1993: 196). This is an expensive but real possibility, and such action would fulfil the obligation of the state to provide security for its citizens. The problem lies with the fact that “as far as we try to find national solutions for environmental problems we do not really solve them but manage them instead” (Kakonen, 1994: 3). Environmental problems are international in terms of both scope and impact, and therefore only truly international solutions are likely to prove true solutions.

## Counterplan

### 2NC OLC Solvency

#### NYT Evidence

“Congress and Mr. Obama should adopt¶ as many of these as possible.”

#### OLC rulings hold binding precedential value --- the President has an incentive to defer to those rulings in order to maintain a unitary voice on executive legal policy.

Arthur Garrison, 2013. Assistant Professor of Criminal Justice at Kutztown University. Dr. Garrison received a B.S. from Kutztown University, a M.S. from West Chester University, and a Doctor of Law and Policy from Northeastern University. “THE OPINIONS BY THE ATTORNEY GENERAL AND THE OFFICE OF LEGAL COUNSEL: HOW AND WHY THEY ARE SIGNIFICANT,” Albany Law Review, 76 Alb. L. Rev. 217, Lexis.

Various Attorneys General have reflected on the approach of Wirt and Legare that an Attorney General opinion should be approached in similar matter to that of a judge. [n48](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true" \l "n48) Similar to a judge, the Attorney General is bound to make determinations of law, [n49](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n49) not to rule on hypothetical cases, [n50](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n50) and prior Attorneys General opinions have precedential authority on subsequent Attorneys General. [n51](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n51) Attorney General William Moody summarized the prevailing view on the authority of an Attorney General opinion when he opined in 1904:
Of course the opinion of the Attorney-General, when rendered in a proper case - as must be the presumption  [\*231]  always from the fact that it is rendered - must be controlling and conclusive, establishing a rule for the guidance of other officers of the Government, and must not be treated as nugatory and ineffective…
If a question is presented to the Attorney-General in accordance with law - that is, if it is submitted by the President or the head of a Department - if it is a question of law and actually arises in the administration of a Department, and the Attorney-General is of opinion that the nature of the question is general and important ... and therefore conceives that it is proper for him to deliver his opinion, I think it is final and authoritative under the law, and should be so treated ....
... I entertain no doubt whatever that the Attorney-General's opinion should not only be justly persuasive ... but should be controlling and should be followed ... unless contrary to some authoritative judicial decision which puts the matter at rest. It is always to be assumed that an Attorney-General would not overlook or ignore such a decision in announcing his own conclusion. [n52](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n52)
An opinion issued by past Attorneys General and those by the OLC serve as precedent that governs current opinion-making by the OLC. [n53](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n53) One significant attribute of the two centuries of Attorneys General and **OLC opinions** is that they **create an institutional legal foundation and tradition that governs current opinion-making regardless of the personal views of a current Attorney General or head of OLC**. [n54](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n54) Legal opinions need not nor should not be guided by the personal, political, or academic opinions held by the writer of  [\*232]  the opinion. Both precedent and institutional tradition obligate the writer to produce opinions that provide the best view of the law taking into account past opinions by the OLC and Attorneys General so as to protect the continuity of the law. [n55](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n55) As Walter Dellinger, in addressing the difference in his views on presidential power to deploy the military without prior congressional approval when he was a professor and when he was head of the OLC, observed,
I expect that I would have seen a distinction between the planned deployment in Haiti and the sending of half a million troops into battle against one of the world's largest and best-equipped armies. Even apart from that, however, I am not sure I agree with the apparent assumption of Professor Tribe's letter and the Washington Times editorial - that it would be wrong for me to take a different view at the Office of Legal Counsel from the one I would have been expected to take as an academic. It might well be the case that I have actually learned something from the process of providing legal advice to the executive branch - both about the law (from the career lawyers at the Departments of Justice, State, and Defense and the National Security Council) and about the extraordinary complexity of interrelated issues facing the executive branch in general and the President in particular.
Moreover, unlike an academic lawyer, an executive branch attorney may have an obligation to work within a tradition of reasoned, executive branch precedent, memorialized in formal written opinions. Lawyers in the executive branch have thought and written for decades about the President's legal authority to use force. Opinions of the Attorneys General and of the Office of Legal Counsel, in particular, have addressed the extent of the President's authority to use troops without the express prior approval of Congress. Although it would take us too far from the main subject here to discuss at length the stare decisis effect of these opinions on executive branch officers, the opinions do count for something. When lawyers who are now at the Office of Legal Counsel begin to research an issue, they are not expected to turn to what I might have written or said in a floor  [\*233]  discussion at a law professors' convention. They are expected to look to the previous opinions of the Attorneys General and of heads of this office to develop and refine the executive branch's legal positions. That is not to say that prior opinions will never be reversed, only that there are powerful and legitimate institutional reasons why one's views might properly differ when one sits in a different place. [n56](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n56)
Both tradition and fidelity to the rule of law are important in justifying the authority of the Attorney General to issue legal opinions which are **binding on the operations of the executive branch**. [n57](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n57)Another reason is protection of the unitary President and the power of the President to control the operation of the executive branch. As General Bell observed,
as a matter of good government, **it is desirable generally that the executive branch adopt a single, coherent position with respect to the legal questions that arise in the process of government**. Indeed, the commitment of our government to due process of law and to equal protection of the laws probably requires that our executive officers proceed in accordance with a coherent, consistent interpretation of the law, to the extent that it is administratively possible to do so. It is thus desirable for the President to entrust the final responsibility for interpretations of the law to a single officer or department. The Attorney General is the one officer in the executive branch who is charged by law with the duties of advising the others about the law and of representing the interests of the United States in general litigation in which questions of law arise. The task of developing a single, coherent view of the law is entrusted to the President himself, and by delegation to the Attorney General. That task is consistent with the nature of the office of Attorney General. [n58](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n58)
As discussed below, the traditional view of the Office of the Attorney General regarding the quasi-judicial authority and status of legal opinions issued by the Attorney General is institutionalized within the OLC, the Department of Justice, and the executive  [\*234]  branch.

