# 1NC

### 1NC

Debt Ceiling DA

#### Debt ceiling will be raised now but it’s not certain-Obama’s ironclad political capital is forcing the GOP to give in

**Beutler, Salon, 10-3-13**

(Brian, ““Republicans finally confronting reality: They’re trapped!”, <http://www.salon.com/2013/10/03/republicans_finally_confronting_reality_theyre_trapped/>, ldg)

After struggling for weeks and weeks in stages one through four, Republicans are finally entering the final stage of grief over the death of their belief that President Obama would begin offering concessions in exchange for an increase in the debt limit.¶ The catalyzing event appears to have been an hour-plus-long meeting between Obama and congressional leaders at the White House on Wednesday. Senior administration officials say that if the meeting accomplished only one thing it was to convey to Republican leaders the extent of Obama’s determination not to negotiate with them over the budget until after they fund the government and increase the debt limit. These officials say his will here is stronger than at any time since he decided to press ahead with healthcare reform after Scott Brown ended the Democrats’ Senate supermajority in 2010.¶ There’s evidence that it sunk in.¶ First, there’s this hot mic moment in which Senate Minority Leader Mitch McConnell tells Sen. Rand Paul, R-Ky., that the president’s position is ironclad.¶ Then we learn that House Speaker John Boehner has told at least one House Republican privately what he and McConnell have hinted at publicly for months, which is that they won’t execute their debt limit hostage. Boehner specifically said, according to a New York Times report, and obliquely confirmed by a House GOP aide, that he would increase the debt limit before defaulting even if he lost more than half his conference on a vote.¶ None of this is to say that Republicans have “folded” exactly, but they’ve pulled the curtain back before the stage has been fully set for the final act, and revealed who’s being fitted with the red dye packet.

#### Restrictions on authority are a loss that spills over to the debt ceiling

**Parsons, LA Times, 9-12-13**

(Christi, “Obama's team calls a timeout”, <http://www.latimes.com/nation/la-na-obama-congress-20130913,0,2959396.story>, ldg)

After a week in which President Obama narrowly averted a bruising defeat on Capitol Hill over a military strike on Syria, the decision had the feeling of a much-needed timeout. The messy debate over a resolution to authorize military force put a harsh light on the president's already rocky relationship with Congress. Despite a charm offensive earlier this year, complete with intimate dinners and phone calls, Obama faced contrary lawmakers in both parties, a climate that is certain to persist through the next round of legislative fights, if not to the end of his second term. In deciding to seek approval for military action, Obama banked on the long-standing deference to the commander in chief on matters of national defense. But by the time he pressed "pause" on the intense White House lobbying effort, he was finding as much defiance as deference. Although the White House cast the issue as a matter of national security and a crucial test of U.S. power, dozens of lawmakers from both parties were set to deliver a rare rebuke to a president on foreign policy. Even Democratic loyalists seemed unswayed by appeals to preserve the prestige of the presidency — and this president. Hawkish Republicans offering to reach across the aisle to support the president said they found the White House distant and uninterested. The canceled picnic punctuated a week of aggravated feelings. "We obviously have divided government. We have sometimes contentious, sometimes very effective relations with Congress. But we keep at it," said White House spokesman Jay Carney, who denied the picnic cancellation had anything to do with the state of relations between the two branches of government. On Capitol Hill, the week's episode strained Obama's traditional alliance with his fellow Democrats, many of whom were wary of another military involvement, unclear about the president's plans for a missile strike and surprised by his decision to ask them to vote on it. "Not only was it a hard ask, but it was not a well-prepared ask," said Sen. Sheldon Whitehouse (D-R.I.). "His willingness to back away from the ultimatum and pursue the disarmament proposal was extremely welcome, and I think that helped all of us in our relationship with him." Obama's relationship with his Republican critics was not helped. As lawmakers look ahead to the rest of the fall agenda, including the coming budget battles, the administration's performance this week will not be easy to forget, some said. "It's just more lack of confidence that they know what they're doing," said Sen. Tom Coburn (R-Okla.). "There's only so much political capital," said Sen. Rob Portman (R-Ohio). Democrats defended the president, blaming Republicans for a "knee-jerk" opposition to any initiative tied to this White House, a phenomenon that Obama aides regularly cite but that the president appears to have disregarded in his decision to put a use-of-force resolution before Congress. "Historically, when it comes to military force, Republicans and conservatives have led that. Now they're opposed to it," said Sen. Richard J. Durbin (D-Ill.). In a private meeting this week, Durbin said, Obama himself joked that "a lot of Republicans on Capitol Hill are discovering their inner doves on Syria." The next set of negotiations will be far more predictable and on familiar territory. By the end of the month, the president and Congress must agree on a plan to continue funding the government, or it will shut down. And by mid-October, they will have to agree to raise the debt limit, or risk a default. The White House has said it won't negotiate on the debt limit, as it did twice before, counting on the public and business groups to pressure Republicans. Democrats were hopeful the budget issues would put the White House back on more solid political footing. "I think the public has a heck of a lot more confidence in the president on economics and budget than [in] the House Republicans," said Sen. Carl Levin (D-Mich.). That may be wishful thinking, said Ross Baker, a political science professor at Rutgers University, who studies the Senate. "These things carry over. There's no firewall between issues," he said. "Failure in one area leads to problems in other areas." The debate over the war in Syria may be on an extended pause, although prospects of Obama returning to Congress to ask for a use-of-force authorization seem slim. A bipartisan group of senators is drafting an amended authorization, but the group is not expected to fully air its proposal until diplomatic talks conclude. There were some signs that the debate may have won the president some empathy, if not support. At a private lunch with Republican senators this week, Obama asked them not to undermine him on the world stage. Sen. Ron Johnson of Wisconsin, who is part of a group of GOP senators working with the White House on fiscal issues, said the appeal resonated.

