## 1nc Amendment CP

#### Two-thirds of both the House and the Senate should propose and pass a constitutional amendment in the form of joint resolution that the Suspension Clause applies to individuals detained at the U.S. government’s behest.

#### Solves the aff

– states would ratify an amendment limiting presidential war powers

Woodwell 13 -Associate Professor of International Relations in the Department of History and Political Science at the University of Indianapolis

(Doug, “Fix the War Powers Act, please” http://woodwellontheworld.net/2011/06/16/fix-the-war-powers-act-please/)

Whatever the outcome of the current dispute between the President and members of Congress, legislators should revisit the War Powers Act in the coming years and introduce an improved, clarified version as an amendment to the U.S. Constitution. The importance of resolving difficult constitutional questions, like the process for deploying the armed forces, is why the founding fathers, recognizing the incompleteness of their work, included a process for amending the Constitution. Surely such an amendment would be more central to the functioning of the republic than the last amendment that was ratified.

An amendment with more specific provisions than the current law would also provide Congress judicial backing in disputes with the executive, while providing the executive branch clearer guidelines concerning the need for consultation.

Most importantly, such an amendment would be extremely likely to be passed in Congress (certainly) and the requisite state legislatures (very likely). Almost everyone, in principle, agrees with the need for cooperation, check and balances, and situational good sense in the deployment of U.S. personnel. Fixing the War Powers Act and enshrining it as the law-of-the-land would receive widespread support and go a long way to resolving an issue will otherwise continue to complicate and weaken U.S. foreign policy in the future.

## 1nc T

#### A. Interpretation – Indefinite detention is one sub-category of detention

Joscelyn 13

Thomas, “Obama, Not Congress, Is the Reason Guantánamo Is Still Open” [http://www.thedailybeast.com/articles/2013/05/03/obama-not-congress-is-the-reason-guantanamo-is-still-open.html] May 3 //mtc

Consider the findings of Obama’s own Guantánamo Review Task Force, which reviewed the files on the 240 detainees held as of January 2009. The task force’s final report, issued in January 2010, outlined the various national security challenges closing Guantánamo entails. Indeed, the report goes a long way toward explaining why 166 detainees remain in their cells to this day.¶ The task force split the detainee population into three general categories: those who will stay in indefinite detention, those who should be prosecuted, and detainees who have been approved for transfer. Forty-eight detainees were placed in the first category, as they were “determined to be too dangerous to transfer but not feasible for prosecution.” They will stay in indefinite detention at Guantánamo or some other location for the foreseeable future.¶ Oddly, the president’s discussion of Guantánamo this week was at odds with his own task force’s recommendations. The president ticked off the reasons why he believes indefinite detention is unnecessary. “Why are we doing this?” Obama asked rhetorically. “I mean, we’ve got a whole bunch of individuals who have been tried who are currently in maximum-security prisons around the country. Nothing’s happened to them. Justice has been served.”¶ But the Obama administration has determined that dozens of men must remain in detention without prosecution. Moving them to a maximum-security prison without trial simply substitutes Gitmo North for Gitmo South.¶ The task force referred a second category of detainees, 36 in all, “for prosecution either in federal court or a military commission.” These proceedings have progressed far too slowly, and few trials have been brought to a close. Still, the task force slated these detainees for prosecution, not freedom.¶ The precise counts have changed since the task force issued its final report in 2010, but about half of today’s detainee population falls into these first two categories. According to a recent article published by Reuters, 80 of the 166 detainees are held in indefinite detention, awaiting prosecution, or have already been either charged or convicted by a military commission.¶ The final 86 detainees have been “approved for transfer,” but their status is widely misunderstood. The press frequently reports that these detainees have been “cleared for release.” The implication is that these detainees have been deemed innocent and can be safely released without any cause for concern. If that were true, of course it would be outrageous for the U.S. government to continue holding them. It is not true, however. Obama’s task force made it clear that other than 17 Chinese Uighur detainees, most of whom have since been released from Guantánamo, “no detainees were approved for ‘release’ during the course” of its review. Instead, the task force “approved for transfer” 126 detainees “subject to security measures.” Dozens of the detainees “approved for transfer” have since left Cuba, but 86 of them remain in detention.

#### B. Violation – The applies to all detained persons, not just those detained indefinitely

#### C. Vote Neg

#### 1. Limits – They explode the topic to include all forms of detention, which is vastly broader

#### 2. Precision – Indefinite detention is a term of art with precise meaning that guides research – Other forms of detention are unpredictable

#### 3. Extra Topicality – Creates unlimited and unpredictable aff ground and proves the resolution insufficient

## 1nc Bond DA

#### The court’s going to make a narrow ruling on Bond now – avoiding the broader ruling concern CWC constitutionality

Ramsey 13

Michael D. Ramsey is Professor of Law and Director of International and Comparative Law Programs at the University of San Diego School of Law, Another Notable Amicus Brief in Bond v. United States http://originalismblog.typepad.com/the-originalism-blog/2013/09/another-notable-amicus-brief-in-bond-v-united-statesmichael-ramsey.html

In noting the principal amicus briefs in Bond v. United States, I overlooked this one on behalf of Chemical Weapons Convention Negotiators and Experts. As described in this news release from Indiana University: In the brief, the arms control experts support the U.S. government's position that, properly interpreted, the treaty requires states parties, including the United States, to apply its prohibitions on development, possession and use of chemical weapons to individuals, such as Bond, who obtain and use toxic chemicals as weapons. The legislation implementing the treaty in the U.S. fully complies with this obligation by including penal provisions applicable to individuals regardless of their motive or the impact of their actions. According to the brief, the Chemical Weapons Convention "takes a deliberately comprehensive approach" under which "all toxic chemicals constitute chemical weapons and must be banned for both state and non-state use unless they are possessed and used for certain enumerated purposes and in quantities consistent with those purposes." The experts urge the Supreme Court to reject Bond's argument that her use of toxic chemicals to harm another person represents a "peaceful purpose" under the treaty and is not subject to the treaty's prohibitions. The brief emphasizes that the negotiators of the treaty applied a comprehensive strategy, in the words of the the agreement, "to exclude completely the possibility of the use of chemical weapons." In terms of the constitutional question, the brief observes that both the Executive Branch and Congress subjected the Chemical Weapons Convention to careful constitutional scrutiny and concluded that it created no constitutional problems, including under federalism principles. The experts reject Bond's claims that U.S. implementation of the treaty could have relied on state law, and the brief argues that the federal government's foreign policy and national security interests in eliminating development, possession and use of chemical weapons in any context require federal legislation to create a uniform, consistent set of legal prohibitions, including penal sanctions. (via How Appealing). I suspect that the Supreme Court may be interested in a narrow decision in favor of Ms. Bond, to avoid reaching the significant federalism questions that would arise if the Convention is interpreted to apply to the very localized conduct at issue in the case. One way to do that is to read the treaty narrowly not to reach local conduct.

#### If the court decides to get more aggressive it will have the votes for a sweeping ruling

Baldi 13

Maxwell Baldi is President of the Foreign Affairs Society.

Supremacy and Federalism: Treaty Power under the Necessary and Proper Clause

http://foreignaffairsreview.co.uk/2013/02/treaty-power-federalism/

 The underlying question the Court will address in Bond II is, thus, ‘Can a treaty grant Congress the authority to act beyond the structural limits on its powers?’ Both the drafting history of the Constitution and the interaction of the Treaty, Supremacy, and Necessary and Proper Clauses answer a definitive affirmative. As the Court held in United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 319 (1936), ‘[T]he federal power over external affairs [is] in origin and essential character different from that over internal affairs’ and that difference frees treaty implementation from the bounds of federalism. Federal treaty powers are at the very heart of the Constitution. When thirteen colonies, united only by a weak confederation, ratified the Treaty of Paris in 1783 and ended the Revolutionary War, they agreed to conditions that they were incapable of enforcing. That lack of enforcement pushed the British to maintain forts in the western reaches of American territories, posing a danger to the national security and providing the clearest impetus to abandon the Articles of Confederation framework. John Jay, writing as Publius in Federalist No. 3 following the Philadelphia Convention, argued in favour of the ratification of the Constitution, described the new constitutional order of one in which the national government would have exclusive control over treaties: ‘[U]nder the national government, treaties…will always be expounded in one sense and executed in the same manner,–whereas, adjudications on the same points and questions, in thirteen States… will not always accord or be consistent’. The Framers, thus clearly, intended the 1783 treaty to be enforceable by the federal government; however, the terms of the treaty included matters within the bounds of the states. The terms of the settlement with Britain encompassed questions of property rights for aliens; while granting the rights in question were within the power of the several states, no contemporary questioned that the federal government could not grant the rights under Congress’ enumerated powers but could enforce the treaty. Within the context of the Constitution’s ratification – and indeed in its very rationale – the power to regulate matters traditionally reserved to the state does lie within the powers of Congress in implementing or enforcing a treaty. The judicial background supports a broad reading of Congressional power under the Treaty, Supremacy, and Necessary and Proper Clauses. In Holland, the Court explicitly rejected the argument that ‘what an act of Congress could not do unaided, in derogation of the powers reserved to the States, a treaty cannot do’. The Treaty Clause authorises the United States to enter treaties signed by the President and ratified by two-thirds of the Senate; the Supremacy clause provides that treaties shall bind and override state law. Thus, the powers reserved to the states will not prevent Congress from implementing a treaty that covers a matter within its enumerated powers. For example, Congress’ authority to ‘secur[e] for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries’ clearly enables Congress to implement the WIPO Copyright Treaty. Nor is the CWC questioned as it applies to the armed forces, as Congress has the authority ‘[t]o make Rules for the Government and Regulation of the land and naval Forces’. The question at issue is only one of where implementing a treaty requires Congress to tread on territory typically governed as by the states’ police power. The argument for limiting Congress’ power in such matters is essentially, as Justice Holmes phrased it in Holland, that implementation ‘is forbidden by some invisible radiation from the general terms of the Tenth Amendment’, 252 U.S. 434[4]. On the other hand, that ‘carrying into Execution’ a treaty is one of the ‘Powers vested by [the] Constitution in the Government of the United States’ and is thus a ‘necessary and proper’ exercise of Congressional power is simply a plain-text reading of the Necessary and Proper Clause[5]. The significance of the federalism question has expanded significantly since the Holland Court sat in 1920. In a globalised world, foreign policy increasingly encroaches into the domestic sphere. The subject-matter test the Court applied in Holland would not begin to encompass the scope of governance that now takes place through international cooperation. The most interesting question posed by Bond II however is what follows: if a structural limit does not exist on the powers a treaty can provide Congress, does a rights-based limit exist? The Court may begin to touch on the scope of the treaty power in the 21st Century in Bond II. So will the American foreign policy toolbox be dramatically reduced? The Court has the option in Bond II of vacating the Third Circuit’s ruling on narrowly tailored grounds: if the Court finds that the CWC does not encompass poisoning outside the context of war, it can avoid the major constitutional question. If the Court chooses to address the scope of the treaty clause head-on, five justices are likely posed to issue a sweeping ruling. Justices Roberts, Scalia, Thomas, and Alito tend to adopt the narrowest possible construction of the Necessary and Proper clause. Justice Kennedy, often considered a ‘swing vote’, sees structural limitations on Congressional power as protective of individual rights; he seems unlikely to be receptive to an argument for nearly unbounded federal power through treaties. The Court may rule by June.

#### The aff causes the courts to make a broad ruling – empirics prove that liberal decisions embolden it to make an extremely conservative position in the next highly visible case

Hasen 13

Richard L. Hasen. Richard L. Hasen is a professor of law and political science at the U.C. Irvine School of Law Same-sex marriage: Court on the couch MARCH 26, 2013 http://blogs.reuters.com/great-debate/2013/03/26/same-sex-marriage-court-on-the-couch/

Consider last year, when Supreme Court Chief Justice John Roberts, for example, surprisingly sided with the court’s four liberal members in upholding President Barack Obama’s healthcare law against constitutional challenge. It was a stunning choice for the conservative jurist. The reaction of Nate Persily, a leading U.S. election law scholar, was: “There goes the Voting Rights Act.” At first, the connection between the two cases may seem tenuous. They don’t involve the same issues. The healthcare case was based on Congress’s power to regulate commerce and to tax. In Shelby County v. Holder, heard last month and expected to be decided in June, the court is considering whether Congress’s power to enforce equal rights, especially in voting, includes the power to continue federal oversight of elections in certain states that have a history of racial discrimination. But Persily’s observation seems correct, and it illustrates how Supreme Court watchers often use amateur psychoanalysis of the justices. For example, a chief justice, feeling constrained by public opinion or concerned about the court’s legacy, may give in on one case in order to gain more political capital to spend on another controversial case. This is the same premise I used a few years ago in predicting that a Supreme Court that would strike down the Voting Rights Act would be more likely to then uphold health law — and for me to predict now that Kennedy’s decision to side with proponents of same sex marriage in the two cases the court is due to hear this week could doom affirmative action and the Voting Rights Act.

#### Narrow ruling key to treaty credibility – broad ruling collapses it

Trapp et al 13

Ralf Trapp served as a member of the German delegation to the Organisation for the Prohibition of Chemical Weapons, Professor Julian Robinson is now retired from the University of Sussex, Thomas Graham Jr. served as Special Representative of the President for Arms Control, Non-Proliferation and Disarmament, Graham S. Pearson is a Visiting Professor of International Security in the Division of Peace Studies of the University of Bradford. Guy Roberts was the Deputy Assistant Secretary General for Weapons of Mass Destruction Policy for the North Atlantic Treaty Organization, Amy E. Smithson, PhD, is a Senior Fellow at the James Martin Center for Nonproliferation Studies, David A. Koplow served as Special Counsel for Arms Control to the General Counsel of the U.S. Department of Defense, Barry Kellman is Director of the International Weapons Control Center at DePaul University College of Law, David P. Fidler is the James Louis Calamaras Professor of Law at the Indiana University, BRIEF OF AMICI CURIAE CHEMICAL WEAPONS CONVENTION NEGOTIATORS AND EXPERTS IN SUPPORT OF RESPONDENT Bond V. United States http://sblog.s3.amazonaws.com/wp-content/uploads/2013/08/Amicus-Brief1.pdf

 Bond argues that failure to prosecute her individual case would not bring down any international consequences on the United States. That might be true if her case were taken in isolation; after all, the Convention requires the adoption of suitable penal legislation, but it does not preclude the appropriate exercise of prosecutorial discretion in individual cases. See CWC art. VII(1). But judicially carving out a whole category of cases from the scope of the Convention’s implementing legislation, as Bond’s counsel proposes, would be another matter altogether. The strategy adopted by the CWC negotiators was to adopt broad, general prohibitions as much as possible to avoid the need for line-drawing in particular cases. The point of having an all-encompassing treaty was to minimize the existence of borderline cases and judgment calls that could lead to circumvention. As this Court has explained, where Congress has enacted a “comprehensive legislation”—in this case, to implement a globally-agreed prohibition—the Court cannot “excise individual components” without undermining the integrity of the larger scheme. Gonzales v. Raich, 545 U.S. 1, 22 (2005). The fact that any one defendant’s “own impact” may be “trivial by itself” is “not a sufﬁ cient reason for removing [her] from the scope of federal regulation.” Id. at 20 (quoting Wickard v. Filburn, 317 U.S. 111, 127 (1942)). If this Court were to create an unwritten exception to the Convention’s implementing legislation for non-terrorists, revenge-takers or “local” criminals, then the Convention’s carefully negotiated and clear-cut test, and the statute that adopts that test, will be replaced with a difﬁ cult line-drawing exercise that has no basis in the Convention or its implementing legislation. Perhaps even more damaging, allowing a judicially crafted exception in this case would open the door for parties to seek creative expansions of that exception, or wholly new exceptions, in future cases in the U.S. and abroad.