#### Executive self-binding solves credibility.

Eric A. Posner and Adrian Vermeule, Summer 2007. Kirkland & Ellis Professor of Law, The University of Chicago Law School; and Professor of Law, Harvard Law School. “The Credible Executive,” University of Chicago Law Review, http://lawreview.uchicago.edu/sites/lawreview.uchicago.edu/files/uploads/74.3/74\_3\_Posner\_Vermeule.pdf.

Our aim in this Article is to identify this dilemma of credibility that afflicts the well-motivated executive and to propose mechanisms for ameliorating it. We focus on emergencies and national security but cast the analysis within a broader framework. Our basic claim is that the credibility dilemma can be addressed by executive signaling. **Without any new constitutional amendments, statutes, or legislative action, law and executive practice already contain resources to allow a well-motivated executive to send a credible signal of his motivations**, committing to use increased discretion in public-spirited ways. By tying policies to institutional mechanisms that impose heavier costs on ill-motivated actors than on well-motivated ones, the well-motivated executive can credibly signal his good intentions and thus persuade voters that his policies are those that voters would want if fully informed. We focus particularly on mechanisms of executive self-binding that send a signal of credibility by committing presidents to actions or policies that only a well-motivated president would adopt.

### AT: Links to Politics

#### Changes in agency design don’t require political capital --- easier than addressing specific policies.

Neal Kumar Katyal, 2006. Professor of Law @ Georgetown University. “Internal Separation of Powers: Checking Today's Most Dangerous Branch from Within,” Yale Law Journal 115.9, The Most Dangerous Branch? Mayors, Governors, Presidents, and the Rule of Law: A Symposium on Executive Power (2006), pp. 2314-2349.

Before getting into the substance of the proposals, it is worth taking up a criticism that might be present off the bat. Aren't all proposals for bureaucratic reform bedeviled by the very forces that promote legislative inertia? If Congress can't be motivated to regulate any particular aspect of the legal war on terror, then how can it be expected to regulate anything more far-reaching? The answer lies in the fact that sometimes **broad design choices are easier to impose by fiat than are specific policies**.23

Any given policy proposal can get mired in a competition of special interests; indeed, that danger leads many to prefer executive action. Institutional design changes differ from these specific policy proposals because **they cut across a plethora of interest groups and because the effects on constituencies are harder to assess** due to the multiplicity of changes. The benefits of faction that Madison discussed in The Federalist No. 51 therefore arise; multitudes of interest groups find things to embrace in the system change. It is therefore not surprising that at the same time that Congress dropped the ball overseeing the legal war on terror it enacted the most sweeping set of changes to the executive branch in a half-century in the form of the Homeland Security Act of 2002.4 Indeed, as we shall see, that Act provides an object lesson: Design matters. And by altering bureaucratic arrangements, stronger internal checks can emerge.

### AT: Permutation do Both

#### Plan collapses CMR—the military will ignore the aff—kills heg

Mackubin Thomas Owens, professor of national security affairs in the National Security Affairs Department of the Naval War College, Spring 2012, WHAT MILITARY OFFICERS NEED TO KNOW ABOUT CIVIL-MILITARY RELATIONS, http://www.usnwc.edu/getattachment/1ef74daf-ebff-4aa4-866e-e1dd201d780e/What-Military-Officers-Need-to-Know-about-Civil-Mi.aspx

CIVILIAN CONTROL INVOLVES NOT ONLY THE EXECUTIVE BRANCH

It involves Congress as well. As the constitutional scholar Edward Corwin once famously observed, the Constitution is an “invitation to struggle for the privilege of directing American foreign policy” between Congress and the president.13 But there is a similar tension at work with regard to civil-military relations. Those who neglect the congressional role in American civil-military relations are missing an important element.14

The military has two civilian masters, and this has implications for civil-military relations that officers must understand. For instance, while the president and secretary of defense control the military when it comes to the use of force, including strategy and rules of engagement, Congress controls the military directly with regard to force size, equipment, and organization, and indirectly regarding doctrine and personnel. Indeed, Congress is the “force planner” of last resort.