#### Obama’s capital is key

**Allen, Politico, 9-19-13**

(Jonathan, “GOP battles boost President Obama”,

dyn.politico.com/printstory.cfm?uuid=17961849-5BE5-43CA-B1BC-ED8A12A534EB)

There’s a simple reason President Barack Obama is using his bully pulpit to focus the nation’s attention on the battle over the budget: In this fight, he’s watching Republicans take swings at each other. And that GOP fight is a lifeline for an administration that had been scrambling to gain control its message after battling congressional Democrats on the potential use of military force in Syria and the possible nomination of Larry Summers to run the Federal Reserve. If House Republicans and Obama can’t cut even a short-term deal for a continuing resolution, the government’s authority to spend money will run out on Oct. 1. Within weeks, the nation will default on its debt if an agreement isn’t reached to raise the federal debt limit. For some Republicans, those deadlines represent a leverage point that can be used to force Obama to slash his health care law. For others, they’re a zero hour at which the party will implode if it doesn’t cut a deal. Meanwhile, “on the looming fiscal issues, Democrats — both liberal and conservative, executive and congressional — are virtually 100 percent united,” said Sen. Charles Schumer (D-N.Y.). Just a few days ago, all that Obama and his aides could talk about were Syria and Summers. Now, they’re bringing their party together and shining a white hot light on Republican disunity over whether to shut down the government and plunge the nation into default in a vain effort to stop Obamacare from going into effect. The squabbling among Republicans has gotten so vicious that a Twitter hashtag — #GOPvsGOPugliness — has become a thick virtual data file for tracking the intraparty insults. Moderates, and even some conservatives, are slamming Texas Sen. Ted Cruz, a tea party favorite, for ramping up grassroots expectations that the GOP will shut down the government if it can’t win concessions from the president to “defund” his signature health care law. “I didn’t go to Harvard or Princeton, but I can count,” Sen. Bob Corker (R-Tenn.) tweeted, subtly mocking Cruz’s Ivy League education. “The defunding box canyon is a tactic that will fail and weaken our position.” While it is well-timed for the White House to interrupt a bad slide, Obama’s singular focus on the budget battle is hardly a last-minute shift. Instead, it is a return to the narrative arc that the White House was working to build before the Syria crisis intervened. And it’s so important to the president’s strategy that White House officials didn’t consider postponing Monday’s rollout of the most partisan and high-stakes phase even when a shooter murdered a dozen people at Washington’s Navy Yard that morning. The basic storyline, well under way over the summer, was to have the president point to parts of his agenda, including reducing the costs of college and housing, designed to strengthen the middle class; use them to make the case that he not only saved the country from economic disaster but is fighting to bolster the nation’s finances on both the macro and household level; and then argue that Republicans’ desire to lock in the sequester and leverage a debt-ceiling increase for Obamacare cuts would reverse progress made. The president is on firm ground, White House officials say, because he stands with the public in believing that the government shouldn’t shut down and that the country should pay its bills.