#### The impact is extinction

Muller 2K

Dr. Harold Muller is the Director of the Peace Research Institute-Frankfurt and Professor of International Relations at Goethe University Compliance Politics: A Critical Analysis of Multilateral Arms Control Treaty Enforcement <http://cns.miis.edu/npr/pdfs/72muell.pdf>

In this author's view,3 at least four distinct missions continue to make arms control, disarmament, and non-proliferation agreements useful, even indispensable parts of a stable and reliable world security structure:

• As long as the risk of great power rivalry and competition exists—and it exists today—constructing barriers against a degeneration of this competition into major violence remains a pivotal task of global security policy. Things may be more complicated than during the bipolar age since asymmetries loom larger and more than one pair of competing major powers may exist. With overlapping rivalries among these powers, arms races are likely to be interconnected, and the stability of any one pair of rivals might be affected negatively by developments in other dyads. Because of this greater risk of instability, the increased political complexity of the post-bipolar world calls for more rather than less arms control. For these competitive relationships, stability or stabilization remains a key goal, and effectively verified agreements can contribute much to establish such stability. • Arms control also has a role to play in securing regional stability. At the regional level, arms control agreements can create balances of forces that reassure regional powers that their basic security is certain, and help build confidence in the basically non-aggressive policies of neighbors. Over time, a web of interlocking agreements may even create enough of a sense of security and confidence to overcome past confrontations and enable transitions towards more cooperative relationships. At the global level, arms limitation or prohibition agreements, notably in the field of weapons of mass destruction, are needed to ban existential dangers for global stability, ecological safety, and maybe the very survival of human life on earth. In an age of increasing interdependence and ensuing complex networks that support the satisfaction of basic needs, international cooperation is needed to secure the smooth working of these networks. Arms control can create underlying conditions of security and stability that reduce distrust and enable countries to commit them-selves to far-reaching cooperation in other sectors without perceiving undesirable risks to their national security. Global agreements also affect regional balances and help, if successful, to reduce the chances that regional conflicts will escalate. Under opportune circumstances, the normative frameworks that they enshrine may engender a feeling of community and shared security interests that help reduce the general level of conflict and assist in ushering in new relations of global cooperation. • Finally, one aspect that is rarely discussed in the arms control context is arms control among friends and partners. It takes the innocent form of military cooperation; joint staffs, commands, and units; common procurement planning; and broad and far-reaching transparency. While these relations serve at the surface to enhance a country's military capability by linking it with others, they are conducive as well to creating a sense of irreversibility in current friendly relations, by making unthinkable a return to previous, possibly more conflictual times. European defense cooperation is a case in point.1 Whatever the particular mission of a specific agreement, it will serve these worthwhile purposes only if it is implemented appropriately and, if not, means are available to ensure compliance. In other words, the enduring value of arms control rests very much on the ability to assure compliance.5 Despite the reasons given above for the continuing utility of arms control, the skeptics may still have the last word if agreements are made empty shells by repeated breaches and a lack of effective enforcement.

## 1nc Iran

#### Obama is using PC – needs it to sustain a veto on Iran sanctions – top of the agenda

Lobe 12/27

Jim, reporter for Inter Press Service, “Iran sanctions bill: Big test of Israel lobby power,” 12/27/13, http://www.arabamericannews.com/news/index.php?mod=article&cat=World&article=8046

This week’s introduction by a bipartisan group of 26 senators of a new sanctions bill against Iran could result in the biggest test of the political clout of the Israel lobby here in decades.¶ The White House, which says the bill could well derail ongoing negotiations between Iran and the U.S. and five other powers over Tehran’s nuclear program and destroy the international coalition behind the existing sanctions regime, has already warned that it will veto the bill if it passes Congress in its present form.¶ The new bill, co-sponsored by two of Congress’s biggest beneficiaries of campaign contributions by political action committees closely linked to the powerful American Israel Public Affairs Committee (AIPAC), would impose sweeping new sanctions against Tehran if it fails either to comply with the interim deal it struck last month in Geneva with the P5+1 (U.S., Britain, France, Russia, China plus Germany) or reach a comprehensive accord with the great powers within one year.¶ To be acceptable, however, such an accord, according to the bill, would require Iran to effectively dismantle virtually its entire nuclear program, including any enrichment of uranium on its own soil, as demanded by Israeli Prime Minister Benjamin Netanyahu.¶ The government of President Hassan Rouhani has warned repeatedly that such a demand is a deal-breaker, and even Secretary of State John Kerry has said that a zero-enrichment position is a non-starter.¶ The bill, the Nuclear Weapon Free Iran Act, also calls for Washington to provide military and other support to Israel if its government “is compelled to take military action in legitimate self-defense against Iran’s nuclear weapon program.”¶ The introduction of the bill last week by Republican Sen. Mark Kirk and Democratic Sen. Robert Menendez followed unsuccessful efforts by both men to get some sanctions legislation passed since the Geneva accord was signed Nov. 24.¶ Kirk at first tried to move legislation that would have imposed new sanctions immediately in direct contradiction to a pledge by the P5+1 in the Geneva accord to forgo any new sanctions for the six-month life of the agreement in exchange for, among other things, enhanced international inspections of Iran’s nuclear facilities and a freeze on most of its nuclear program.¶ Unable to make headway, Kirk then worked with Menendez to draw up the new bill which, because of its prospective application, would not, according to them, violate the agreement. They had initially planned to attach it to a defense bill before the holiday recess. But the Democratic leadership, which controls the calendar, refused to go along.¶ Their hope now is to pass it – either as a free-standing measure or as an amendment to another must-pass bill after Congress reconvenes Jan. 6.¶ To highlight its bipartisan support, the two sponsors gathered a dozen other senators from each party to co-sponsor it.¶ Republicans, many of whom reflexively oppose President Barack Obama’s positions on any issue and whose core constituencies include Christian Zionists, are almost certain to support the bill by an overwhelming margin. If the bill gets to the floor, the main battle will thus take place within the Democratic majority.¶ The latter find themselves torn between, on the one hand, their loyalty to Obama and their fear that new sanctions will indeed derail negotiations and thus make war more likely, and, on the other, their general antipathy for Iran and the influence exerted by AIPAC and associated groups as a result of the questionable perception that Israel’s security is uppermost in the minds of Jewish voters and campaign contributors (who, by some estimates, provide as much as 40 percent of political donations to Democrats in national campaigns).¶ The administration clearly hopes the Democratic leadership will prevent the bill from coming to a vote, but, if it does, persuading most of the Democrats who have already endorsed the bill to change their minds will be an uphill fight. If the bill passes, the administration will have to muster 34 senators of the 100 senators to sustain a veto – a difficult but not impossible task, according to Congressional sources.¶ That battle has already been joined. Against the 13 Democratic senators who signed onto the Kirk-Menendez bill, 10 Democratic Senate committee chairs urged Majority Leader Harry Reid, who controls the upper chamber’s calendar, to forestall any new sanctions legislation.

#### Obama will win the fight – failure undermines negotiations and leads to Middle East war

Merry 1/1

Robert W. Merry, political editor of the National Interest, is the author of books on American history and foreign policy, “Obama may buck the Israel lobby on Iran,” Washington Times, http://www.washingtontimes.com/news/2013/dec/31/merry-obama-may-buck-the-israel-lobby-on-iran/

Presidential press secretary Jay Carney uttered 10 words the other day that represent a major presidential challenge to the American Israel lobby and its friends on Capitol Hill. Referring to Senate legislation designed to force President Obama to expand economic sanctions on Iran under conditions the president opposes, Mr. Carney said: “If it were to pass, the president would veto it.”¶ For years, there has been an assumption in Washington that you can’t buck the powerful Israel lobby, particularly the American Israel Public Affairs Committee, or AIPAC, whose positions are nearly identical with the stated aims of Israeli Prime Minister Benjamin Netanyahu. Mr. Netanyahu doesn’t like Mr. Obama’s recent overture to Iran, and neither does AIPAC. The result is the Senate legislation, which is similar to a measure already passed by the House.¶ With the veto threat, Mr. Obama has announced that he is prepared to buck the Israel lobby — and may even welcome the opportunity. It isn’t fair to suggest that everyone who thinks Mr. Obama’s overtures to Iran are ill-conceived or counterproductive is simply following the Israeli lobby’s talking points, but Israel’s supporters in this country are a major reason for the viability of the sanctions legislation the president is threatening to veto.¶ It is nearly impossible to avoid the conclusion that the Senate legislation is designed to sabotage Mr. Obama’s delicate negotiations with Iran (with the involvement also of the five permanent members of the U.N. Security Council and Germany) over Iran’s nuclear program. The aim is to get Iran to forswear any acquisition of nuclear weapons in exchange for the reduction or elimination of current sanctions. Iran insists it has a right to enrich uranium at very small amounts, for peaceful purposes, and Mr. Obama seems willing to accept that Iranian position in the interest of a comprehensive agreement.¶ However, the Senate measure, sponsored by Sens. Robert Menendez, New Jersey Democrat; Charles E. Schumer, New York Democrat; and Mark Kirk, Illinois Republican, would impose potent new sanctions if the final agreement accords Iran the right of peaceful enrichment. That probably would destroy Mr. Obama’s ability to reach an agreement. Iranian President Hasan Rouhani already is under pressure from his country’s hard-liners to abandon his own willingness to seek a deal. The Menendez-Schumer-Kirk measure would undercut him and put the hard-liners back in control.¶ Further, the legislation contains language that would commit the United States to military action on behalf of Israel if Israel initiates action against Iran. This language is cleverly worded, suggesting U.S. action should be triggered only if Israel acted in its “legitimate self-defense” and acknowledging “the law of the United States and the constitutional responsibility of Congress to authorize the use of military force,” but the language is stunning in its brazenness and represents, in the view of Andrew Sullivan, the prominent blogger, “an appalling new low in the Israeli government’s grip on the U.S. Congress.”¶ While noting the language would seem to be nonbinding, Mr. Sullivan adds that “it’s basically endorsing the principle of handing over American foreign policy on a matter as grave as war and peace to a foreign government, acting against international law, thousands of miles away.”¶ That brings us back to Mr. Obama’s veto threat. The American people have made clear through polls and abundant expression (especially during Mr. Obama’s flirtation earlier this year with military action against Bashar Assad’s Syrian regime) that they are sick and weary of American military adventures in the Middle East. They don’t think the Iraq and Afghanistan wars have been worth the price, and they don’t want their country to engage in any other such wars.¶ That’s what the brewing confrontation between Mr. Obama and the Israel lobby comes down to — war and peace. Mr. Obama’s delicate negotiations with Iran, whatever their outcome, are designed to avert another U.S. war in the Middle East. The Menendez-Schumer-Kirk initiative is designed to kill that effort and cedes to Israel America’s war-making decision in matters involving Iran, which further increases the prospects for war. It’s not even an argument about whether the United States should come to Israel’s aid if our ally is under attack, but whether the decision to do so and when that might be necessary should be made in Jerusalem or Washington.¶ 2014 will mark the 100th anniversary of beginning of World War I, a conflict triggered by entangling alliances that essentially gave the rulers of the Hapsburg Empire power that forced nation after nation into a war they didn’t want and cost the world as many as 20 million lives. Historians have warned since of the danger of nations delegating the power to take their people into war to other nations with very different interests.¶ AIPAC’s political power is substantial, but this is Washington power, the product of substantial campaign contributions and threats posed to re-election prospects. According to the Center for Responsive Politics’ Open Secrets website, Sens. Kirk, Menendez and Schumer each receives hundreds of thousands of dollars a year in pro-Israel PAC money and each of their states includes concentrations of pro-Israel voters who help elect and re-elect them.¶ Elsewhere in the country, AIPAC’s Washington power will collide with the country’s clear and powerful political sentiment against further U.S. adventurism in the Middle East, particularly one as fraught with as much danger and unintended consequence as a war with Iran. If the issue gets joined, as it appears that it will, Mr. Obama will see that it gets joined as a matter of war and peace. If the Menendez-Schumer-Kirk legislation clears Congress and faces a presidential veto, the war-and-peace issue could galvanize the American people as seldom before.¶ If that happens, the strongly held opinions of a democratic public are liable to overwhelm the mechanisms of Washington power, and the vaunted influence of the Israel lobby may be seen as being not quite what it has been cracked up to be.

#### **Plan’s a loss – causes defection**

Loomis 7

Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### Successful deal key to prevent war with Iran

Shank and Gould 9/12

Michael Shank, Ph.D., is director of foreign policy at the Friends Committee on National Legislation. Kate Gould is legislative associate for Middle East policy at FCNL, No Iran deal, but significant progress in Geneva, 9/12/13, http://communities.washingtontimes.com/neighborhood/cause-conflict-conclusion/2013/nov/12/no-iran-deal-significant-progress-geneva/

Congress should welcome, not stubbornly dismiss, diplomatic efforts to finalize the interim accord and support the continued conversation to reach a more comprehensive agreement. The sanctions that hawks on the Hill are pushing derail such efforts and increase the prospects of war. ¶ There is, thankfully, a growing bipartisan contingent of Congress who recognizes that more sanctions could undercut the delicate diplomatic efforts underway. Senator Carl Levin, D-Mich., chair of the Senate Armed Services Committee, cautioned early on that, “We should not at this time impose additional sanctions.” ¶ Senator Tim Johnson, D-S.D., chair of the Banking Committee, is still weighing whether to press forward with new sanctions in his committee. Separately, as early as next week, the Senate could vote on Iran sanctions amendments during the chamber’s debate on the must-pass annual defense authorization bill.¶ This caution against new sanctions, coming from these more sober quarters of the Senate, echoes the warnings from a wide spectrum of former U.S. military officials against new sanctions. There is broad recognition by U.S. and Israeli security officials that the military option is not the preferred option; a diplomatic one is. ¶ This widespread support for a negotiated solution was highlighted last week when 79 national security heavyweights signed on to a resounding endorsement of the Obama Administration’s latest diplomatic efforts.¶ Any member of Congress rejecting a diplomatic solution moves the United States toward another war in the Middle East. Saying no to this deal-in-the-works, furthermore, brings the world no closer toward the goal of Iran giving up its entire nuclear program. Rather, it would likely result in an unchecked Iranian enrichment program, while the United States and Iran would teeter perilously close on the brink of war. ¶ A deal to prevent war and a nuclear-armed Iran is within reach and it would be dangerous to let it slip away. Congress can do the right thing here, for America’s security and Middle East’s stability, and take the higher diplomatic road. Pandering to harsh rhetoric and campaign contributors is no way to sustain a foreign policy agenda. It will only make America and her assets abroad less secure, not more. The time is now to curb Iran’s enrichment program as well as Congress’s obstructionism to a peaceful path forward.

#### US-Iran war causes global nuclear war and collapses the global economy

Avery 11/6

John Scales, Lektor Emeritus, Associate Professor, at the Department of Chemistry, University of Copenhagen, since 1990 he has been the Contact Person in Denmark for Pugwash Conferences on Science and World Affairs, An Attack On Iran Could Escalate Into Global Nuclear War, 11/6/13, http://www.countercurrents.org/avery061113.htm

Despite the willingness of Iran's new President, Hassan Rouhani to make all reasonable concessions to US demands, Israeli pressure groups in Washington continue to demand an attack on Iran. But such an attack might escalate into a global nuclear war, with catastrophic consequences.¶ As we approach the 100th anniversary World War I, we should remember that this colossal disaster escalated uncontrollably from what was intended to be a minor conflict. There is a danger that an attack on Iran would escalate into a large-scale war in the Middle East, entirely destabilizing a region that is already deep in problems.¶ The unstable government of Pakistan might be overthrown, and the revolutionary Pakistani government might enter the war on the side of Iran, thus introducing nuclear weapons into the conflict. Russia and China, firm allies of Iran, might also be drawn into a general war in the Middle East. Since much of the world's oil comes from the region, such a war would certainly cause the price of oil to reach unheard-of heights, with catastrophic effects on the global economy.¶ In the dangerous situation that could potentially result from an attack on Iran, there is a risk that nuclear weapons would be used, either intentionally, or by accident or miscalculation. Recent research has shown that besides making large areas of the world uninhabitable through long-lasting radioactive contamination, a nuclear war would damage global agriculture to such a extent that a global famine of previously unknown proportions would result.¶ Thus, nuclear war is the ultimate ecological catastrophe. It could destroy human civilization and much of the biosphere. To risk such a war would be an unforgivable offense against the lives and future of all the peoples of the world, US citizens included.

## Adventurism

### Link

#### Obama will redefine policies to sidestep detention restrictions

NYT 12 (New York Times, “Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will”, 5/29/12, <http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?pagewanted=all&_r=0>)

What the new president did not say was that the orders contained a few subtle loopholes. They reflected a still unfamiliar Barack Obama, a realist who, unlike some of his fervent supporters, was never carried away by his own rhetoric. Instead, he was already putting his lawyerly mind to carving out the maximum amount of maneuvering room to fight terrorism as he saw fit. It was a pattern that would be seen repeatedly, from his response to Republican complaints that he wanted to read terrorists their rights, to his acceptance of the C.I.A.’s method for counting civilian casualties in drone strikes. The day before the executive orders were issued, the C.I.A.’s top lawyer, John A. Rizzo, had called the White House in a panic. The order prohibited the agency from operating detention facilities, closing once and for all the secret overseas “black sites” where interrogators had brutalized terrorist suspects. “The way this is written, you are going to take us out of the rendition business,” Mr. Rizzo told Gregory B. Craig, Mr. Obama’s White House counsel, referring to the much-criticized practice of grabbing a terrorist suspect abroad and delivering him to another country for interrogation or trial. The problem, Mr. Rizzo explained, was that the C.I.A. sometimes held such suspects for a day or two while awaiting a flight. The order appeared to outlaw that. Mr. Craig assured him that the new president had no intention of ending rendition — only its abuse, which could lead to American complicity in torture abroad. So a new definition of “detention facility” was inserted, excluding places used to hold people “on a short-term, transitory basis.” Problem solved — and no messy public explanation damped Mr. Obama’s celebration. “Pragmatism over ideology,” his campaign national security team had advised in a memo in March 2008. It was counsel that only reinforced the president’s instincts. Even before he was sworn in, Mr. Obama’s advisers had warned him against taking a categorical position on what would be done with Guantánamo detainees. The deft insertion of some wiggle words in the president’s order showed that the advice was followed. Some detainees would be transferred to prisons in other countries, or released, it said. Some would be prosecuted — if “feasible” — in criminal courts. Military commissions, which Mr. Obama had criticized, were not mentioned — and thus not ruled out. As for those who could not be transferred or tried but were judged too dangerous for release? Their “disposition” would be handled by “lawful means, consistent with the national security and foreign policy interests of the United States and the interests of justice.” A few sharp-eyed observers inside and outside the government understood what the public did not. Without showing his hand, Mr. Obama had preserved three major policies — rendition, military commissions and indefinite detention — that have been targets of human rights groups since the 2001 terrorist attacks.