The U.S. military accepts civilian control by both Congress and the president but offers advice intended to maintain its own institutional and professional autonomy. On use of force, the military is usually granted a good deal of leeway regarding the terms and conditions for such use.

By not dissenting from executive-branch policy, American military officers implicitly agree to support presidential decisions on the budget and the use of force, but they also must recognize an obligation to provide their alternative personal views in response to Congress. However, officers must recognize that Congress exerts its control with less regard for military preferences than for the political considerations of its individual members and committees. Thus congressional control of the military is strongly influenced by political considerations, by what Samuel Huntington called “structural,” or domestic, imperatives as opposed to strategic ones.

When the president and Congress are in agreement, the military complies. When the two branches are in disagreement, the military tends to side with the branch that most favors its own views, but never to the point of direct disobedience to orders of the commander in chief. Military officers are obligated to share their views with Congress. Doing so should not be treated as an “end run” undermining civilian control of the military.15

THE ABSENCE OF A COUP

The absence of a coup does not indicate that civil-military relations are healthy or that civilian control has not eroded. All too often, officers seem to believe that if the United States does not face the prospect of a Latin American– or African-style military coup d’état, all is well in the realm of civil-military relations. But this is a straw man. A number of scholars, including Richard Kohn, Peter Feaver, the late Russell Weigley, Michael Desch, and Eliot Cohen, have argued that although there is no threat of a coup on the part of the military, American civil-military relations have nonetheless deteriorated over the past two decades.16

Their concern is that the American military “has grown in influence to the point of being able to impose its own perspective on many policies and decisions,” which manifests itself in “repeated efforts on the part of the armed forces to frustrate or evade civilian authority when that opposition seems likely to preclude outcomes the military dislikes.” The result is an unhealthy civil-military pattern that “could alter the character of American government and undermine national defense.”

#### Nuclear war

Frederick Kagan and Michael O’Hanlon 7, Fred’s a resident scholar at AEI, Michael is a senior fellow in foreign policy at Brookings, “The Case for Larger Ground Forces”, April, <http://www.aei.org/files/2007/04/24/20070424_Kagan20070424.pdf>

We live at a time when wars not only rage in nearly every region but threaten to erupt in many places where the current relative calm is tenuous. To view this as a strategic military challenge for the United States is not to espouse a specific theory of America’s role in the world or a certain political philosophy. Such an assessment flows directly from the basic bipartisan view of American foreign policy makers since World War II that overseas threats must be countered before they can directly threaten this country’s shores, that the basic stability of the international system is essential to American peace and prosperity, and that no country besides the United States is in a position to lead the way in countering major challenges to the global order. Let us highlight the threats and their consequences with a few concrete examples, emphasizing those that involve key strategic regions of the world such as the Persian Gulf and East Asia, or key potential threats to American security, such as the spread of nuclear weapons and the strengthening of the global Al Qaeda/jihadist movement. The Iranian government has rejected a series of international demands to halt its efforts at enriching uranium and submit to international inspections. What will happen if the US—or Israeli—government becomes convinced that Tehran is on the verge of fielding a nuclear weapon? North Korea, of course, has already done so, and the ripple effects are beginning to spread. Japan’s recent election to supreme power of a leader who has promised to rewrite that country’s constitution to support increased armed forces—and, possibly, even nuclear weapons— may well alter the delicate balance of fear in Northeast Asia fundamentally and rapidly. Also, in the background, at least for now, SinoTaiwanese tensions continue to flare, as do tensions between India and Pakistan, Pakistan and Afghanistan, Venezuela and the United States, and so on. Meanwhile, the world’s nonintervention in Darfur troubles consciences from Europe to America’s Bible Belt to its bastions of liberalism, yet with no serious international forces on offer, the bloodletting will probably, tragically, continue unabated. And as bad as things are in Iraq today, they could get worse. What would happen if the key Shiite figure, Ali al Sistani, were to die? If another major attack on the scale of the Golden Mosque bombing hit either side (or, perhaps, both sides at the same time)? Such deterioration might convince many Americans that the war there truly was lost—but the costs of reaching such a conclusion would be enormous. Afghanistan is somewhat more stable for the moment, although a major Taliban offensive appears to be in the offing. Sound US grand strategy must proceed from the recognition that, over the next few years and decades, the world is going to be a very unsettled and quite dangerous place, with Al Qaeda and its associated groups as a subset of a much larger set of worries. The only serious response to this international environment is to develop armed forces capable of protecting America’s vital interests throughout this dangerous time. Doing so requires a military capable of a wide range of missions—including not only deterrence of great power conflict in dealing with potential hotspots in Korea, the Taiwan Strait, and the Persian Gulf but also associated with a variety of Special Forces activities and stabilization operations. For today’s US military, which already excels at high technology and is increasingly focused on re-learning the lost art of counterinsurgency, this is first and foremost a question of finding the resources to field a large-enough standing Army and Marine Corps to handle personnel intensive missions such as the ones now under way in Iraq and Afghanistan. Let us hope there will be no such large-scale missions for a while. But preparing for the possibility, while doing whatever we can at this late hour to relieve the pressure on our soldiers and Marines in ongoing operations, is prudent. At worst, the only potential downside to a major program to strengthen the military is the possibility of spending a bit too much money. Recent history shows no link between having a larger military and its overuse; indeed, Ronald Reagan’s time in office was characterized by higher defense budgets and yet much less use of the military, an outcome for which we can hope in the coming years, but hardly guarantee. While the authors disagree between ourselves about proper increases in the size and cost of the military (with O’Hanlon preferring to hold defense to roughly 4 percent of GDP and seeing ground forces increase by a total of perhaps 100,000, and Kagan willing to devote at least 5 percent of GDP to defense as in the Reagan years and increase the Army by at least 250,000), we agree on the need to start expanding ground force capabilities by at least 25,000 a year immediately. Such a measure is not only prudent, it is also badly overdue.

### AT: Transperency

#### A public doctrine ensures transparency – it demystifies our cyber policy

Mark Young, Special Counsel for Defense Intelligence, House Permanent Select Committee on Intelligence, 2010, National Cyber Doctrine: The Missing Link in the Application of American Cyber Power, http://jnslp.com/2010/09/29/national-cyber-doctrine-the-missing-link-in-the-application-of-american-cyber-power/

A new cyber doctrine will provide guidance on the application of cyberpower in response to a physical attack or as part of a computer network attack initiated by the U.S. government**.** Under the existing doctrine, a computer network attack “is not integrated with overall [warfare] planning because of the highly compartmented classification that cyber activities receive.”51 A major objective of assembling an interagency team to establish a national cyber doctrine is to improve the integration of cyber defense and offense into joint interagency operational planning**.** Operations in cyberspace must be “synchronized and coordinated with other operations, just as land and air operations . . . must be synchronized and coordinated.”52 With their current classification, network attack capabilities are misunderstood and not widely employed.

A national cyber doctrine should be unclassified to the maximum extent possible. As with other doctrines, a classified annex may be necessary to delineate sensitive capabilities, operations, or relationships. While it is foolish to disclose all the elements of U.S. cyberpower, the foundational principles that govern the applications of cyberpower should be widely disseminated. The development of this doctrine would de-mystify the domain for the national security community and the American people. Federal agencies should participate in the debate to establish this doctrine and help institutionalize its principles across the entire government. This debate can inform the decision on what information must remain classified and what does not need to be classified.

Although the doctrine should include as much unclassified detail as possible, the national cyber doctrine may require a classified annex to document U.S. offensive computer network capabilities. Other unclassified doctrines do not disclose specifications of weapons systems but do include a classified annex for a variety of purposes. Cyber weapons should be viewed as having little distinction from traditional weapons or techniques available to the U.S. Government. “Cyber weapons simply provide the operational planner with another option, in addition to the air-delivered, laser-guided bomb and the Special Operations force with demolition charges.”53 Given the nature of cyberwarfare, it is more important that details of specific weapons or techniques remain classified. As noted in a recent study, “As a general rule, [computer network] tricks exhaust themselves to the extent . . . that their existence and thus the need to protect against their recurrence is obvious and . . . that counters to their recurrence are straightforward to implement.”54

This issue of overclassification must be addressed if U.S. national security organizations are to benefit from cyberpower. According to Andrew Krepinevich, the “cyberwarfare competition is so shrouded in secrecy that it is difficult to determine the United States’ level of vulnerability, let alone options for addressing it.”55 The development of a national cyber doctrine would clarify the nation’s capabilities to those who are responsible for projecting U.S. power. The highly classified nature of computer network operations capabilities has prevented computer networks from being fully integrated into traditional war fighting exercises conducted by combatant commands. “[A]n unclassified and authoritative statement of current joint doctrine for the use of computer network attack is unavailable” and is still evolving.56

The national security sector needs to debate cyberpower publicly, rather than just hold classified conversations.57 An open debate about the application of power and the circumstances that warrant a doctrinal response would clarify and further develop the general understanding of not only the capabilities but also the limitations of network operations

## Case

## NAVY

### AT: Cyber War

#### At worst the impact will be contained

Rid 12(Thomas, PhD, Reader in War Studies @ King's College London, Non-Resident Fellow at the Center for Transatlantic Relations in the School for Advanced International Studies at Johns Hopkins, "Think Again: Cyberwar," March/April, Foreign Policy, http://www.foreignpolicy.com/articles/2012/02/27/cyberwar?page=0,0,