#### The president can still detain suspected terrorists under immigration powers

Cole 9 (David, Law professor at the Georgetown University Law Center, “Out of the Shadows: Preventive Detention, Suspected Terrorists, and War”, 97 California Law Review 693 (2009), http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1370&context=facpub)

The vast majority of persons detained in antiterrorism measures in the wake of 9/11 were foreign nationals detained pursuant to immigration law. 122 Under that law, if a foreign national is placed into immigration proceedings for having allegedly violated the terms of her visa, she may be denied bond and held pending resolution of the removal proceeding if she poses a risk of flight or a danger to the community. 123 This form of preventive detention is analogous to that imposed on persons awaiting a criminal trial, and is not objectionable in itself. However, this authority was widely abused after 9/11, resulting in the detention of many persons without any objective justification for their detention. 124 Immigration law should be amended to ensure that preventive detention is available on the same terms—and with the same safeguards—as in the criminal bail context. The immigrant facing a deportation hearing and the criminal defendant awaiting trial have identical interests in not being arbitrarily deprived of their liberty. Similarly, the government has identical interests in detaining the immigrant and the criminal defendant if they pose a risk of flight or a danger to the community. We treat foreign nationals and citizens awaiting criminal trial identically; why should it matter that a foreign national is being detained pending an immigration proceeding rather than a criminal trial? There is no justification for a double standard here. Accordingly, a statute modeled on the Bail Reform Act should be enacted to govern preventive-immigration detention. In addition to adopting Bail Reform Act procedures and standards, several other reforms would be necessary to achieve parity between the treatment of foreign nationals in immigration proceedings and defendants in criminal proceedings. First, foreign nationals arrested for alleged immigration violations should be charged and brought before a judge for a probable cause hearing within forty-eight hours of their arrest. Under current immigration rules and regulations, foreign nationals can be arrested without charges, and the regulations merely require that they be charged within a “reasonable period of time” in emergencies. 125 That language, introduced by Attorney General John Ashcroft in the first weeks after 9/11, ultimately led to hundreds of foreign nationals being held for days, weeks, and sometimes even months without being charged with any immigration violation. 126 A criminal arrest is “unreasonable” absent probable cause, found by a judge either before or within forty-eight hours after arrest. 127 An immigration arrest ought to require the same showing and procedure. Second, if the government is unable to meet its burden of demonstrating that an individual poses a danger to the community or risk of flight, release on bond or the individual’s own recognizance should be ordered. The Justice Department’s Inspector General found that in the wake of the 9/11 attacks, immigration authorities frequently delayed bond hearings solely because they had no objective evidence that would justify denying bond, and they did not want to risk a hearing that would expose that fact and lead to the individual’s release. 128 The Bush administration’s official policy was to hold individuals in detention until they were “cleared” of any connection to terrorism, and government officials exploited immigration law to obtain that result. 129 Third, indigent foreign nationals detained during removal proceedings should be entitled to government-provided counsel at least with respect to the issue of their detention. Existing immigration law does not entitle indigent foreign nationals to receive legal representation at the government’s expense in immigration hearings, despite the gravit y of such hearings for individuals’ lives, and the difficulty of navigating the complex immigration system. The kind of justice foreign nationals receive often depends on whether they have legal assistance, and on the quality of that assistance. 130 Irrespective of whether the United States should provide indigent foreign nationals legal assistance for removal hearings in general, the government should certainly provide legal assistance when it seeks to detain them. Foreign nationals often languish in detention for long periods while their cases are pending. 131 While detention may be necessary for some, appointment of counsel would help to ensure that we detain only those who truly need to be detained. Over time, such a reform might even save the government money, by saving on the cost of unnecessary detentions. Fourth, the government should rescind its regulation providing an automatic stay of release orders where i mmigration authorities appeal a grant of release on bond. 132 Under this regulation, which Attorney General Ashcroft promulgated in the wake of 9/11, the government need not show that it has any chance of success on appeal in order to keep a foreign national detained, even after an immigration judge has found no basis for detention. 133 The mere filing of the appeal automatically stays the fo reign national’s release for the duration of the appeal. Appeals can easily take several months to resolve. Where an immigration judge has found no basis for detention, there is no legitimate rationale for giving the government a stay without requiring it to show that it is likely to succeed on appeal, the showi ng traditionally required for stays and injunctions pending appeal. 134 For these reasons, many courts have declared the automatic-stay provision unconstitutional. 135 Finally, immigration law should be clarified to make explicit that immigration detention must end once removal can be effectuated. After 9/11, the government often kept foreign nationals in detention long after they could have been released. 136 In some instances, individuals admitted that they had overstayed their visas and agreed to leave, and immigration judges granted “voluntary departure” orders, which provide that the alien is free to leave. 137 At that point, the only action remaining was for the foreign national to leave the country. Yet under the Bush administration’s “hold until cleared” policy, the government would not allow the detainee to leave the country until it was satisfied that he was not connected to terrorism even where there were no other obstacles to his immediate departure. 138 Such detention should be unlawful, for the only legitimate purpose of an immigration detention is to aid removal. Once a person has agreed to leave and can leave, there is no legitimate immigration reason to keep him detained any further. These reforms would place preventive de tention in the context of pending immigration proceedings on the same foo ting as preventive detention pending a criminal trial. By ensuring that the go vernment must promptly demonstrate that detention without bond is actually necessary, such reforms would reduce the likelihood that immigration detention is employed unnecessarily to detain persons who pose no threat. Preventive detention unquestionably has a place in immigration enforcement, but under current law it can too easily be imposed without an objective basis—as the aftermath of 9/11 illustrated.

#### Restrictions cause Obama to claim detention power under article 2 – Broadens detention

McAuliff 13 (Michael, Covers Congress and politics for The Huffington Post, “AUMF Repeal Bill Would End Extraordinary War Powers Granted After 9/11”, 6/10/13, <http://www.huffingtonpost.com/2013/06/10/aumf-repeal-bill-war-powers_n_3416689.html>)

But without the AUMF in force, Congress and the administration would have to decide how to deal with prisoners of war in the absence of a specific war. While dozens of captives at Guantanamo are cleared to be released, many are deemed threats to the United States who cannot be tried or let go. "That is the most difficult kernel to pop," said Schiff. "There is still a remaining group of people for whom the evidence is either highly classified or highly problematic because it was a product of torture. And that problem remains to be solved." Simply freeing those Guantanamo detainees is not an option, he said. "There will be a need for continued detention, even after the expiration of the AUMF," Schiff said, citing a World War II precedent for handling prisoners of war. "I don't know that the authority to detain enemy combatants would end with AUMF. But I do think that Guantanamo ought to come to an end, ideally to match up with the expiration of the AUMF in about 18 months," he said. Schiff's effort comes amid the recent revelations of the breadth of the National Security Agency's ability to spy on Americans -- an authority that stems from a separate law also inspired by the 2001 terror attacks, the PATRIOT Act. It also comes as observers on both the left and right have expressed greater suspicion of the executive branch's use of power in targeting reporters, whistleblowers and conservative groups. Schiff, a member of the House Intelligence Committee, said the broader debate provides "context" for his measure, but evaluating the AUMF and the type of force Congress allows the president to use in the war on terror is a separate, if equally difficult, matter. "There's probably a more substantial consensus that the existing AUMF is outdated and probably should be replaced," he said. "There's a lot less consensus about what should come after." Ending the AUMF, he said, would either force Congress to grapple with that question -- and confront the defacto policy of perpetual war -- or allow the president to grow even more powerful. "If we authorize a new and more limited AUMF, we are nonetheless continuing a war footing," Schiff said. "On the other hand, if we don't and the president takes these actions under his Article II power [of the Constitution], then we're broadening the power of the presidency to act unilaterally."

### Africa

#### Atlantic ev says raids cause instability—LOL the aff is detention

#### Knights ev says Syria spills over—that’s an alt cause the aff can’t solve

#### Wars now disprove African escalation

Straus ’13 (Scott Straus, Professor in the Department of Political Science at the University of Wisconsin, African Arguments, part of the Guardian Africa Network, Scott Straus, “Africa is becoming more peaceful, despite the war in Mali”, <http://www.guardian.co.uk/world/2013/jan/30/africa-peaceful-mali-war>, January 30, 2013)

Recent events in Mali, the Central African Republic, the Democratic Republic of the Congo, and Sudan seem to confirm one of the most durable stereotypes of Africa, namely that the continent is unstable and uniquely prone to nasty political violence. Writing in Foreign Policy two years ago, New York Times east Africa correspondent and Pulitzer Prize winner Jeffrey Gettleman espoused this view. He painted a dismal picture of pointless wars waged by brutes and criminals "spreading across Africa like a viral pandemic."

#### No risk of great power conflict over Africa

Barrett ‘5

Robert Barrett, PhD student Centre for Military and Strategic Studies, University of Calgary, June 1, 2005,

http://papers.ssrn.com/sol3/Delivery.cfm/SSRN\_ID726162\_code327511.pdf?abstractid=726162&mirid=1

Westerners eager to promote democracy must be wary of African politicians who promise democratic reform without sincere commitment to the process. Offering money to corrupt leaders in exchange for their taking small steps away from autocracy may in fact be a way of pushing countries into anocracy. As such, world financial lenders and interventionists who wield leverage and influence must take responsibility in considering the ramifications of African nations who adopt democracy in order to maintain elite political privileges. The obvious reason for this, aside from the potential costs in human life should conflict arise from hastily constructed democratic reforms, is the fact that Western donors, in the face of intrastate war would then be faced with channeling funds and resources away from democratization efforts and toward conflict intervention based on issues of human security. This is a problem, as Western nations may be increasingly wary of intervening in Africa hotspots after experiencing firsthand the unpredictable and unforgiving nature of societal warfare in both Somalia and Rwanda. On a costbenefit basis, the West continues to be somewhat reluctant to get to get involved in Africa’s dirty wars, evidenced by its political hesitation when discussing ongoing sanguinary grassroots conflicts in Africa. Even as the world apologizes for bearing witness to the Rwandan genocide without having intervened, the United States, recently using the label ‘genocide’ in the context of the Sudanese conflict (in September of 2004), hasonly proclaimed sanctionsagainst Sudan, while dismissing any suggestions at actual intervention(Giry, 2005). Part of the problem is that traditional military and diplomatic approachesat separating combatants and enforcing ceasefires have yielded little in Africa. No powerful nations want to get embroiled in conflicts they cannot win– especially those conflicts in which the intervening nation has very little interest.

#### Escalation empirically denied

Joseph Jan. '12 –professor of intnatl history and politics

Richard John Evans Professor of International History and Politics at Northwestern University. Former fellow of The Carter Center, Atlanta, he focuses on African governance, political economy, and democratization. "Insecurity and Counter-Insurgency in Africa," in “FORESIGHT AFRICA TOP PRIORITIES FOR THE CONTINENT IN 2012,” Brookings, available http://www.brookings.edu/reports/2012/01\_priorities\_foresight\_africa.aspx, AD 3/18/12

If the current trend continues, one day the same may be said about the band of insecurity from northeast to northwest Africa. This region is likely to experience increasing instability and warfare, while narratives of jihadist revolt and terrorist technologies circulate among its citizens. The countries that may be affected, to differing degrees, include: Mauritania, Mali, Niger, Nigeria, Chad, Cameroon, Central African Republic, Sudan, Congo, Uganda, Kenya, Ethiopia, Eritrea, Djibouti and Somalia. Individuals cross these national borders easily, as do ideas, trading goods and armaments. We tend to think of these countries as occupying different geographical and cultural zones, but the reality on the ground is less hermetic. Armed conflict has occurred in many forms throughout this area as both militaries and irregular forces disregard national borders. In Libya, the Gaddafi regime was involved for decades in seeding revolt in several of these countries, including efforts to dismember Chad. Many Chadians, and other citizens of west and equatorial Africa, were enticed to Libya as labor migrants and became trapped by the uprising against the regime. Conversely, some of Gaddafi’s military officers and family members have taken refuge in Niger and when his son, Seif al-Islam el-Gaddafi, was captured in southwest Libya many believed he had fled across the border to Niger. All the countries bordering Sudan have been enmeshed, at one time or another, in its violent conflicts. Ethiopia—while constantly tamping down unrest among its disaffected communities, especially from the largest ethnic group, the Oromo—has been called upon to use its army as a pacification force in Sudan and Somalia. Ugandan soldiers constitute a major component of African Union peacekeepers in Somalia; and the Kenyan invasion of that country in October 2011 added a wholly new dimension to cross-border hostilities. The re-entry of Ethiopian troops and heavy armaments into Somalia a month later raised the stakes greatly considering the negative consequences of their 2007–2008 occupation of parts of the country. The year ended with horrific Christmas day bombing attacks in Nigeria by Boko Haram, which lifted the 2011 death toll attributed to this jihadist group to almost 500.

#### Empirically denied by dozens of conflicts

Docking ‘7

Tim Docking, African Affairs Specialist with the United States Institute of Peace, 2007, Taking Sides Clashing

Views on African Issues, p. 372

Nowhere was the scope and intensity of violence during the 1990s as great as in Africa. While the general trend of armed conflict in Europe, Asia, the Americas, and the Middle East fell during the 1989-99 period, the 1990s witnessed an increase in the number of conflicts on the African continent. During this period, 16 UN peacekeeping missions were sent to Africa. (Three countries-Somalia, Sierra Leone, and Angola-were visited by multiple missions during this time.) Furthermore, this period saw internal and interstate violence in a total of 30 sub-Saharan states. In 1999 alone, the continent was plagued by 16 armed conflicts, seven of which were wars with more than 1,000 battle-related deaths (Journal of Peace Research, 37:5, 2000, p. 638). In 2000, the situation continued to deteriorate: renewed heavy fighting between Eritrea and Ethiopia claimed tens of thousands of lives in the lead-up to a June ceasefire and ultimately the signing of a peace accord in December; continued violence in the Democratic Republic of Congo (DRC), Sierra Leone, Burundi, Angola, Sudan, Uganda, and Nigeria as well as the outbreak of new violence between Guinea and Liberia, in Zimbabwe, and in the Ivory Coast have brought new hardship and bloodshed to the continent.

### Iraq

#### Iraq and Afghanistan conflicts won’t spill-over – no one will be draw-in.

Fettweis ’11 – Professor of Political Science @ Tulane

Christopher Fettweis, Professor of Political Science @ Tulane. “Dangerous Times: The Futurist Interviews Christopher Fettweis”. World Future Society. 1/12/2011. http://www.wfs.org/content/dangerous-times-futurist-interviews-christopher-fettweis

#### THE FUTURIST: In the next few years, the United States will end its military oversight of Afghanistan and Iraq. We can hope that the two fledgling democracies’ civil governments will prove strong enough to withstand their armed insurgent enemies, but it’s obvious that they might possibly not. In that case, Afghanistan and/or Iraq could fall back into chaos. What can we do in that situation to make sure that a new regional war does not come to pass as a result? CHRISTOPHER FETTWEIS: We can’t determine for sure if Iraq will implode. But the odds of it drawing everybody else in seem low to me. People worry about the Iranians coming into Iraq. But the Iranians are more hated in Iraq than the Americans are. In the nineteenth century, power vacuums used to draw powers in. Nowadays they don't. Countries tend to stay away from them. They don’t want to even send troops into peacekeeping missions. I don’t think invading Iraq has made us safer or less safe. It's just been a mess. Afghanistan is the same thing. I don’t think it matters much to U.S. security either way. They may well end up having their own civil war. But will it spill over into other countries? Probably not.