**"Cyberweapons Can Create Massive Collateral Damage."** Very unlikely**.** When news of Stuxnet broke, the New York Times reported that the most striking aspect of the new weapon was the "collateral damage" it created. The malicious program was "splattered on thousands of computer systems around the world, and much of its impact has been on those systems, rather than on what appears to have been its intended target, Iranian equipment," the Times reported. Such descriptions encouraged **the view that computer viruses are akin to highly contagious biological viruses** that, once unleashed from the lab, will turn against all vulnerable systems, not just their intended targets. But this metaphor is deeply flawed**. As the destructive potential of a cyberweapon grows, the likelihood that it could do far-reaching damage across many systems shrinks**. Stuxnet did infect more than 100,000 computers -- mainly in Iran, Indonesia, and India, though also in Europe and the United States. But it was so specifically programmed that it didn't actually damage those machines, afflicting only Iran's centrifuges at Natanz. The worm's aggressive infection strategy was designed to maximize the likelihood that it would reach its intended target. Because that final target was not networked, "all the functionality required to sabotage a system was embedded directly in the Stuxnet executable," the security software company Symantec observed in its analysis of the worm's code. So yes, Stuxnet was "splattered" far and wide, but it only executed its damaging payload where it was supposed to. Collateral infection, in short, is not necessarily collateral damage. A sophisticated piece of malware may aggressively infect many systems, but if there is an intended target, the infection will likely have a distinct payload that will be harmless to most computers. Especially in the context of more sophisticated cyberweapons, the image of inadvertent collateral damage doesn't hold up. They're more like a flu virus that only makes one family sick.

#### Defensive measures overwhelm

Rid 12(Thomas, PhD, Reader in War Studies @ King's College London, Non-Resident Fellow at the Center for Transatlantic Relations in the School for Advanced International Studies at Johns Hopkins, "Think Again: Cyberwar," March/April, Foreign Policy, http://www.foreignpolicy.com/articles/2012/02/27/cyberwar?page=0,0,)

"In Cyberspace, Offense Dominates Defense." Wrong again. The information age has "offense-dominant attributes," Arquilla and Ronfeldt wrote in their influential 1996 book, The Advent of Netwar. This view has spread through the American defense establishment like, well, a virus. A 2011 Pentagon report on cyberspace stressed "the advantage currently enjoyed by the offense in cyberwarfare." The intelligence community stressed the same point in its annual threat report to Congress last year, arguing that offensive tactics -- known as vulnerability discovery and exploitation -- are evolving more rapidly than the federal government and industry can adapt their defensive best practices. The conclusion seemed obvious: Cyberattackers have the advantage over cyberdefenders, "with the trend likely getting worse over the next five years." **A closer examination** of the record, however, **reveals three factors that** put the offense at a disadvantage**. First is** the high cost of developing a cyberweapon**, in terms of time,** talent**, and** target intelligence needed. Stuxnet, experts speculate, took a superb team and a lot of time. Second, **the potential for generic offensive weapons may be far smaller than assumed** for the same reasons, **and significant** investments in highly specific attack programs may be deployable only against a very limited target set**.** Third, **once developed,** an offensive tool is likely to have a far shorter half-life than the defensive measures put in place against it. Even worse, **a weapon may only be able to strike a single time; once the exploits of a specialized piece of malware are discovered, the most critical systems will likely be patched and fixed quickly. And a weapon, even a potent one, is not much of a weapon if an attack cannot be repeated**. Any political threat relies on the credible threat to attack or to replicate a successful attack. If that were in doubt, **the coercive power of a cyberattack would be drastically reduced.**

## NATO Advantage

### AT: Environment

#### No impact to warming

Idso and Idso 11 (Craig D., Founder and Chairman of the Board – Center for the Study of Carbon Dioxide and Global Change, and Sherwood B., President – Center for the Study of Carbon Dioxide and Global Change, “Carbon Dioxide and Earth’s Future Pursuing the Prudent Path,” February, http://www.co2science.org/education/reports/ prudentpath/prudentpath.pdf)