#### Iraq won’t escalate- tons of other civil wars disprove

Yglesias ‘7

Matthew Yglesias, a Fellow at the Center for American Progress Action Fund. He holds a BA in Philosophy from Harvard University. September 12, 2007. “Containing Iraq”. The Atlantic. http://matthewyglesias.theatlantic.com/archives/2007/09/containing\_iraq.php

Kevin Drum tries to [throw some water](http://www.washingtonmonthly.com/archives/individual/2007_09/012050.php) on the "Middle East in Flames" theory holding that American withdrawal from Iraq will lead not only to a short-term intensification of fighting in Iraq, but also to some kind of broader regional conflagration. Ivo Daalder and James Lindsay, as usual sensible but several clicks to my right, also [make this point briefly](http://www.democracyjournal.org/article.php?ID=6555) in Democracy: "Talk that Iraq’s troubles will trigger a regional war is overblown; none of the half-dozen civil wars the Middle East has witnessed over the past half-century led to a regional conflagration."

#### Iraq instability won’t escalate to a broader regional conflict – leads to cooperation not war.

Fettweis ‘7 – Professor of Political Science @ Tulane.

Christopher J., assistant professor of national security affairs at the U.S. Naval War College, Survival, Volume 49, Issue 4, December, Informaworld.

The biggest risk of an American withdrawal is intensified civil war in Iraq rather than regional conflagration. Iraq's neighbours will likely not prove eager to fight each other to determine who gets to be the next country to spend itself into penury propping up an unpopular puppet regime next door. As much as the Saudis and Iranians may threaten to intervene on behalf of their co- religionists, they have shown no eagerness to replace the counter-insurgency role that American troops play today. If the United States, with its remarkable military and unlimited resources, could not bring about its desired solutions in Iraq, why would any other country think it could do so?[17](http://www.informaworld.com.www2.lib.ku.edu:2048/smpp/section?content=a783986391&fulltext=713240928#EN0017) Common interest, not the presence of the US military, provides the ultimate foundation for stability. All ruling regimes in the Middle East share a common (and understandable) fear of instability. It is the interest of every actor - the Iraqis, their neighbours and the rest of the world - to see a stable, functioning government emerge in Iraq. If the United States were to withdraw, increased regional cooperation to address that common interest is far more likely than outright warfare. Even a Turkish invasion of the north is hardly inevitable. Withdrawal from Iraq would, after all, hardly rob the United States of all its tools with which to influence events. Washington and the rest of NATO still wield significant influence over Ankara; a cross-border invasion would almost certainly doom Turkey's prospects of entering the European Union. It is puzzling why anyone would think that no incentive structure could be devised to convince Turkey not to attack its neighbour. Should such an assault prove undeterrable, it is not clear that intervention would be in the strategic interest of the United States. One of the worst suggestions that occasionally surfaces in the withdrawal debate is that the United States should 'redeploy' troops to Kurdistan in northern Iraq, in order to 'deter' Turkey and reward its Kurdish allies.[18](http://www.informaworld.com.www2.lib.ku.edu:2048/smpp/section?content=a783986391&fulltext=713240928#EN0018) Such a move would allow a continuation of what amounts to state-sponsored terrorism, and risk embroiling the United States in yet another local, intractable conflict. The removal of de facto US protection would presumably encourage the Kurds to act more responsibly toward their more powerful neighbours, and may well prove to be good for stability. Clearly, elements in Kurdistan actively support Kurdistan Workers' Party terrorists in Turkey, but that would change if they faced the possibility of paying a price for their behaviour. A regional descent into the whirlwind following a US withdrawal cannot be ruled out; using that logic, neither can benevolent transitions to democracy. Just because a scenario is imaginable does not make it likely. In fact, most of the chaotic outcomes pessimists predict require unprecedented breaks with the past. Since the United States has historically overestimated the threats it faces, there is every reason to believe that it is doing so again.

### Asia

#### Interdependence and democracy

Vannarith 10—Executive Director of the Cambodian Institute for Cooperation and Peace. PhD in Asia Pacific Studies, Ritsumeikan Asia Pacific U (Chheang, Asia Pacific Security Issues: Challenges and Adaptive Mechanism, http://www.cicp.org.kh/download/CICP%20Policy%20brief/CICP%20Policy%20brief%20No%203.pdf)

Large scale interstate war or armed conflict is unthinkable in the region due to the high level of interdependency and democratization. It is believed that economic interdependency can reduce conflicts and prevent war. Democracy can lead to more transparency, accountability, and participation that can reduce collective fears and create more confidence and trust among the people in the region. In addition, globalism and regionalism are taking the center stage of national and foreign policy of many governments in the region except North Korea. The combination of those elements of peace is necessary for peace and stability in the region and those elements are present and being improved in this region.

#### Resilient regional cooperation

Alagappa 8 (Muthia, Distinguished Fellow @ Fletcher School of Law and Diplomacy @ Tufts, “The Long Shadow,” International Affairs p. 512)

International political interaction among Asian states is for the most part rule governed, predictable, and stable. The security order that has developed in Asia is largely of the instrumental type, with certain normative contractual features (Alagappa 2003b). It rests on several pillars. These include the consolidation of Asian countries as modern nation-states with rule-governed interactions, wide- spread acceptance of the territorial and political status quo (with the exception of certain boundary disputes and a few survival concerns that still linger), a regional normative structure that ensures survival of even weak states and supports inter- national coordination and cooperation, the high priority in Asian countries given to economic growth and development, the pursuit of that goal through partici- pation in regional and global capitalist economies, the declining salience of force in Asian international politics, the largely status quo orientation of Asia's major powers, and the key role of the United States and of regional institutions in pre- serving and enhancing security and stability in Asia.

#### No conflict or escalation- cooperation outweighs

--this answers the succession warrant most new cards talk about

Zhijiang 12 - Professor and Director of the Institute of South Korea Studies at the School of Asia-Pacific Studies

Kim Jong-un’s regime: facing up to domestic challenges, China and the US

With regard to the role of outside powers, China and US share common strategic interests in avoiding chaos and maintaining peace and stability on the Korean Peninsula. After the death of Kim Jong-il, ROK-US summit telephone talks declared that the US has no intention to interfere in the succession process. This indicates that the US will not put pressure on North Korea to promote its collapse and hopes to avoid conflict on the peninsula and to achieve peace and stability. The US Assistant Secretary of State for East Asian and Pacific Affairs, Kurt Campbell, visited China recently in order to further exchange views with China concerning the situation in the DPRK and to coordinate policies toward North Korea. China’s strategy has been to maintain peace and stability on the peninsula, and to build a harmonious and stable strategic environment in Northeast Asia conducive to national development. Kim’s death has not changed the basic strategy of China toward the Korean Peninsula. The main basis of China’s Korean Peninsula policy is to comprehensively strengthen and support Kim Jong-un’s new North Korean regime. The main purpose of the US’ ‘return to Asia’ strategy is to strengthen its strategic influence in the Asia Pacific region, including the Korean Peninsula. It also includes preventing military provocation or possible war in the East Asia region through the strengthening of US-ROK, US-Japan and US-Australia military alliances, both bilaterally and multilaterally. Therefore, China and the US have common strategic interests on the Korean Peninsula issue. They do not want chaos in the North Korean situation, the collapse of the regime, or a large-scale military conflict between the North and South. In resolving the North Korean nuclear crisis, the missile crisis and other issues, there is a wide range of cooperative space that China and the US can utilise. The two parties should strengthen their strategic coordination and communication with the DPRK in order to cope with any future crises and deal with the current challenges concerning the Korean Peninsula, and act to safeguard the peace and stability of the Korean Peninsula.

#### No Asian war- economic and regional cooperation

Bitzinger & Desker 8 – senior fellow and dean of S. Rajaratnam School of International Studies respectively (Richard A. Bitzinger, Barry Desker, “Why East Asian War is Unlikely,” Survival, December 2008, http://pdfserve.informaworld.com-/678328\_731200556\_906256449.pdf)

The Asia-Pacific region can be regarded as a zone of both relative insecurity and strategic stability. It contains some of the world’s most significant flashpoints – the Korean peninsula, the Taiwan Strait, the Siachen Glacier – where tensions between nations could escalate to the point of major war. It is replete with unresolved border issues; is a breeding ground for transnationa terrorism and the site of many terrorist activities (the Bali bombings, the Manila superferry bombing); and contains overlapping claims for maritime territories (the Spratly Islands, the Senkaku/Diaoyu Islands) with considerable actual or potential wealth in resources such as oil, gas and fisheries. Finally, the Asia-Pacific is an area of strategic significance with many key sea lines of communication and important chokepoints. Yet despite all these potential crucibles of conflict, the Asia-Pacific, if not an area of serenity and calm, is certainly more stable than one might expect. To be sure, there are separatist movements and internal struggles, particularly with insurgencies, as in Thailand, the Philippines and Tibet. Since the resolution of the East Timor crisis, however, the region has been relatively free of open armed warfare. Separatism remains a challenge, but the break-up of states is unlikely. Terrorism is a nuisance, but its impact is contained. The North Korean nuclear issue, while not fully resolved, is at least moving toward a conclusion with the likely denuclearisation of the peninsula. Tensions between China and Taiwan, while always just beneath the surface, seem unlikely to erupt in open conflict any time soon, especially given recent Kuomintang Party victories in Taiwan and efforts by Taiwan and China to re-open informal channels of consultation as well as institutional relationships between organisations responsible for cross-strait relations. And while in Asia there is no strong supranational political entity like the European Union, there are many multilateral organisations and international initiatives dedicated to enhancing peace and stability, including the Asia-Pacific Economic Cooperation (APEC) forum, the Proliferation Security Initiative and the Shanghai Co-operation Organisation. In Southeast Asia, countries are united in a common eopolitical and economic organisation – the Association of Southeast Asian Nations (ASEAN) – which is dedicated to peaceful economic, social and cultural development, and to the promotion of regional peace and stability. ASEAN has played a key role in conceiving and establishing broader regional institutions such as the East Asian Summit, ASEAN+3 (China, Japan and South Korea) and the ASEAN Regional Forum. All this suggests that war in Asia – while not inconceivable – is unlikely.

## Leadership

### Link

#### Plan causes court stripping

Reinhardt 6 (Stephen – Judge, U.S. Court of Appeals for the Ninth Circuit, “THE ROLE OF THE JUDGE IN THE TWENTY-FIRST CENTURY: THE JUDICIAL ROLE IN NATIONAL SECURITY”, 2006, 86 B.U.L. Rev. 1309, lexis)

Archibald Cox - who knew a thing or two about the necessity of government actors being independent - emphasized that an essential element of judicial independence is that "there shall be no tampering with the organization or jurisdiction of the courts for the purposes of controlling their decisions upon constitutional questions." n2 Applying Professor Cox's precept to current events, we might question whether some recent actions and arguments advanced by the elected branches constitute threats to judicial independence. Congress, for instance, recently passed the Detainee Treatment Act. n3 The Graham-Levin Amendment, which is part of that legislation, prohibits any court from hearing or considering habeas petitions filed by aliens detained at Guantanamo Bay. n4 The Supreme Court has been asked to rule on whether the Act applies only prospectively, or whether it applies to pending habeas petitions as well. It is unclear at this time which interpretation will prevail. n5 But if the Act is ultimately construed as applying to pending appeals, one must ask whether it constitutes "tampering with the ... jurisdiction of the courts for the purposes of controlling their decisions," which Professor Cox identified as a key marker of a violation of judicial independence. All of this, of course, is wholly aside from the question of whether Congress and the President may strip the courts of such jurisdiction prospectively. And it is, of course, also wholly apart from the Padilla case, n6 in which many critics believe that the administration has played fast and loose with the courts' jurisdiction in order to avoid a substantive decision on a fundamental issue of great importance to all Americans. Another possible threat to judicial independence involves the position taken by the administration regarding the scope of its war powers. In challenging cases brought by individuals charged as enemy combatants or detained at Guantanamo, the administration has argued that the President has "inherent powers" as Commander in Chief under Article II and that actions he takes pursuant to those powers are essentially not reviewable by courts or subject to limitation by Congress. n7 The administration's position in the initial round of Guantanamo cases was that no court anywhere had any jurisdiction to consider [\*1311] any claim, be it torture or pending execution, by any individual held on that American base, which is located on territory under American jurisdiction, for an indefinite period. n8 The executive branch has also relied on sweeping and often startling assertions of executive authority in defending the administration's domestic surveillance program, asserting at times as well a congressional resolution for the authorization of the use of military force. To some extent, such assertions carry with them a challenge to judicial independence, as they seem to rely on the proposition that a broad range of cases - those that in the administration's view relate to the President's exercise of power as Commander in Chief (and that is a broad range of cases indeed) - are, in effect, beyond the reach of judicial review. The full implications of the President's arguments are open to debate, especially since the scope of the inherent power appears, in the view of some current and former administration lawyers, to be limitless. What is clear, however, is that the administration's stance raises important questions about how the constitutionally imposed system of checks and balances should operate during periods of military conflict, questions judges should not shirk from resolving.

#### Turns international signal

Gerhardt 5 (Michael J. Gerhardt, William & Mary School of Law Professor, Lewis & Clark Review, "THE CONSTITUTIONAL LIMITS TO COURT-STRIPPING," 9 Lewis & Clark L. Rev. 347, lexis)

Beyond the constitutional defects with the Act, n40 it may not be good policy. It may send the wrong signals to the American people and to people around the world. It expresses hostility to our Article III courts, in spite of their special function in upholding constitutional rights and enforcing and interpreting federal law. If a branch of our government demonstrates a lack of respect for federal courts, our citizens and citizens in other countries may have a hard time figuring out why they should do otherwise. Rejecting proposals to exclude all federal jurisdiction or inferior court jurisdiction for some constitutional claims extends an admirable tradition within Congress and reminds the world of our hard-won, justifiable confidence in the special role performed by Article III courts throughout our history in vindicating the rule of law.

### EU

#### EU-US relations don’t solve—diverging interests and strategies

Leonard 12— director of the European Council on Foreign Relations

Mark, “The End of the Affair” [http://www.foreignpolicy.com/articles/2012/07/24/the\_end\_of\_the\_affair?page=full] July 24 //mtc

Seen from Washington, there is not a single problem in the world to be looked at primarily through a transatlantic prism. Although the administration looks first to Europeans as partners in any of its global endeavors -- from dealing with Iran's nuclear program to stopping genocide in Syria -- it no longer sees the European theater as its core problem or seeks a partnership of equals with Europeans. It was not until the eurozone looked like it might collapse -- threatening to bring down the global economy and with it Obama's chances of reelection -- that the president became truly interested in Europe.¶ Conversely, Europeans have never cared less about what the United States thinks. Germany, traditionally among the most Atlanticist of European countries, has led the pack. Many German foreign-policy makers think it was simply a tactical error for Berlin to line up with Moscow and Beijing against Washington on Libya. But there is nothing accidental about the way Berlin has systematically refused even to engage with American concerns over German policy on the euro. During the Bush years, Europeans who were unable to influence the strategy of the White House would give a running commentary on American actions in lieu of a substantive policy. They had no influence in Washington, so they complained. But now, the tables are turned, with Obama passing continual judgment on German policy while Chancellor Angela Merkel stoically refuses to heed his advice. Europeans who for many years were infantilized by the transatlantic alliance, either using sycophancy and self-delusion about a "special relationship" to advance their goals or, in the case of Jacques Chirac's France, pursuing the even more futile goal of balancing American power, have finally come to realize that they can no longer outsource their security or their prosperity to Uncle Sam.¶ On both sides of the Atlantic, the ties that held the alliance together are weakening. On the American side, Obama's biography links him to the Pacific and Africa but not to the old continent. His personal story echoes the demographic changes in the United States that have reduced the influence of Americans of European origin. Meanwhile, on the European side, the depth of the euro crisis has crowded out almost all foreign policy from the agenda of Europe's top decision-makers. The end of the Cold War means that Europeans no longer need American protection, and the U.S. financial crisis has led to a fall in American demand for European products (although U.S. exports to Europe are at an all-time high).¶ What's more, Obama's lack of warmth has precluded him from establishing the sorts of human relationships with European leaders that animate alliances. When asked to name his closest allies, Obama mentions non-European leaders such as Recep Tayyip Erdogan of Turkey and Lee Myung-bak of South Korea. And his transactional nature has led to a neglect of countries that he feels will not contribute more to the relationship -- within a year of being elected, Obama had managed to alienate the leaders of most of Europe's big states, from Gordon Brown to Nicolas Sarkozy to Jose Luis Rodriguez Zapatero. Americans hardly remember, but Europe's collective nose was put out of joint by Obama's refusal to make the trip to Europe for the 2010 EU-U.S. summit. More recently, Obama has reached out to allies to counteract the impression that the only way to get a friendly reception in Washington is to be a problem nation -- but far too late to erase the sense that Europe matters little to this American president.¶ Underlying these superficial issues is a more fundamental divergence in the way Europe and the United States are coping with their respective declines. As the EU's role shrinks in the world, Europeans have sought to help build a multilateral, rule-based world. That is why it is they, rather than the Chinese or the Americans, that have pushed for the creation of institutionalized global responses to climate change, genocide, or various trade disputes. To the extent that today's world has not collapsed into the deadlocked chaos of a "G-zero," it is often due to European efforts to create a functioning institutional order.¶ To Washington's eternal frustration, however, Europeans have not put their energies into becoming a full partner on global issues.

For all the existential angst of the euro crisis, Europe is not as weak as people think it is. It still has the world's largest market and represents 17 percent of world trade, compared with 12 percent for the United States. Even in military terms, the EU is the world's No. 2 military power, with 21 percent of the world's military spending, versus 5 percent for China, 3 percent for Russia, 2 percent for India, and 1.5 percent for Brazil, according to Harvard scholar Joseph Nye. But, ironically for a people who have embraced multilateralism more than any other on Earth, Europeans have not pooled their impressive economic, political, and military resources. And with the eurozone's need to resolve the euro crisis, the EU may split into two or more tiers -- making concerted action even more difficult. As a result, European power is too diffuse to be much of a help or a hindrance on many issues.

#### Unilateral action doesn’t solve the relations terminal—laundry list of things

Stivachtis 10—their author/the conclusion

(Dr. Yannis A. Stivachtis, Director, International Studies Program, Virginia Polytechnic Institute, State University, 2010, “The Imperative for Transatlantic Cooperation,” google)

There is no doubt that the U.S. and Europe have considerable potential to pursue common security interests. Several key steps must be taken to make this potential a reality. First, it is critical to avoid the trap of ‘division of labor’ in the security realm, which could be devastating for the prospects of future cooperation. Second, and closely related to avoiding division of labor as a matter of policy, is the crucial necessity for Europe to develop at least some ‘high-end’ military capabilities to allow European forces to operate effectively with the U.S. Third, is the need for both the U.S. and Europe to enhance their ability to contribute to peacekeeping and post-conflict stabilization and reconstruction. Fourth, is the importance of preserving consensus at the heart of alliance decision-making. Some have argued that with the expansion of NATO, the time has come to reconsider the consensus role. One way to increase efficiency without destroying consensus would be to strengthen the role of the Secretary General in managing the internal and administrative affairs of the alliance, while reserving policy for the member states. Fifth is the need to make further progress on linking and de-conflicting NATO and EU capabilities. Sixth is the need for enhanced transatlantic defense industrial cooperation. Seventh, one future pillar for transatlantic cooperation is to strengthen US-European coordination in building the infrastructure of global governance through strengthening institutions such as the UN and its specialized agencies, the World Bank, the IFM, G-8, OECD and regional development banks.¶ Finally, cooperation can also be achieved in strengthening the global economic infrastructure, sustaining the global ecosystem, and combating terrorism and international crime.¶ To translate the potential of the transatlantic relationship into a more positive reality will require two kinds of development. First, the EU itself must take further steps to institutionalize its own capacity to act in these areas. Foreign policy and especially defense policy remain the areas where the future of a ‘European’ voice is most uncertain. Second, the U.S. and Europe need to establish more formal, effective mechanisms for consultation and even decision-making.¶ The restoration of transatlantic relations requires policies and actions that governments on both sides of the Atlantic should simultaneously adopt and not only a unilateral change of course. Developing a new, sustainable transatlantic relationship requires a series of deliberate decisions from both the U.S. and EU if a partnership of choice and not necessity is to be established.

### Heg/Cred

#### Scandals irreparably damaged cred

Migranyan 7/5 – director of the Institute for Democracy and Cooperation in New York

Andranik, “Scandals Harm U.S. Soft Power” [http://nationalinterest.org/commentary/scandals-harm-us-soft-power-8695] July 5, 2013 //mtc

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

#### Alt cause – Snowden

Palacio 7/5

Ana, “America’s traditional sources of power seem to be running dry” [http://gulfnews.com/opinions/columnists/america-s-traditional-sources-of-power-seem-to-be-running-dry-1.1205772] July 5, 2013 //mtc

The continued leaking of classified information by the former US National Security Agency contractor Edward Snowden has provoked a heated debate on privacy and international law, which, unfortunately, has overshadowed the geostrategic dimension of his actions. In fact, Snowden’s revelations about US surveillance programmes, and his own ongoing struggle to avoid extradition, reveal much about President Barack Obama’s imprimatur on US foreign relations.¶ More than any other incoming American president in recent memory, Obama raised expectations worldwide. Yet, he has proved to be mainly, if not solely, interested in domestic issues, resulting in a foreign policy of reaction. The Snowden affair highlights three elements of this: US-Russia relations, US influence in South America and US relations with Europe.¶ The Kremlin’s handling of the affair is indicative of the tense state of US-Russia relations. In the aftermath of the bilateral relationship’s ill-fated “reset,” Russia has been eager to maintain its global position as a foil to the US, causing many people on both sides to revert to a Cold War mentality. By falling into this trap, the US has provided President Vladimir Putin with endless fodder to score political points and solidify his domestic position.¶ Putin regards anti-Americanism as an effective tool for short-circuiting domestic discontent. Developments like the US Congress’s enactment of the Magnitsky Act, portrayed in Russia as an American provocation, have allowed the Kremlin to rally support at home with retaliatory measures such as a ban on foreign adoptions, while providing cover for a crackdown on domestic opponents.¶ Following the Nato-led intervention in Libya in 2011, which the Kremlin regarded as another example of western overreach, Russia has been more aggressive in asserting itself internationally, mainly in opposition to the US. This is most obvious in Russia’s dogged support for Bashar Al Assad’s regime in Syria. And Russia’s refusal to hand over Snowden, under the pretext of strict adherence to the law, has allowed Putin to poke Obama in the eye once again — this time while posing as a defender of legality and human rights.¶ This ‘coup de theatre’ was magnified by Putin’s cynical claim that Russia would allow Snowden to stay only if he stopped leaking information “aimed at inflicting damage on our American partners”. Presumably, Putin would not object to the infliction of such damage behind closed doors, during a debriefing with the Russian security services.¶ Moreover, the Snowden affair reinforces the perception that the US is losing its sway in South America. With few notable exceptions, such as US Ambassador to Brazil, Tom Shannon, US diplomacy has lacked a strategic vision for Latin America. Obama’s 2008 election created high expectations in this region too, but his administration’s approach has been reserved, at best, and often obtuse.¶ While China’s influence in Latin America has soared, the US has remained aloof. Obama’s visit in May was presented as an effort to reinvigorate relations in the context of the rise of the Asia-Pacific region. Unfortunately, the chickens of Obama’s first term have already come home to roost.¶ For example, the US is Ecuador’s largest trading partner, accounting for more than a third of its foreign trade. Yet, facing the possibility that Ecuador may grant Snowden asylum, the US felt the need to scramble, with Vice-President Joe Biden personally pleading America’s case with Ecuadorian President, Rafael Correa, even after Obama announced that he would not engage in “wheeling and dealing” over the extradition.¶ The threat by US officials to cut off aid to Ecuador, which would amount to a measly $12 million (Dh44.13 million) in 2014, further evinces a clumsy approach. America’s traditional sources of influence — its soft power, regional alliances and financial leverage — appear to be running dry. The message to the world is clear: The US is not the regional power that it should be.¶ Finally, turning to Europe, Obama’s flippant attitude concerning alleged US surveillance of the European Union (EU) and its member states shows that American exceptionalism is alive and well. Instead of acknowledging the legitimacy of European concerns, he shrugged them off as a frivolity: “[I] guarantee you that in European capitals, there are people who are interested in, if not what I had for breakfast, at least what my talking points might be should I end up meeting with their leaders.”

#### All evidence shows heg impacts are wrong

Fettweis 10 (Christopher, Assistant professor of political science at Tulane, Survival, Volume 52, Issue 2, April)

One potential explanation for the growth of global peace can be dismissed fairly quickly: US actions do not seem to have contributed much. The limited evidence suggests that there is little reason to believe in the stabilising power of the US hegemon, and that there is no relation between the relative level of American activism and international stability. During the 1990s, the United States cut back on its defence spending fairly substantially. By 1998, the United States was spending $100 billion less on defence in real terms than it had in 1990, a 25% reduction.29 To internationalists, defence hawks and other believers in hegemonic stability, this irresponsible 'peace dividend' endangered both national and global security. 'No serious analyst of American military capabilities', argued neo-conservatives William Kristol and Robert Kagan in 1996, 'doubts that the defense budget has been cut much too far to meet America's responsibilities to itself and to world peace'.30 And yet the verdict from the 1990s is fairly plain: the world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable US military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums; no security dilemmas drove insecurity or arms races; no regional balancing occurred once the stabilising presence of the US military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in US military capabilities. Most of all, the United States was no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Bill Clinton, and kept declining as the George W. Bush administration ramped the spending back up. Complex statistical analysis is unnecessary to reach the conclusion that world peace and US military expenditure are unrelated.

#### No war – Empirics go neg

MacDonald and Parent 11 (Paul K. and Joseph M., Professors of Political Science at Williams and Miami, “Graceful Decline?”, International Security, Spring 2k11, Volume 35, Number 4, Project Muse)

In this article, we question the logic and evidence of the retrenchment pessimists. To date there has been neither a comprehensive study of great power retrenchment nor a study that lays out the case for retrenchment as a practical or probable policy. This article fills these gaps by systematically examining the relationship between acute relative decline and the responses of great powers. We examine eighteen cases of acute relative decline since 1870 and advance three main arguments. First, we challenge the retrenchment pessimists' claim that domestic or international constraints inhibit the ability of declining great powers to retrench. In fact, when states fall in the hierarchy of great powers, peaceful retrenchment is the most common response, even over short time spans. Based on the empirical record, we find that great powers retrenched in no less than eleven and no more than fifteen of the eighteen cases, a range of 61-83 percent. When international conditions demand it, states renounce risky ties, increase reliance on allies or adversaries, draw down their military obligations, and impose adjustments on domestic populations.

#### Regional balancers, nuclear deterrence, and offshore balancing solve the impact

Layne 6 (Christopher, Professor of Political Science, “The Peace of Illusions: American Grand Strategy from 1940 to Present”)

The received wisdom is that since the early twentieth century (at least), America’s grand strategy has been counterhegemonic. That is, the United States has sought to prevent a single great power from achieving a Mackinderesque dominance of the Eurasian heartland, because a Eurasian hegemon would control enough hard power to threaten the American homeland. This fear is invoked by U.S. strategists, along with the economic Open Door and oil access concerns, as a reason that the United States cannot abandon its hegemonic grand strategy in favor of offshore balancing. The prospect that a threatening hegemon will emerge in Eurasia is remote, and the United States does not need to maintain a permanent Eurasian military presence to guard against this possibility. The United States has three lines of defense against a potential Eurasian hegemon: regional power balances, distance, and its own military capabilities. Regional power balances are America’s first line of defense

against a rising Eurasian hegemon, and an offshore balancing strategy would rely on the balance-of power dynamics of a twenty-first-century multipolar system to thwart a distant great power seeking Eurasian predominance. The major powers in Eurasia have a much more immediate interest in stopping a rising hegemon in their midst than does the United Sates, and it’s money in the bank that some of them will step up to the plate and balance against a powerful, expansionist state in their own neighborhood. In a multipolar system, the question is not whether balancing will occur, hut which state(s) will to do it. Here is where the logic of passing the buck comes into play.68 Offshore balancing would aim to capitalize on the strategic advantages of America’s insular position and pass the buck for stopping a Eurasian hegemon to those whose security would be most immediatelyjeopardized.69 Insularity allows the United States to stand aloof from others’ security competitions and engage in bystanding and buck-passing behavior that compels others to take on the risks and costs of counterhegemonic balancing in Eurasia.° Offshore balancing is a hedging strategy. It recognizes that if regional power balances fail, the United States might need to intervene counterhegemonicallv, because a Eurasian hegemon might pose a threat to American security. However, an offshore balancing strategy would not assume that the rise of a twenty-first-century Eurasian hegemon inevitably would threaten the United States. There is a strong case to be made that the nuclear revolution has transformed the geopolitical context with respect to America’s interests in Eurasia in two crucial ways. First, nuclear weapons have made the Eurasian balance less salient to the United States. Because of nuclear deterrence (and geography), fear that a future Eurasian hegemon would command sufficient resources to imperil the United States arguably is a strategic artifact of the pre-nuclear era.7’ Second, even as the impact of the Eurasian balance of power has declined as a factor in America’s security, in a nuclear world the likely cost of U.S. intervention in a great power war in Eurasia has risen.

#### Prefer our evidence – No rigorous studies show hegemony promotes peace

Montiero 12 (Nuno, Assistant Professor of Political Science at Yale, “Unrest Assured”, International Security, Vol. 36, No. 3 (Winter 2011/12), http://belfercenter.ksg.harvard.edu/files/Unrest\_Assured.pdf)

In contrast, the question of unipolar peacefulness has received virtually no attention. Although the past decade has witnessed a resurgence of security studies, with much scholarship on such conflict-generating issues as terrorism, preventive war, military occupation, insurgency, and nuclear proliferation, no one has systematically connected any of them to unipolarity. This silence is unjustified. The ªrst two decades of the unipolar era have been anything but peaceful. U.S. forces have been deployed in four interstate wars: Kuwait in 1991, Kosovo in 1999, Afghanistan from 2001 to the present, and Iraq between 2003 and 2010. 22 In all, the United States has been at war for thirteen of the twenty-two years since the end of the Cold War. 23 Put another way, the first two decades of unipolarity, which make up less than 10 percent of U.S. history, account for more than 25 percent of the nation’s total time at war. 24 And yet, the theoretical consensus continues to be that unipolarity encourages peace. Why? To date, scholars do not have a theory of how unipolar systems operate. 25 The debate on whether, when, and how unipolarity will end (i.e., the debate on durability) has all but monopolized our attention.

# 2nc

## T

### 2nc O/V

#### A. Short-term interrogation detention

Daily Mail 13 (“Is U.S. using warships as the new 'floating black sites' for indefinite detention? Terror suspect just captured in Libya is being interrogated at sea instead of sent to Gitmo”, 10/8/13, http://www.dailymail.co.uk/news/article-2449907/Is-US-using-warships-black-site-interrogate-terrorists.html)

After Delta Force commandos seized Abu Anas al-Libi in Libya this weekend, he was whisked away to a nearby U.S. warship, where he will be interrogated by the military until he is sent back to the West for prosecution. Al-Libi is the latest terrorist suspect to be held aboard American naval vessels that have become 'floating black sites' used to house so-called enemy combatants offshore so they can be pumped for intelligence information. After interrogators from the military and the CIA are finished, experts say, the suspects can then be transferred to the United States, where federal prosecutors and the FBI can take over and pursue charges in a civilian court. Questioning suspected terrorists aboard U.S. warships in international waters is President Barack Obama's answer to the Bush administration detention policies of sending enemy combatant to secret CIA 'black sites' or to the detention facility at Guantanamo Bay, Cuba.

#### B. Temporary detention of civillians

Scott 6 (Peter Dale, “Homeland Security Contracts for Vast New Detention Camps”, 1/31/6, <http://www.projectcensored.org/14-homeland-security-contracts-kbr-to-build-detention-centers-in-the-us/>)

Halliburton’s subsidiary KBR (formerly Kellogg, Brown and Root) announced on January 24, 2006 that it had been awarded a $385 million contingency contract by the Department of Homeland Security to build detention camps in the United States. According to a press release posted on the Halliburton website, “The contract, which is effective immediately, provides for establishing temporary detention and processing capabilities to augment existing Immigration and Customs Enforcement (ICE) Detention and Removal Operations (DRO) Program facilities in the event of an emergency influx of immigrants into the U.S., or to support the rapid development of new programs. The contingency support contract provides for planning and, if required, initiation of specific engineering, construction and logistics support tasks to establish, operate and maintain one or more expansion facilities.” What little coverage the announcement received focused on concerns about Halliburton’s reputation for overcharging U.S. taxpayers for substandard services. Less attention was focused on the phrase “rapid development of new programs” or what type of programs might require a major expansion of detention centers, capable of holding 5,000 people each. Jamie Zuieback, spokeswoman for ICE, declined to elaborate on what these “new programs” might be. Only a few independent journalists, such as Peter Dale Scott, Maureen Farrell, and Nat Parry have explored what the Bush administration might actually have in mind. Scott speculates that the “detention centers could be used to detain American citizens if the Bush administration were to declare martial law.” He recalled that during the Reagan administration, National Security Council aide Oliver North organized the Rex-84 “readiness exercise,” which contemplated the Federal Emergency Management Agency rounding up and detaining 400,000 “refugees” in the event of “uncontrolled population movements” over the Mexican border into the U.S.

#### C. Emergency detention

Corsi 9 (Jerome, “Bill creates detention camps in U.S. for 'emergencies'”, 2/1/9, http://www.wnd.com/2009/02/87757/)

Rep. Alcee L. Hastings, D-Fla., has introduced to the House of Representatives a new bill, H.R. 645, calling for the secretary of homeland security to establish no fewer than six national emergency centers for corralling civilians on military installations. The proposed bill, which has received little mainstream media attention, appears designed to create the type of detention center that those concerned about use of the military in domestic affairs fear could be used as concentration camps for political dissidents, such as occurred in Nazi Germany. Heed the warning of a former Hitler Youth who sees America on the same path as pre-Nazi Germany in “Defeating the Totalitarian Lie” from WND Books! The bill also appears to expand the president’s emergency power, much as the executive order signed by President Bush on May 9, 2007, that, as WND reported, gave the president the authority to declare an emergency and take over the direction of all federal, state, local, territorial and tribal governments without even consulting Congress.