As presently constituted, earth’s atmosphere contains just slightly less than 400 ppm of the colorless and odorless gas we call carbon dioxide or CO2. That’s only four-hundredths of one percent. Consequently, even if the air's CO2 concentration was tripled, carbon dioxide would still comprise only a little over one tenth of one percent of the air we breathe, which is far less than what wafted through earth’s atmosphere eons ago, when the planet was a virtual garden place. Nevertheless, a small increase in this minuscule amount of CO2 is frequently predicted to produce a suite of dire environmental consequences, including dangerous global warming, catastrophic sea level rise, reduced agricultural output, and the destruction of many natural ecosystems, as well as dramatic increases in extreme weather phenomena, such as droughts, floods and hurricanes. As strange as it may seem, these frightening future scenarios are derived from a single source of information: the ever-evolving computer-driven climate models that presume to reduce the important physical, chemical and biological processes that combine to determine the state of earth’s climate into a set of mathematical equations out of which their forecasts are produced. But do we really know what all of those complex and interacting processes are? And even if we did -- which we don't -- could we correctly reduce them into manageable computer code so as to produce reliable forecasts 50 or 100 years into the future? Some people answer these questions in the affirmative. However, as may be seen in the body of this report, real-world observations fail to confirm essentially all of the alarming predictions of significant increases in the frequency and severity of droughts, floods and hurricanes that climate models suggest should occur in response to a global warming of the magnitude that was experienced by the earth over the past two centuries as it gradually recovered from the much-lower-than-present temperatures characteristic of the depths of the Little Ice Age. And other observations have shown that the rising atmospheric CO2 concentrations associated with the development of the Industrial Revolution have actually been good for the planet, as they have significantly enhanced the plant productivity and vegetative water use efficiency of earth's natural and agro-ecosystems, leading to a significant "greening of the earth." In the pages that follow, we present this oft-neglected evidence via a review of the pertinent scientific literature. In the case of the biospheric benefits of atmospheric CO2 enrichment, we find that with more CO2 in the air, plants grow bigger and better in almost every conceivable way, and that they do it more efficiently, with respect to their utilization of valuable natural resources, and more effectively, in the face of environmental constraints. And when plants benefit, so do all of the animals and people that depend upon them for their sustenance. Likewise, in the case of climate model inadequacies, we reveal their many shortcomings via a comparison of their "doom and gloom" predictions with real-world observations. And this exercise reveals that even though the world has warmed substantially over the past century or more -- at a rate that is claimed by many to have been unprecedented over the past one to two millennia -- this report demonstrates that none of the environmental catastrophes that are predicted by climate alarmists to be produced by such a warming has ever come to pass. And this fact -- that there have been no significant increases in either the frequency or severity of droughts, floods or hurricanes over the past two centuries or more of global warming -- poses an important question. What should be easier to predict: the effects of global warming on extreme weather events or the effects of elevated atmospheric CO2 concentrations on global temperature? The first part of this question should, in principle, be answerable; for it is well defined in terms of the small number of known factors likely to play a role in linking the independent variable (global warming) with the specified weather phenomena (droughts, floods and hurricanes). The latter part of the question, on the other hand, is ill-defined and possibly even unanswerable; for there are many factors -- physical, chemical and biological -- that could well be involved in linking CO2 (or causing it not to be linked) to global temperature. If, then, today's climate models cannot correctly predict what should be relatively easy for them to correctly predict (the effect of global warming on extreme weather events), why should we believe what they say about something infinitely more complex (the effect of a rise in the air’s CO2 content on mean global air temperature)? Clearly, we should pay the models no heed in the matter of future climate -- especially in terms of predictions based on the behavior of a non-meteorological parameter (CO2) -- until they can reproduce the climate of the past, based on the behavior of one of the most basic of all true meteorological parameters (temperature). And even if the models eventually solve this part of the problem, we should still reserve judgment on their forecasts of global warming; for there will yet be a vast gulf between where they will be at that time and where they will have to go to be able to meet the much greater challenge to which they aspire

### Warming Irreversable

#### Warming is irreversible

ANI 10 (“IPCC has underestimated climate-change impacts, say scientists”, 3-20, One India, http://news.oneindia.in/2010/03/20/ipcchas-underestimated-climate-change-impacts-sayscientis.html)

According to Charles H. Greene, Cornell professor of Earth and atmospheric science, "Even if all man-made greenhouse gas emissions were stopped tomorrow and carbon-dioxide levels stabilized at today's concentration, by the end of this century, the global average temperature would increase by about 4.3 degrees Fahrenheit, or about 2.4 degrees centigrade above pre-industrial levels, which is significantly above the level which scientists and policy makers agree is a threshold for dangerous climate change." "Of course, greenhouse gas emissions will not stop tomorrow, so the actual temperature increase will likely be significantly larger, resulting in potentially catastrophic impacts to society unless other steps are taken to reduce the Earth's temperature," he added. "Furthermore, while the oceans have slowed the amount of warming we would otherwise have seen for the level of greenhouse gases in the atmosphere, the ocean's thermal inertia will also slow the cooling we experience once we finally reduce our greenhouse gas emissions," he said. This means that the temperature rise we see this century will be largely irreversible for the next thousand years. "Reducing greenhouse gas emissions alone is unlikely to mitigate the risks of dangerous climate change," said Green.

#### Low threshold—less than 2 degrees is sufficient to cause their impacts

Harvey 11 (Fiona, Environment Reporter – Guardian, 11/9, “World headed for irreversible climate change in five years, IEA warns,” <http://www.guardian.co.uk/environment/2011/nov/09/fossil-fuel-infrastructure-climate-change>)

Climate scientists estimate that global warming of 2C above pre-industrial levels marks the limit of safety, beyond which climate change becomes catastrophic and irreversible. Though such estimates are necessarily imprecise, warming of as little as 1.5C could cause dangerous rises in sea levels and a higher risk of extreme weather – the limit of 2C is now inscribed in international accords, including the partial agreement signed at Copenhagen in 2009, by which the biggest developed and developing countries for the first time agreed to curb their greenhouse gas output.