### AT – We meant just indefinite

####  “Detention” is a *zero noun* (a generic reference with no preceding specific restriction)

Lock, Associate professor in the Department of English and Communication, 1996 (Graham, “Grammar: An Introduction for second language teachers”, Cambridge University Press, google books)

The form ZERO + plural count noun can sometimes be interpreted as generic reference (as in kiwis in Extract 1) and sometimes as indefinite reference (as in colorful flowers in Extract 4). There is, in fact, a somewhat fuzzy line between the generic and indefinite interpretations. What can be said is that the generic is the default interpretation. That is, unless there is anything in the context to suggest otherwise, a plural noun with the ZERO article will be interpreted as referring to all members of a class of things. A test one can use is to try putting Quantifiers (see Section 3.1.2) such as some or many into such a noun group. If it is possible to do this without too great a change in meaning, the reference is indefinite, not generic. For example: (16) the green hills which ring the town are covered with many colorful flowers ... [Mtt] is not very different in meaning from the original, which lacks the word many (Extract 4, line 3), but (17) Many kiwis have no wings, feathers . . . [inv.] would greatly change the meaning of the original (Extract 1, line 3); that is, it would suggest that there are some kiwis who do have wings. A mistake common to many learners with different language back¬grounds is the use of a singular count noun with no article, where generic 2 Baggies are loosely cut pants.

#### Lack of specification of *particulars* in the plan and use of the zero-noun means they *HAVE TO* defend a generic reference

Cowan, Associate Professor in the Division of English as an International Language and the Department of Linguistics at the University of Illinois at Urbana-Champaign, 2008 (“The Teacher’s Grammar of English”, Cambridge University Press”, google books)

Those instances in which count and noncount nouns have no precedingarticle (or any other modifier) may be referred to as instances of zero article (symbolized as a). Nouns with zero article often denote meanings that could be represented using cither an indefinite or definite article. For example, the noncount noun milk in (18a) denotes an unspecified quantity of milk and corresponds to the indefinite some milk in (18b). 118) a. There's o milk in the fridge, if you are thirsty, b. There's some milk in the fridge, if you are thirsty. In (19a) and (19b), plural count nouns builds and leaves with zero article, like the noncount noun milk in 118a). denote an indefinite amount of these entities. In (19c) and (I9d), the plural count nouns with zero article are examples of generic reference. The plural count noun teachers denotes teachers generally, or as a group, and tigers denotes members of that species generally. Other possibilities for expressing generic reference with articles are discussed later in this chapter. (19) a. o Bullets were flying everywhere. b. The street was covered with o leaves. c. o Teachers want good materials. d. o Tigers arc dangerous. Abstract Nouns Nouns preceded by zero article can denote a particular meaning that contrasts with that denoted by nouns preceded by definite and indefinite articles. With abstract non-count nouns such as education, beauty, intelligence, and consciousness, zero article plus noun denotes the general concept, state, or field expressed by the noun, as in (20a), (21a). and (22a). In such cases, zero article contrasts with the definite article, which means "specifically identifiable." as in (20b). (2lb), and (22b); and with the indefinite article, which usually means "type/kind of," as in (20c), (21c), and (22c). (20) a. Is o intelligence hereditary? zero article b. 77tc intelligence we saw was remarkable for one so young, definite article c. Apes display an intelligence similar but not identical to that found in humans. indefinite article (21) a. o Education is becoming more specialized these days. zero article b. The education I received at my alma mater prepared me for life. definite article c. He received a good, old-fashioned, liberal arts education, indefinite article (22) a. o Beauty is ephemeral, but character is definable and recognizable. zero article b. The beauty of her smile was legendary. definite article c. She has a beauty that I find elusive but nevertheless compelling. indefinite article Names Names of people, places, 3nd many professional titles usually appear with zero article, as in (23), although we will see that this is not the case for many names of institutions and geographical entities. (23) a. o Mary is a successful interior decorator. personal name b. I would like you to meet u Dr. Phillips. professional title c. She went to o Harvard University. institutional name d. John lives in o Melbourne. city name e. They have a large house on o Lake Michigan, geographical name Nouns Designating Customs or Institutions Zero article often precedes nouns that are being used to designate a custom or an institution. For example, in (24a). breakfast preceded by the zero article refers to the custom of eating the first meal of the day. By contrast, in (24b). breakfast preceded by the definite article refers to a particular morning meal that has been eaten, and in (24c) breakfast preceded by the indefinite article refers to the particular kind of morning meals the restaurant serves. In (24b) and (24c). the placement of definite and indefinite articles before the noun breakfast particularizes it.

## Leadership

### Court Stripping 2nc O/V

#### Stripping is true for detention – Turns the whole aff – Undermines perception

CFCR 8 (Center for Constitutional Rights, “Factsheet: Boumediene v. Bush/Al Odah v. U.S. : The Supreme Court Decision”, <http://ccrjustice.org/learn-more/faqs/factsheet-boumediene>)

CCR's case, Rasul v. Bush, worked its way up to the Supreme Court where, in a historic decision, the high court ruled that Guantánamo detainees could legally challenge their detention in a court of law. Since that decision was rendered on June 28, 2004, the Bush administration has done everything possible to evade the court's decision and strip the detainees of access to the courts. Shortly following the Rasul decision, the administration created Combatant Status Review Tribunals, or CSRT’s. These proceedings, in which detainees do not have access to attorneys and in which decisions are made on the basis of coerced, secret, and often nonexistent evidence, are widely viewed as sham proceedings by attorneys and human rights activists. In December 2005, Congress passed the Detainee Treatment Act, which purported to protect detainees from abuse, but actually undermined the Rasul decision and attempted to prohibit future habeas corpus claims by detainees. On June 29, 2006, the administration's plans for Guantánamo as an extra-legal zone of operation were again damaged by a decision of the Supreme Court, when, in Hamdan v. Rumsfeld, the court ruled that the administration's planned military commissions violated U.S. and international law. In addition, accepting an argument made by CCR in a key amicus brief, the court ruled that the protections of the Geneva Conventions applied to Guantánamo detainees. The response of the administration - and Congress - to the Hamdan decision was, again, not to recognize the detainees' rights, but instead to craft the Military Commissions Act of 2006, legislation that attempted to strip the federal courts' jurisdiction to hear detainees' habeas claims retroactively, and allows the government to arrest and hold any non-citizen - including U.S. legal residents - anywhere in the world, at any time, and hold them indefinitely, should he or she be labeled an "enemy combatant" or even merely "awaiting" such a determination. CCR's post-Rasul case, Al Odah v. United States, consolidated with Boumediene v. Bush, was filed shortly after the Rasul decision on behalf of Kuwaiti detainees, now includes detainees from Bahrain, Yemen, Libya, Kuwait, and one British resident originally from Jordan, currently held at Guantánamo. Both the Al Odah and Boumediene habeas corpus petitions were filed in July 2004, shortly after the historic Rasul v. Bush Supreme Court decision that affirmed the detainees' right to challenge their detention. In January 2005, District Judge Joyce Hens Green held in Al Odah that detainees possess "the fundamental right to due process of law under the Fifth Amendment" and that certain detainees are protected by the Geneva Conventions. U.S. District Judge Richard Leon reached the opposite conclusion in Boumediene, ruling that the detainees possess no substantive rights to vindicate through habeas corpus. The two cases were consolidated and appealed to the D.C. Circuit Court of Appeals. On February 20, 2007, two years after the cases were first appealed, a divided panel of three judges of the D.C. Circuit Court of Appeals ruled 2-1 in the consolidated case that the Guantánamo detainees have no constitutional right to habeas corpus review of their detentions in federal court. Because the court also found the MCA eliminated any statutory right of access to the courts under habeas corpus, it dismissed their cases.

#### Court stripping reverses the plan’s international signal

Hutt and Parshall 7 (David T. Hutt, J.D., Ph.D., legal trainer in Washington, and former Adjunct Assistant Professor at Le Moyne College, and Lisa K. Parshall, Ph.D., Assistant Professor in the Department of History and Gov’t at Daemen College, 33 Ohio N.U.L. Rev. 113, Divergent Views on the Use of International and Foreign Law: Congress and the Executive versus the Court, p. ln)

Unlike the Supreme Court’s recent collegiality with international courts, such as the European Court of Human Rights, the efforts of the political branches to restrict U.S. cooperation with the ICC run in the opposite direction. Though ultimately to protect U.S. citizens from what several members of Congress see as a “monster”, the restrictions are likely to have a more profound impact on U.S. foreign relations as other nations and international organizations look with suspicion on U.S. reaction to the newest internation court. Whereas the Supreme Court’s decisions have had only limited, if any, international ramifications, the consequences of actions taken by Congress and the President in terms of impacting international and foreign law are much broader.

#### Turns advantage one – Institutional self-preservation ensures greater deference

Chesney 9 (Robert, Professor, University of Texas School of Law, “ARTICLE: NATIONAL SECURITY FACT DEFERENCE”, October, 2009, Virginia Law Review, 95 Va. L. Rev. 1361, Lexis)

Judicial involvement in national security litigation, as noted at the outset, poses unusual risks for the judiciary as an institution. Such cases are more likely than most to involve claims of special, or even exclusive, executive branch authority. They are more likely than most to involve a perception - on the part of the public, the government, or judges themselves - of unusually high stakes. They are more likely than most to be in the media spotlight and hence in view of the public in a meaningful sense. These cases are, as a result of all this, especially salient as a political matter. And therein lies the danger for the courts. Because of these elements, an inappropriate judicial intervention in national security litigation is unusually likely to generate a response from the other branches or the public at large that might harm the institutional interests of the judiciary, either by undermining its prestige and authority or perhaps even by triggering some form of concrete political response. This concern traditionally finds expression through the political question doctrine, which in its prudential aspect functions to spare judges such risks. But just because a court determines that a case or an issue is justiciable does not mean that the institutional self-preservation concern has gone away or that a judge has lost sensitivity to it. National security fact deference provides a tempting opportunity for judges to accept the responsibility of adjudication [\*1429] while simultaneously reducing the degree of interbranch conflict and hence the risk of political blowback. We cannot expect judges to attribute deference decisions to this motivation, of course, but we must account for the possibility - even the likelihood - that such concerns will play some role.

### 2nc Yes Stripping

#### Yes stripping for war powers – Postdates their most recent card by 7 years

Berger 13 (Eric, University of Nebraska at Lincoln - College of Law, “Deference Determinations and Stealth Constitutional Decision Making”, Iowa Law Review, Vol. 98, 2013, Lexis)

This inconsistency is regrettable. Though courts often focus their constitutional review on substantive issues, there are good reasons to think that questions of institutional procedure and behavior are also worthy of judicial scrutiny—perhaps even more so.201 For one, substantive issues tend to yield profound disagreement, both among judges and between the different branches of government. Indeed, judges often disagree on which normative substantive standards courts should use to announce what the law is.202 Hence, judicial pronouncements on substantive matters of constitutional law are more likely to be highly controversial, potentially undermining the institutional legitimacy of the court.203 By contrast, judges are somewhat more likely to agree on procedural and institutional issues, particularly where administrative agency action is at issue and administrative law can serve as a guide.204 And while there is great disagreement over whether judicial review of Congress’s internal procedures is appropriate, or even constitutional,205 calling for courts to link deference to congressional factfinding procedures should be less contentious, given that deference itself should hinge on institutional questions. Courts, then, would not be reviewing the propriety of congressional procedures themselves, but rather investigating the care and rigor of those procedures to determine whether the resulting fact-findings merit presumptive respect. In this regard, the institutional-analysis approach is substantially more modest than due-process-of-lawmaking calls for invalidating legislation enacted through inadequate procedures.206

#### War powers rulings cause jurisdictional backlash

Chesney 9 (Robert, Professor, University of Texas School of Law, “ARTICLE: NATIONAL SECURITY FACT DEFERENCE”, October, 2009, Virginia Law Review, 95 Va. L. Rev. 1361, Lexis)

Judicial involvement in national security litigation, as noted at the outset, poses unusual risks for the judiciary as an institution. Such cases are more likely than most to involve claims of special, or even exclusive, executive branch authority. They are more likely than most to involve a perception - on the part of the public, the government, or judges themselves - of unusually high stakes. They are more likely than most to be in the media spotlight and hence in view of the public in a meaningful sense. These cases are, as a result of all this, especially salient as a political matter. And therein lies the danger for the courts. Because of these elements, an inappropriate judicial intervention in national security litigation is unusually likely to generate a response from the other branches or the public at large that might harm the institutional interests of the judiciary, either by undermining its prestige and authority or perhaps even by triggering some form of concrete political response.

### Link – Detention

#### Courts are stripped if they restrict detention powers

Katz 9 (Martin J. – Interim Dean and Associate Professor of Law, University of Denver College of Law; Yale Law School, J.D, “GUANTANAMO, BOUMEDIENE, AND JURISDICTION-STRIPPING: THE IMPERIAL PRESIDENT MEETS THE IMPERIAL COURT”, Constitutional Commentary, Summer, 25 Const. Commentary 377, lexis)

A second context in which jurisdiction-stripping has been proposed - and actually passed - is during times of armed conflict. During such times, Congress has occasionally attempted to restrict federal court jurisdiction as a way to maximize the President's ability to wage war - for example, permitting him to detain those seen as an impediment to the war effort. n11 It was a statute such as this that was at issue in Boumediene. In the Detainee Treatment Act of 2004 and Military Commission Act of 2006, n12 Congress (1) created a non-judicial procedure for determining whether certain individuals are "enemy combatants," and thus subject to detention, and (2) limited the ability of the federal courts to review such determinations. Generally, when Congress has passed, or even proposed, jurisdiction-stripping legislation, it has spawned debate over whether such legislation is or would be constitutional. This debate has engaged the minds of many of the country's finest constitutional scholars. n13 [\*381] It is beyond the scope of this Article to revisit the debates of these constitutional scholars. My purpose here is not to weigh in on the question of how courts should address jurisdiction-stripping statutes (though this Article does implicate that issue). Rather, my purpose here is to address how the Supreme Court - after centuries of largely avoiding the debate - has now suggested answers to certain fundamental questions in that debate. Accordingly, this Part will identify some of the fundamental questions in that debate. The primary question is when, if ever, Congress can strip jurisdiction from the federal courts. However, for Congress to be able to do this, it would need to exercise two distinct powers: (1) the power to strip jurisdiction from the lower federal courts, and (2) the power to strip appellate jurisdiction from the Supreme Court. So this section will begin by examining both of those powers before examining whether Congress can combine those powers in order to preclude all federal court jurisdiction. n14 [\*382] This Part will also show how the Court has gone to great lengths to avoid providing definitive answers to these questions (particularly to the question of the ability of Congress to preclude all federal court jurisdiction). A. Stripping Jurisdiction from Lower Federal Courts The first question in the jurisdiction-stripping debate is whether Congress can restrict the jurisdiction of the lower federal courts (district courts and circuit courts) to hear a particular type of case. This question assumes that only the lower federal courts are closed - that the Supreme Court's original and appellate jurisdiction remains intact. n15 Proponents of allowing this form of jurisdiction-stripping point to the text of Article III, which gives Congress the power to "ordain and establish" lower federal courts. n16 The argument is that (1) the Ordain and Establish Clause gave Congress discretion over whether to create lower federal courts, and (2) if Congress could decline to create lower federal courts, then Congress can limit such courts' jurisdiction. n17 Most commentators today seem to accept the basic idea that the Ordain and Establish Clause permits Congress to restrict or even eliminate the jurisdiction of the lower federal courts. n18 [\*383] Some of these commentators have also suggested that there might be limits on this power. For example, nearly all commentators have suggested that the "ordain and establish" power is limited by substantive provisions elsewhere in the Constitution, such as the Equal Protection Clause; so Congress could not, for example, preclude jurisdiction only over cases brought by African Americans or Catholics. n19 Also, as noted above, most of the commentators who believe Congress has the power to limit lower federal court jurisdiction assume that some alternative court would remain open to hear the cases in question - an assumption which is likely incorrect in a case like Boumediene. n20 But subject to these two potential limits, n21 the "traditional view" is that Congress can exercise its "ordain and establish" power to close lower federal courts. n22 The courts, too, n23 seem largely to accept the "traditional view" - that Congress has the power to restrict lower federal court jurisdiction. The Supreme Court has, on at least five occasions, suggested that Congress can limit lower federal court jurisdiction pursuant to the Ordain and Establish Clause. n24 However, none of these cases appears to have tested the potential [\*384] limits on the exercise of this power. n25 As I will discuss below, Boumediene suggests such a limit. n26

#### Stripping is likely in detention cases

Crandall 10 (Carla – J.D. Candidate, April 2011, J. Reuben Clark Law School, Brigham Young University, “Comparative Institutional Analysis and Detainee Legal Policies: Democracy as a Friction, Not a Fiction”, 2010, 2010 B.Y.U.L. Rev. 1339, lexis)

The same day, the Court issued a similarly reasoned opinion in Rasul v. Bush. n95 In Rasul, the majority held that federal courts had jurisdiction to adjudicate habeas corpus petitions filed by foreign nationals detained at Guantanamo Bay, Cuba. n96 After a lengthy historical review of the purpose of the writ, the Court reached its conclusion based on the fact that "habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest." n97 In other words, the Court again appeared to rest its conclusion on its perceived duty to serve as a check against executive overreach. Such reasoning was criticized, however, by the dissenters. n98 They argued that, in light of Congress's superior institutional competence over national security issues, Congress, rather than the Court, should have addressed any perceived executive overreach. n99 The fact that it failed to do so, the dissenters asserted, should have served as a signal that Congress evidently approved of the President's actions. n100 Both the executive and legislature responded swiftly to these decisions. On July 7, 2004, just days after the Hamdi and Rasul decisions, the executive issued an order establishing procedures whereby detainees could challenge their designation as enemy combatants. n101 To effect this purpose, the order created Combatant Status Review Tribunals (CSRTs), which essentially incorporated into their operational procedures the minimal due process protections the Court had required in Hamdi. n102 Likewise, in 2005, Congress passed the Detainee Treatment Act (DTA), essentially overruling Rasul by statutorily stripping federal courts of jurisdiction [\*1357] to hear habeas petitions filed by foreign nationals detained at Guantanamo Bay. n103 What apparently was not clear, however, was whether the DTA applied to cases pending at the time of its passage. In Hamdan v. Rumsfeld, the Court answered this question with a resounding "no." n104 Perhaps more importantly, Hamdan also established that the military commissions that had been created to try detainees violated federal law largely because of their procedural departures from the Uniform Code of Military Justice and Geneva Conventions. n105 While the Court accepted that the AUMF had "activated the President's war powers ... including the authority to convene military commissions," it found no indication that either the AUMF or DTA authorized an approach denying procedural safeguards contained in standard military commissions. n106 Again, Congress responded with great haste, passing the Military Commissions Act (MCA) within four months of the Hamdan decision. n107 In addition to authorizing the military commissions that the executive had established for the war on terror, the MCA also clarified that federal courts were stripped of jurisdiction to hear habeas petitions of Guantanamo detainees, regardless of when their cases were filed. n108 Notably, however, even as the MCA was being debated, several senators expressed concern about the bill. n109 One specifically noted that the United States had lost its "moral compass," while another stated that, though the MCA was "patently unconstitutional on its face," he would nevertheless vote for the bill since "the court [would] clean it up." n110

### AT – No Stripping

#### Court stripping is true in the context of war powers – Congress wants the courts to defer to the executive and congress – Empirically proven by the DTA and MCA, which happened after all their cards were written

#### All their evidence assumes direct stripping – it can be done through various procedures – Doesn’t have to be explicit

Shay and Kalb 7 (Giovanna – Assistant Professor at Western New England College School of Law, and Johanna – Yale Law School, J.D. 2006, “MORE STORIES OF JURISDICTION-STRIPPING AND EXECUTIVE POWER: INTERPRETING THE PRISON LITIGATION REFORM ACT (PLRA)”, 2007, 29 Cardozo L. Rev. 291, lexis)

Cases like Minix provide sufficient cause for concern, n39 but the significance of the PLRA decisions extends beyond their immediate impact on prison litigation. John Boston, the foremost practitioner expert on PLRA doctrine, has described the PLRA as "the new face of court stripping," because it limits review through "new standards and [\*297] ... procedures," rather than explicitly drawing "lines and erecting walls." n40 In so doing, the PLRA cases demonstrate yet another form of jurisdiction-stripping, contributing to the overall shift of power to the executive that we currently see in other contexts, including in the "War on Terror" on all its fronts. n41

#### Controversy means it’s more likely

Barrett 8 (Amy – Associate Professor of Law, Notre Dame Law School, “Stare Decisis And Nonjudicial Actors: Introduction”, Notre Dame Law Review, May, 83 Notre Dame L. Rev. 1147, lexis)

V. Court Packing, Jurisdiction Stripping, and Other Indirect Attacks With some frequency, nonjudicial actors have registered disagreement with Supreme Court opinions indirectly, by launching an institutional attack on the Court. Jurisdiction-stripping legislation is a common instance of this kind of attack. When the Supreme Court hands down a controversial decision, opponents of it often respond with a proposal to modify the Court's jurisdiction so as to remove future similar cases from the Court's docket (and, for that matter, all federal dockets), typically leaving their resolution to the state courts. n98 Jurisdiction-stripping measures have been introduced on any number of topics, including school prayer, abortion, busing, and affirmative action. n99 Most of the time, these proposals die in Congress. n100 Very [\*1166] occasionally, they do become law - as did the Detainee Treatment Act of 2005, n101 which, in response to the Court's decision in Rasul v. Bush, n102 forbids any federal court to hear a petition for a writ of habeas corpus filed by an enemy combatant held at Guantanamo Bay. n103

#### Shifting public opinion takes out their defense

Norton 6 (Helen – Visiting Assistant Professor of Law, University of Maryland School of Law, “RESHAPING FEDERAL JURISDICTION: CONGRESS'S LATEST CHALLENGE TO JUDICIAL REVIEW”, Wake Forest Law Review, Winter, 41 Wake Forest L. Rev. 1003, lexis)

Not only are these efforts increasingly successful, they are likely to reemerge in future proposals to shape subject matter jurisdiction and thus the balance of judicial power. The House's passage of two separate court-stripping bills in the same Congress represents a high-water mark in the court-shaping movement, as does its passage of the Pledge Protection Act in successive Congresses. Indeed, some of the dynamics that helped thwart earlier court-stripping measures appear to have diminished or disappeared altogether. n97 In the past, for example, the courts - and especially the Supreme Court - may have survived congressional attack due to their comparatively strong public reputation. n98 Shifting perceptions of government institutions may weaken that shield, as one survey found that a majority of respondents agreed "that "judicial activism' [\*1027] has reached the crisis stage, and that judges who ignore voters' values should be impeached. Nearly half agreed with a congressman who said judges are "arrogant, out-of-control and unaccountable.'" n99 Other recent polls also suggest a drop in public support for the courts, including the Supreme Court, at least in some quarters. n100 Changes in public opinion, accompanied by proponents' sheer political power, may encourage further jurisdictional realignment.

### AT – Old Cards

#### Their ev is too old – Stripping is likely now

Pelosi 12 (Nancy, House Democratic leader, 60th Speaker of the House or Representatives, “Respecting the Constitution and the role of the Supreme Court”, 4/19/12, <http://articles.chicagotribune.com/2012-04-19/opinion/ct-perspec-0419-pelosi-20120419_1_judicial-review-federal-courts-supreme-court>)

Indeed, for all of their professed adherence to the Constitution, it is striking that House Republicans have led repeated efforts to prohibit federal courts — including the Supreme Court — from conducting reviews, including reviewing the constitutionality of a law. They have gone so far as to pass extreme bills to bypass judicial review and deny Americans the right to challenge the constitutionality of a statute. This concept, known as "court stripping," was long considered radical — even by many conservatives. In the 1980s, William French Smith, President Ronald Reagan's attorney general; Arizona Sen. Barry Goldwater; and Justice Department official Ted Olson all publicly opposed these efforts, and proposed court-stripping legislation failed to pass the Senate. However, it is important to note that John Roberts, now the chief justice of the Supreme Court, wrote at the time: "It is argued that divesting the Supreme Court of jurisdiction over a particular class of cases would undermine the constitutional role of the court as the ultimate arbiter of constitutional questions. The Constitution, however, does not accord such a role to the court." Former Republican Majority Leader Tom DeLay led the effort in the House of Representatives to embrace court stripping. The Republican House, on a largely party-line vote, passed the Marriage Protection Act of 2004, which barred federal courts from considering the constitutionality of the Defense of Marriage Act. The House also passed the Pledge Protection Act twice to bar federal courts from considering the constitutionality of the Pledge of Allegiance.

### EU

#### No impact to EU relations

Helgesen ‘11

Vidar Helgesen, Secretary-General of International IDEA. “Reinvigorating the Infrastructure for Democracy Support: Strengthening multilateral mechanisms for coordinating and implementing democracy policy – what role for the EU and US”. March 3, 2011. http://www.idea.int/resources/analysis/upload/2011-03-03-International-IDEA-NDI-paper-final.pdf

Reviewing the transatlantic relationship and the potential to develop it in the area of democracy policy, it seems that political momentum may be lacking at two levels. Firstly, EU and US leaders may not be convinced themselves of the importance of the transatlantic relationship as central in addressing global challenges. As leaders strive to keep pace with shifts in global power and build new networks, old alliances will be neglected unless they show themselves relevant and up to the challenges presented. Each side must have something to offer the other in terms of relevance and being a credible partner. On the EU side, the lack of institutional coordination and lack of clarity about changes in the foreign policy area resulting from the Lisbon Treaty compound this problem. The EU has faced challenges in showing itself to be a relevant partner for the US in areas of critical American foreign policy interest, such as Afghanistan7. In the democracy field, as the focus has shifted from the support of emerging democracy in Central and Eastern Europe, it is also not clear from the state of the transatlantic relationship that the US views the EU as the most relevant of partners. This may again be up for re-assessment, though, given the wave of democratic uprisings in the Arab World and in the event that the EU will be able to shape an effective and unified response to the developments. A key test in this regard is whether the EU will be seen as being driven mainly by concerns about immigration control and whether EU and US policies will be seen as dominated by the spectre of violent Islamism. If, on the contrary, the EU and the US could share a comprehensive and long-term approach respectful of home-grown political dynamics, there could be potential for renewed energy in transatlantic support to democracy.

## Adventurism

### Asia

#### Resilient regional cooperation

Alagappa 8 (Muthia, Distinguished Fellow @ Fletcher School of Law and Diplomacy @ Tufts, “The Long Shadow,” International Affairs p. 512)

International political interaction among Asian states is for the most part rule governed, predictable, and stable. The security order that has developed in Asia is largely of the instrumental type, with certain normative contractual features (Alagappa 2003b). It rests on several pillars. These include the consolidation of Asian countries as modern nation-states with rule-governed interactions, wide- spread acceptance of the territorial and political status quo (with the exception of certain boundary disputes and a few survival concerns that still linger), a regional normative structure that ensures survival of even weak states and supports inter- national coordination and cooperation, the high priority in Asian countries given to economic growth and development, the pursuit of that goal through partici- pation in regional and global capitalist economies, the declining salience of force in Asian international politics, the largely status quo orientation of Asia's major powers, and the key role of the United States and of regional institutions in pre- serving and enhancing security and stability in Asia.

#### No Asian war- economic and regional cooperation

Bitzinger & Desker 8 – senior fellow and dean of S. Rajaratnam School of International Studies respectively (Richard A. Bitzinger, Barry Desker, “Why East Asian War is Unlikely,” Survival, December 2008, http://pdfserve.informaworld.com-/678328\_731200556\_906256449.pdf)

The Asia-Pacific region can be regarded as a zone of both relative insecurity and strategic stability. It contains some of the world’s most significant flashpoints – the Korean peninsula, the Taiwan Strait, the Siachen Glacier – where tensions between nations could escalate to the point of major war. It is replete with unresolved border issues; is a breeding ground for transnationa terrorism and the site of many terrorist activities (the Bali bombings, the Manila superferry bombing); and contains overlapping claims for maritime territories (the Spratly Islands, the Senkaku/Diaoyu Islands) with considerable actual or potential wealth in resources such as oil, gas and fisheries. Finally, the Asia-Pacific is an area of strategic significance with many key sea lines of communication and important chokepoints. Yet despite all these potential crucibles of conflict, the Asia-Pacific, if not an area of serenity and calm, is certainly more stable than one might expect. To be sure, there are separatist movements and internal struggles, particularly with insurgencies, as in Thailand, the Philippines and Tibet. Since the resolution of the East Timor crisis, however, the region has been relatively free of open armed warfare. Separatism remains a challenge, but the break-up of states is unlikely. Terrorism is a nuisance, but its impact is contained. The North Korean nuclear issue, while not fully resolved, is at least moving toward a conclusion with the likely denuclearisation of the peninsula. Tensions between China and Taiwan, while always just beneath the surface, seem unlikely to erupt in open conflict any time soon, especially given recent Kuomintang Party victories in Taiwan and efforts by Taiwan and China to re-open informal channels of consultation as well as institutional relationships between organisations responsible for cross-strait relations. And while in Asia there is no strong supranational political entity like the European Union, there are many multilateral organisations and international initiatives dedicated to enhancing peace and stability, including the Asia-Pacific Economic Cooperation (APEC) forum, the Proliferation Security Initiative and the Shanghai Co-operation Organisation. In Southeast Asia, countries are united in a common eopolitical and economic organisation – the Association of Southeast Asian Nations (ASEAN) – which is dedicated to peaceful economic, social and cultural development, and to the promotion of regional peace and stability. ASEAN has played a key role in conceiving and establishing broader regional institutions such as the East Asian Summit, ASEAN+3 (China, Japan and South Korea) and the ASEAN Regional Forum. All this suggests that war in Asia – while not inconceivable – is unlikely.

# 1nr

## Iran

### OV

#### We control time frame and magnitude – deal failure draws in global powers and goes nuclear within months

PressTV 11/13

Global nuclear conflict between US, Russia, China likely if Iran talks fail, 11/13/13, http://www.presstv.ir/detail/2013/11/13/334544/global-nuclear-war-likely-if-iran-talks-fail/

A global conflict between the US, Russia, and China is likely in the coming months should the world powers fail to reach a nuclear deal with Iran, an American analyst says.¶ “If the talks fail, if the agreements being pursued are not successfully carried forward and implemented, then there would be enormous international pressure to drive towards a conflict with Iran before [US President Barack] Obama leaves office and that’s a very great danger that no one can underestimate the importance of,” senior editor at the Executive Intelligence Review Jeff Steinberg told Press TV on Wednesday. ¶ “The United States could find itself on one side and Russia and China on the other and those are the kinds of conditions that can lead to miscalculation and general roar,” Steinberg said. ¶ “So the danger in this situation is that if these talks don’t go forward, we could be facing a global conflict in the coming months and years and that’s got to be avoided at all costs when you’ve got countries like the United States, Russia, and China with” their arsenals of “nuclear weapons,” he warned. ¶ The warning came one day after the White House told Congress not to impose new sanctions against Tehran because failure in talks with Iran could lead to war.

### AT Treasury Sanctions

#### They’ll follow Obama’s lead on Iran

Kredo 12-13-13

<http://freebeacon.com/stats-obama-administration-paused-iran-sanctions-for-rouhani/>

New statistics indicate that the Obama administration intentionally refrained from sanctioning Iran following the June election of President Hassan Rouhani, lending credence to multiple reports that the White House began secretly courting Tehran from the first moments of Rouhani’s presidency.¶ Prior to Rouhani’s June 14 election, the U.S. Treasury Department issued 10 sanction announcements targeting a total of 183 entities that were aiding and abetting Iran’s rogue oil trade and its nuclear weapons program, according to statistics compiled from publicly available releases on the Treasury’s website.¶ New designations were issued each month from February to June 4, including six in the month of May alone.¶ However, just two announcements targeting a total of 29 rogue entities were issued following Rouhani’s election, which was accompanied by a three-month silence from the Treasury Department.¶ Treasury did not issue a new designation until Sept. 6, and it targeted some 10 rogue entities.¶ The second announcement was made on Thursday morning, after Democrats and Republicans on Capitol Hill lashed out at the White House for killing a new sanctions measure that was on the cusp of passing the Senate.¶ The stark contrast in the Obama administration’s approach on the sanctions front led some Iran experts to suggest that the White House shifted its policy in an attempt to woo the Rouhani administration before public talks that led to a recently inked nuclear accord.¶ “The Treasury folks have typically been warriors in this effort,” said United Against Nuclear Iran spokesman Nathan Carleton. “It seems incredibly likely that this change reflects the White House and State’s efforts to reach out to the Iranians following Rouhani’s election.”¶ “Obviously, this is a dramatic difference, and it suggests a policy change,” added UANI research director Matan Shamir, who has been tracking U.S. sanctions of Iran for months.