#### Too little, too late

Harris 09 (Richard, Science Reporter for National Public Radio, Peabody Award Winner, American Association for the Advancement of Science Journalism Award, “Global Warming Irreversible, Study Says,” January 26th, NPR, <http://www.npr.org/templates/story/story.php?storyId=99888903>)

Climate change is essentially irreversible, according to a sobering new scientific study. As carbon dioxide emissions continue to rise, the world will experience more and more long-term environmental disruption. The damage will persist even when, and if, emissions are brought under control, says study author Susan Solomon, who is among the world's top climate scientists. "We're used to thinking about pollution problems as things that we can fix," Solomon says. "Smog, we just cut back and everything will be better later. Or haze, you know, it'll go away pretty quickly." That's the case for some of the gases that contribute to climate change, such as methane and nitrous oxide. But as Solomon and colleagues suggest in a new study published in the Proceedings of the National Academy of Sciences, it is not true for the most abundant greenhouse gas: carbon dioxide. Turning off the carbon dioxide emissions won't stop global warming. "People have imagined that if we stopped emitting carbon dioxide that the climate would go back to normal in 100 years or 200 years. What we're showing here is that's not right. It's essentially an irreversible change that will last for more than a thousand years," Solomon says. This is because the oceans are currently soaking up a lot of the planet's excess heat — and a lot of the carbon dioxide put into the air. The carbon dioxide and heat will eventually start coming out of the ocean. And that will take place for many hundreds of years.

### AT: China Involved

#### That impedes US-China green cooperation

Larson 9—Journalist focusing on international environmental issues, based in Beijing and Washington, D.C [[Christina Larson](http://e360.yale.edu/author/Christina_Larson/12/), [[Christina Larson](http://blog.foreignpolicy.com/blog/4714) “[Let's call off the green energy space race with China](http://blog.foreignpolicy.com/posts/2009/04/26/paging_houston_call_off_the_green_space_wars),” Foreign Policy, Monday, April 27, 2009—11:00 AM, pg. http://blog.foreignpolicy.com/posts/2009/04/26/paging\_houston\_call\_off\_the\_green\_space\_wars]

Lastly, and most importantly, I think that highlighting the competition angle could ultimately be counter-productive, as fun as it is to envision a U.S. vs China jolly green smackdown. Stressing a rivalry could ultimately lead -- not necessarily in Osnos’s hands, but in looser, more politically-minded interpretations -- to the impression that the race for green energy is somehow a zero-sum game. That any progress made by China (again, let’s be careful to avoid exaggeration here) is somehow threatening to the U.S. Like if the Soviets got to the moon first; oh no. It’s us or them; only one racer breaks the ribbon; get off our green lunar pathway!

Some might argue that Americans do best when their competitive instincts are aroused. But I tend to agree with Charles McElwee, an environmental lawyer in Shanghai whom Osnos cites and whose insights I've long found valuable: Fanning the flames of us-vs-them-ism -- in the context of global issue that isn't so much a race to win as to survive -- could backfire. It could undercut political support on Capitol Hill for cooperative efforts, technology sharing, and perhaps even climate-treaty negotiations.

### 2NC AT: Brezinski

#### 1) Asia pivot solves

#### 2) NATO is incompetent and lazy. Zero help for the US in Afghanistan or elsewhere.

Bandow 09 (Doug, Senior Fellow—Cato Institute, American Spectator, “What’s NATO for again?” 5-4, http://www.cato.org/pub\_display.php?pub\_id=10171)

Other members of NATO want the U.S. to believe that it gets something out of the alliance. But it's hard to see what. Albania and Croatia joined the organization this year. They added geopolitical liabilities rather than military assets to NATO. Proposals to bring in Georgia and Ukraine, which are involved in complex geopolitical disputes with Russia, risk another confrontation with nuclear-armed Moscow, this one in the latter's rather than America's backyard, and over conflicts in which America has no stake. The U.S. isn't even getting much out of its allies for its number one geopolitical objective of the present, Afghanistan. The British, Danes, French, and Australians have fought. So have the Canadians and Dutch, who, unfortunately, will be going home over the next year or two. But most of the nearly two score countries (NATO members plus other states) have followed the German model — modest detachments deployed in regions and under conditions, called "caveats," designed to ensure that they are never shot at. Indeed, American commanders say that ISAF stands for "I Saw America Fight" rather than "International Security Assistance Force." Consider the record of the Czech contingent. The Herald Sun (Australia) reported that "When asked by the Britons to attack Afghan rebels, the commander of a special operations unit (SOG) said 'we're not going to, it's dangerous,' then ordered his men to get in trucks and return to the base." At another point the SOG commander rejected a British request for aid by noting that his 35-member unit was on vacation. This is "help" that Washington doesn't need. The Obama administration is having no more luck in enlisting additional European assistance than did its predecessor. So far the response to the president's plea, writes William Pfaff, is "65 men with two F-16s promised by Belgium; 12 trainers and a small troop contingent (probably from the gendarmerie) for the election in Afghanistan next month, with a larger French contribution to the new, combined European Gendarmerie Force that has already dispatched 300 to 400 men and women, all to improve Afghanistan's own national police, so far without conspicuous success." The Europeans also are promising a "civilian surge." It comes as no surprise that the Europeans see little cause for fighting in Afghanistan, but NATO invoked Article 5 in 2001 with great fanfare for the first time as a show of support for the U.S. If the alliance is not needed to defend Europe and won't aid America elsewhere, then, really, what is its purpose?