#### Negotiations are genuine – concrete concessions are on the table

Joyner 9/20

Professor of Law at the University of Alabama School of Law (Dan, “Rouhani’s WaPo Op-ed, Trip to the UN, Major New Concession, and an Opportunity Not to be Missed” http://armscontrollaw.com/)

Many will have already read Iranian President Hassan Rouhani’s op-ed published yesterday in the Washington Post. Part of an interesting trend lately, begun with Russian President Putin’s op-ed in the NYT last week, of foreign leaders trying to speak directly to the American people through leading American media outlets. Rouhani’s op-ed is just the most recent installment in a number of statements by the new Iranian president, including through a Twitter account, in which he has tried to strike a much more conciliatory and positive tone with the West and with Israel than his predecessor Mahmoud Ahmadinejad. He has said repeatedly that he is willing to negotiate on a real and meaningful basis with the West in order to resolve the dispute over Iran’s nuclear program.¶ It has been reported that President Obama and President Rouhani have already exchanged letters, in a very rare instance of direct communication between US and Iranian leaders. Further, in what appears to be a significant sign of goodwill, the US Treasury department has twice this year eased some provisions of its sanctions on Iran.¶ In the midst of these positive signs of a changed tone and willingness on the part of both sides to cooperate productively in negotiations regarding Iran’s nuclear program, President Rouhani will be traveling to the United Nations in New York next week, for his first address to the UN General Assembly.¶ In perhaps the most significant sign yet of Iran’s commitment to serious negotiations with the West over its nuclear program, the German magazine Der Spiegel reported a few days ago that President Rouhani is prepared to offer as a concession something that President Ahmadinejad would never have considered offering – the decommissioning of of the Fordow enrichment facility. The decommissioning of Fordow has been one of the P5+1′s longstanding demands in the negotiations. I wrote about it in one of my very first ACL posts last summer, including the explicit rejection of this idea by Iran’s IAEA representative at the time. The Der Spiegel report says that Rouhani may even make this offer publicly during his UN visit next week.¶ It it’s true that Rouhani is willing to put the decommissioning of Fordow on the table, then people can stop their dismissal of Rouhani’s recent statements as a charm offensive without any real substance. The decommissioning of Fordow would be a major concession by Iran to Western demands, and would, as part of a negotiated package deal, deserve a reciprocal major concession on the part of the P5+1, in the form of real and meaningful sanctions relief for Iran.¶ I think that the current circumstances of Rouhani’s election and mandate from the Iranian people, and his expressed willingness to negotiate productively and to put major concessions on the table, represent a historic opportunity that President Obama would be a fool to miss. I think he has a real chance here to do something that would re-earn him his Nobel Peace Prize – negotiate an accord with Iran over its nuclear program that will significantly reduce international tension surrounding this longstanding dispute, that has harmed the reputation of the US and the EU in the world, seriously damaged the perceived credibility of the IAEA, and harmed millions of Iranian civilians through international sanctions that courts in the EU have repeatedly found to be unlawful.

### 2nc AT Healthcare

#### Obama has sufficient political capital for Iran despite healthcare

Terbush 11/26

Jon, The Week, The Iran nuclear deal: Obama's big trust test, 11/26/13, http://theweek.com/article/index/253376/the-iran-nuclear-deal-obamas-big-trust-test

President Obama has a credibility problem.¶ Weakened by ObamaCare's woes, the president has lost the trust of a majority of Americans as his approval rating has slipped to an all-time low. And while Obama's diminished standing will loom over his domestic policy agenda and his party's 2014 campaigns, it will also prove problematic for his ongoing engagement with Iran, as he'll have to win over a skeptical public on a thorny foreign policy issue.¶ Obama has acknowledged a need to "win back" the public's trust. And indeed, a spate of recent polls have consistently found that a majority of Americans — 53 percent in the latest CNN survey out this week — don't believe the president is "honest and trustworthy." Moreover, a similarly high percentage of Americans don't approve of how the president has handled foreign policy.¶ At the same time though, Americans are largely receptive to the idea of diplomatic engagement with Iran. Two-thirds of Americans support a deal to restrict, though not end, Iran's nuclear capabilities, at least in general terms.¶ Those competing views — the public's distrust of Obama, but its support for an Iranian compromise — could run against each other going forward. That's particularly likely given the backlash, already developing and sure to intensify, that Obama will endure for pursuing such an elusive, intangible goal of curtailing Iran's nuclear ambitions.¶ Republicans, almost uniformly, blasted the terms of the interim deal as a massive cave that would result in a nuclear Iran. The deal was a "mistake" that would "not stop Iran's march toward nuclear capability," House Majority Leader Eric Cantor (R-Va.) said in a statement. Sen. Marco Rubio (R-Fla.) was more critical, saying the easing of some sanctions had actually made "a nuclear Iran more likely."¶ Adding to Obama's difficulty, a plurality of Americans still believe Iran is an enemy that can't be trusted, even if they like the sound of a nuclear deal. It's in this environment that even Democratic lawmakers are still eyeing tougher sanctions for Iran to supplement the interim nuclear deal.¶ Sens. Bob Menendez (D-N.J.) and Mark Kirk (R-Ill.) are working on joint legislation that would reinstate the full weight of sanctions on Iran, and impose harsher ones if that nation fails to comply with the six-month agreement, even though the administration has warned that legislative action could undermine negotiations toward a long-term deal.¶ Yet, as with ObamaCare, the president's fragile standing has afforded even critics from his own party cover to oppose the administration. While that could be little more than political posturing, Obama will nevertheless have to expend energy and political capital rallying support behind the slog toward a long-term pact.¶ Obama has sought to tamp down the trust concerns by noting that the deal is specifically intended "to chip away at the mistrust that's existed for many, many years" between Iran and the U.S. First, though, the president will have to chip away at the mistrust a majority of Americans now have for him.

### AT: Courts Don’t Link

#### Court rulings on presidential powers cost political capital

Pushaw ‘4

Robert J., James Wilson Endowed Professor @ Pepperdine University School of Law, “Defending Deference: A Response to Professors Epstein and Wells”, http://law.missouri.edu/lawreview/files/2012/11/Pushaw.pdf

More recently, the Court denied President Truman’s claim of implied Article II power to unilaterally seize and operate domestic steel mills to ensure production of arms for the Korean War and invalidated President Bush’s indefinite detention of suspected terrorists.52 The Court apparently concluded that the wars against Korea and terrorism posed less immediate and serious threats, and that in any event both Presidents had gone constitutionally over- board in their responses without specific congressional authorization. Left unsaid was that Truman in 1952 and Bush in 2004 lacked the popularity and political capital to disregard the Court’s orders.

#### Courts link – reflect administrative ideologies

Smith 7

Joseph L., University of Alabama “Presidents, Justices, and Deference to Administrative Action”, The Journal of Law, Economics, & Organization 5/9, (23)2.

The impressive array of presidential tools suggests that policy decisions made by bureaucracies under the president’s control should largely mirror the president’s preferences. The Supreme Court took note of presidential control of the bureaucracy in its 1983 decision Motor Vehicle Manufacturing Association v. State Farm 463 U.S. 29 (1983). Upon assuming ofﬁce, the Reagan administration had abandoned a regulatory rule developed under the previous administration. Some of the justices recognized that ‘‘[t]he agency’s changed view of the standard seems to be related to the election of a new president of a different political party’’ (463 U.S. 29, 59). Justices understand that administrative policy is signiﬁcantly a reﬂection of the president’s policy preferences.

#### Obama gets blamed – healthcare ruling proves

Foster and Sanchez 12

Peter and Raf, The Telegraph, Barack Obama's legacy in the balance as Supreme Court rules on 'ObamaCare', 6/24/12, http://www.telegraph.co.uk/news/worldnews/barackobama/9352619/Barack-Obamas-legacy-in-the-balance-as-Supreme-Court-rules-on-ObamaCare.html

In a politically nerve-racking ruling for the President, the Supreme Court will decide on the constitutionality of the controversial Affordable Care Act – derisively dubbed "ObamaCare" by its opponents.¶ Supporters and opponents of the law, which has bitterly divided America, will gather at the Supreme Court building in Washington DC this morning in anticipation of a ruling that has the potential to reshape the legal and political landscape.¶ "It is the constitutional issue of our time," said Greg Abbott, the Republican Attorney General of Texas, who was among 28 state attorneys general who sued the Obama administration over health care reforms that would force every American, by law, to buy health insurance.¶ "It will define the future arc of the United States Constitution and at the same time it is a decision of immeasurable economic impact for workers, employers and the economy," he said.¶ Democrat and Republican political analysts agree that an adverse ruling would be hugely damaging to Mr Obama who staked much of the political capital of his first term forcing through the legislation.

### AT: Link U/X

#### Even if Obama agrees with the substance of the plan, he’ll fight the restriction

--this is meaningless in the world of the CP because he can’t use veto threats or signing statements as opposition

Scheuerman 13 – Professor of Political Science at Indiana University, PhD from Harvard

(William, “Barack Obama's "war on terror",” Eurozine, http://www.eurozine.com/pdf/2013-03-07-scheuerman-en.pdf)

Given dual democratic legitimacy, holders of executive power face deeply¶ rooted institutional incentives to retain whatever power or authority has landed¶ in their laps. Fundamentally, their political fate is separate from that of the¶ legislature's. They have to prove −− on their own −− that they deserve the trust¶ placed in them by the electorate. Unlike prime ministers in parliamentary¶ regimes, they also face strict term limits. As astute observers have noted, this¶ provides political life in presidential regimes with a particular sense of urgency¶ since the executive will only have a short span of time in which to advance his¶ or her program. Presidentialism's strict separation of powers means that the¶ executive will soon likely face potentially hostile opponents who have gained a¶ foothold in the legislature. In the US, for example, even presidents recently¶ elected with large majorities immediately need to worry about looming¶ midterm congressional elections. To be sure, even prime ministers in¶ parliamentary systems will want to get things done. But incentives to do so in a¶ high−speed fashion remain more deeply ingrained in presidential systems.¶ These familiar facts about presidentialism allow us to help make sense of¶ Obama's disappointing record. Without doubt, Obama has been personally as¶ well as ideologically committed to reining in Bush−era executive prerogative.¶ Yet he now occupies an institutional position which necessarily makes him¶ averse to far−reaching attempts to limit his own room for effective political¶ and administrative action, especially when the stakes are high, as is manifestly¶ the case in counterterrorism. Understandably, he needs to worry that the¶ electorate will punish him −− and not the Congress or Supreme Court −− for¶ mistakes which might result in deadly terrorist attacks on US citizens. Given¶ the institutional dynamics of a presidential system characterized by¶ more−or−less permanent rivalry, it is hardly surprising that he has held onto so¶ much of the prerogative power successfully claimed for the executive branch¶ by his right−wing predecessor. As Obama's own political advisors have been¶ vocally telling him since 2009, it might indeed prove politically perilous if he¶ were to go too far in abandoning the substantial discretionary powers he enjoys¶ in the war on terror. Unfortunately, their "sound" political advice −− which¶ indeed may have helped Obama get reelected −− simultaneously has had¶ deeply troublesome humanitarian and legal consequences.

### AT: Base LT

#### Limitations on war powers sap political capital

Kriner ‘10

Douglas L., assistant professor of political science at Boston University, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, pages 68-69

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.

### AT: Sibilla

#### Plan’s unpopular—seen as harming war on terror

McAuliff 6/15

(Michael, covers Congress and politics for The Huffington Post, “Indefinite Detention Of Americans Survives House Vote,” June 15, 2013, http://www.informationclearinghouse.info/article35289.htm)

June 15, 2013 "Information Clearing House - WASHINGTON -- The U.S. House of Representatives voted again Thursday to allow the indefinite military detention of Americans, blocking an amendment that would have barred the possibility. Congress wrote that authority into law in the National Defense Authorization Act two years ago, prompting outrage from civil libertarians on the left and right. President Barack Obama signed the measure, but insisted his administration would never use it. Supporters of detention argue that the nation needs to be able to arrest and jail suspected terrorists without trial, including Americans on U.S. soil, for as long as there is a war on terror. Their argument won, and the measure was defeated by a vote of 200 to 226. But opponents, among them the Rep. Adam Smith (D-Wash.), who offered the amendment to end that authority, argued that such detention is a stain on the Constitution that unnecessarily militarizes U.S. law enforcement. "It is a dangerous step toward executive and military power to allow things like indefinite detention under military control within the U.S.," Smith said. "That's the heart and essence of this issue." Smith's amendment, which also had Republican sponsors including Reps. Chris Gibson (N.Y.) and Justin Amash (Mich.), would guarantee that anyone arrested in the United States gets a trial. Republican opponents argued that such a move would just invite terrorists to come to the United States, citing the recent Boston bombings and the consulate attacks in Benghazi, Libya, as evidence that terrorists were determined to harm the U.S. They said that applying the Constitution on U.S. soil amounted to a free pass to people bent on trying to destroy the country. Rep. Tom Cotton (R-Ark.), compared ending indefinite detention to giving someone a free pass in a game of hide-and-seek. "There was a phrase in that game called 'olly olly oxen free' -- meant you could come out, you were safe, you no longer had to hide," Cotton argued. "This amendment is the olly olly oxen free amendment of the war on terrorism. It invites Al Qaeda and associated forces to send terrorists to the Untied States and recruit terrorists on U.S. soil."

### 2nc AT Winners Win

#### Winners don’t win

Eberly 13 - assistant professor in the Department of Political Science at St. Mary's College of Maryland

Todd, “The presidential power trap,” Baltimore Sun, 1/21/13, Lexis

Only by solving the problem of political capital is a president likely to avoid a power trap. Presidents in recent years from have been unable to prevent their political capital eroding. When it did, their power assertions often got them into further political trouble. Through leveraging public support, presidents have at times been able to overcome contemporary leadership challenges by adopting as their own issues that the public already supports. Bill Clinton's centrist "triangulation" and George W. Bush's careful issue selection early in his presidency allowed them to secure important policy changes — in Mr. Clinton's case, welfare reform and budget balance, in Mr. Bush's tax cuts and education reform — that at the time received popular approval.¶ However, short-term legislative strategies may win policy success for a president but do not serve as an antidote to declining political capital over time, as the difficult final years of both the Bill Clinton and George W. Bush presidencies demonstrate. None of Barack Obama's recent predecessors solved the political capital problem or avoided the power trap. It is the central political challenge confronted by modern presidents and one that will likely weigh heavily on the current president's mind today as he takes his second oath of office.

#### Plan’s not a win—pushing random bills not on the agenda make Obama look weak

Galston 10

William, Senior Fellow, Governance Studies, Brookings, “President Barack Obama’s First Two Years: Policy Accomplishments, Political Difficulties” Brookings Institute -- Nov 4]

Second, the administration believed that success would breed success—that the momentum from one legislative victory would spill over into the next. The reverse was closer to the truth: with each difficult vote, it became harder to persuade Democrats from swing districts and states to cast the next one. In the event, House members who feared that they would pay a heavy price if they supported cap-and- trade legislation turned out to have a better grasp of political fundamentals than did administration strategists. ¶ The legislative process that produced the health care bill was especially damaging. It lasted much too long and featured side-deals with interest groups and individual senators, made in full public view. Much of the public was dismayed by what it saw. Worse, the seemingly endless health care debate strengthened the view that the president’s agenda was poorly aligned with the economic concerns of the American people. Because the administration never persuaded the public that health reform was vital to our economic future, the entire effort came to be seen as diversionary, even anti-democratic. The health reform bill was surely a moral success; it may turn out to be a policy success; but it is hard to avoid the conclusion that it was—and remains—a political liability.

### 2nc AT Hirsh

#### If we win the plan is unpopular, they can’t win a link turn – Hirsh concedes unpopular policies kill momentum – also pushes debt ceiling off the agenda

-health care

-time/attention trade off

Hirsh 2/7

Michael, chief correspondent, There’s No Such Thing as Political Capital, 2/7/13, http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207

Presidents are limited in what they can do by time and attention span, of course, just as much as they are by electoral balances in the House and Senate. But this, too, has nothing to do with political capital. Another well-worn meme of recent years was that Obama used up too much political capital passing the health care law in his first term. But the real problem was that the plan was unpopular, the economy was bad, and the president didn’t realize that the national mood (yes, again, the national mood) was at a tipping point against big-government intervention, with the tea-party revolt about to burst on the scene. For Americans in 2009 and 2010—haunted by too many rounds of layoffs, appalled by the Wall Street bailout, aghast at the amount of federal spending that never seemed to find its way into their pockets—government-imposed health care coverage was simply an intervention too far. So was the idea of another economic stimulus. Cue the tea party and what ensued: two titanic fights over the debt ceiling. Obama, like Bush, had settled on pushing an issue that was out of sync with the country’s mood.¶ Unlike Bush, Obama did ultimately get his idea passed. But the bigger political problem with health care reform was that it distracted the government’s attention from other issues that people cared about more urgently, such as the need to jump-start the economy and financial reform. Various congressional staffers told me at the time that their bosses didn’t really have the time to understand how the Wall Street lobby was riddling the Dodd-Frank financial-reform legislation with loopholes. Health care was sucking all the oxygen out of the room, the aides said.