#### 3) Turn – NATO actually causes US military overstretch

Baron 09 (Kevin, Stars and Stripes, “Is NATO obsolete, or essential for peace?” 4-5, <http://www.stripes.com/article.asp?section=104&article=61824>)

Commentary in Washington spotlighted the now-familiar set of NATO issues that question how many more European countries should be folded into the alliance, especially ones with such small military capabilities as recent addition Croatia; whether an organization dedicated to European defense should be committed to expeditionary wars beyond its borders, namely in Afghanistan; and whether **NATO has simply been a way for Europe to pass the buck of its costly military defense to Americans, stretching the U.S. military needlessly thin**. The last point is the crux of an argument made out of the Cato Institute, a conservative-libertarian think tank. “By **multiplying its security guarantees, the U.S. is becoming less secure,**” **Cato’s recent commentary on NATO reads**. Cato defense policy expert Ted Galen **Carpenter said the alliance is “superficial” and a “hollow façade,”** a dinosaur with a “feck less military performance” in Afghanistan.

#### 4) NATO solves nothing. US benefits are offset by power restrictions.

Merry 08(E. Wayne, Former State Dept. and Pentagon Official and Senior Associate – American Foreign Policy Council, International Journal of Security Affairs, “An Obsolete Alliance”, 14, <http://www.securityaffairs.org/issues/2008/14/merry.php>)

It is axiomatic that nothing in government is so long lasting as temporary measures. Policies, programs and **appropriations initiated to respond to a transitory issue take on lives of their own, spawning institutions which not only outlive their purpose but themselves create new problems to justify their continued existence**. On the international stage today, **the most egregious example of this principle is** the North Atlantic Treaty Organization **(NATO).** An alliance created in response to the devastation of the Second World War in Europe and the onset of the Cold War is now approaching its seventh decade, two generations beyond the restoration of Europe’s economy plus a large measure of European unity and a full generation beyond Gorbachev’s acceptance of failure in the Cold War. Over the years, NATO has turned its back on its inherently defensive and conservative origins to become a shameless hustler after engagements to justify its own perpetuation**. Rather than defending European territory or deterring threats to North Atlantic interests, NATO has followed with a vengeance the advice of** Manfred **Woerner**, its Secretary General in the early 1990s, that **it “must go out of area or go out of business**.” A cynical American might still accept NATO as a useful complement to other international engagements**, except that** NATO has become a net liability to the United States **and one this country need no longer sustain. NATO’s contributions to our interests are more apparent than substantive, while** the costs of our transatlantic welfare program remain huge. Worst of all, NATO subordinates American power and influence to European interests and preferences under the false rubric of “shared values.”

#### 5) NATO doesn’t bolster our military. Additions have no power to augment the US military.

Carpenter 09 (Ted Galen, VP for Defense and Foreign Policy Studies – Cato Institute, Policy Analysis #635, “NATO at 60: A Hollow Alliance”, 3-30, <http://www.cato.org/pubs/pas/pa635.pdf>)

**The** proposed **addition of Croatia and Albania** represents the third round of enlargement for the alliance. That decision also **highlights NATO’s waning security relevance** and increasingly dubious attributes in the post– ColdWar era. **The addition of small countries with** murky political characteristics, trivial military capabilities, and dicey relations with neighboring states is a development that is especially pertinent from the standpoint of America’s security interests, **given this country’s obligations as the leader of the alliance**. **Adding such members does nothing to augment the vast military power of the U**nited **S**tates or enhance the security of the American people. All enlargement does is create another set of potential headaches forWashington.4 **NATO was once a serious alliance** with a serious purpose. Throughout the Cold War, it prevented the Soviet Union from intimidating or (less likely) attacking democratic Western Europe—a region of considerable strategic and economic importance. True, **the U**nited **St**ates **was always the dominant player in the alliance, but Washington could count on credible secondarymilitary powers, most notably Britain, France, Germany, Italy, and Turkey. That is no longer the case**.