#### Failure to raise the debt ceiling ensures collapse of the global economy, U.S. economic leadership, and free trade

**Davidson, NPR’s Planet Money co-founder, 9-10-13**

(Adam, “Our Debt to Society”, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&\_r=0, ldg)

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history. Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency. Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years. Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar. While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy. The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

#### Nuclear war

Kemp 2010

Geoffrey, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, pg. 233-4

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more “failed states.” Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet’s population.

### 1NC

Iran DA

#### Iran is looking to compromise on its nuclear program – Obama’s perceived flexibility is key

**Benen, MSNBC, 9-20-13**

(Steve, “When crises become opportunities”, <http://maddowblog.msnbc.com/_news/2013/09/20/20599445-when-crises-become-opportunities?lite>, ldg)

That said, while the domestic political establishment's attention seems focused elsewhere, there's reason to believe new opportunities are materializing in the region in ways that were hard to even imagine up until very recently. This morning, for example, the Organization for the Prohibition of Chemical Weapons (OPCW) announced that Syria has taken its first steps towards detailing its stockpiles. Michael Luhan, a spokesperson for the Hague-based chemical weapons regulator, said in a statement, "The OPCW has received an initial disclosure from the Syrian Government of its chemical weapons programme, which is now being examined by the Technical Secretariat of the Organisation." Meanwhile, Iranian President Hasan Rouhani has a new op-ed in the Washington Post arguing that the United States and the rest of the world "must work together to end the unhealthy rivalries and interferences that fuel violence and drive us apart" through a policy of "constructive engagement." The New York Times added that Iranian leaders, "seizing on perceived flexibility in a private letter from President Obama, have decided to gamble on forging a swift agreement over their nuclear program with the goal of ending crippling sanctions." David Sanger summarized the bigger picture nicely. Only two weeks after Washington and the nation were debating a unilateral military strike on Syria that was also intended as a forceful warning to Iran about its nuclear program, President Obama finds himself at the opening stages of two unexpected diplomatic initiatives with America's biggest adversaries in the Middle East, each fraught with opportunity and danger. Without much warning, diplomacy is suddenly alive again after a decade of debilitating war in the region. After years of increasing tension with Iran, there is talk of finding a way for it to maintain a face-saving capacity to produce a very limited amount of nuclear fuel while allaying fears in the United States and Israel that it could race for a bomb. The surprising progress has come so suddenly that a senior American diplomat described this week's developments as "head spinning." So what happens next? The consensus among many foreign policy observers is that developments in Syria and Iran are linked in ways that may or may not be helpful to the United States. Max Fisher explained well yesterday that President Obama's pragmatism "has sent exactly the right signals to Iran, particularly at this very sensitive moment." Obama has been consistently clear, even if some members of his administration were not, that his big overriding goal is for Syrian leader Bashar al-Assad to stop using chemical weapons. First he was going to do that with strikes, meant to coerce Assad. Then, in response to the Russian proposal, Obama signaled he would back off the strikes if Assad gave up his chemical weapons, which is exactly what Obama has always said he wants. He's been consistent as well as flexible, which gave Assad big incentives to cooperate when he might have otherwise dug in his heels. There are some awfully significant -- and promising -- parallels here with the U.S. standoff with Iran. Obama has been clear that he wants Iran to give up its rogue uranium-enrichment program and submit to the kind of rigorous inspections that would guarantee that its nuclear program is peaceful. He's also been clear that the United States is using severe economic sanctions to coerce Tehran to cooperate and that it would use military force if necessary. The implicit (and sometimes explicit) message to Iran has been: If you abandon your enrichment program, we'll make it worth your while by easing off. Here's where the parallel with Syria is really important: Iranian leaders distrust the United States deeply and fear that Obama would betray them by not holding up his end of the bargain. That's been a major hurdle to any U.S.-Iran nuclear deal. But seeing Assad's deal with Obama work out (so far) sends the message to Iran that it can trust the United States. It also sends the message that making concessions to the United States can pay off. Iran's supreme leader has been talking a lot lately about flexibility and diplomacy toward the West. So it's an ideal moment for Obama to be demonstrating flexibility and diplomacy toward the Middle East.

#### Uncertainty over war powers keeps Iran at the table. Obama needs to be perceived as having independent authority

**Zeisberg, Michigan political science professor, 9-25-13**

(Mariah, “Debate over War Powers may yield positive outcome”,

<http://blog.constitutioncenter.org/2013/09/debate-over-war-powers-resolution-may-yield-positive-outcome/>)

Uncertainty about what the Constitution requires is thick: even as President Obama called for legislative authorization to bolster the legitimacy of strikes, and even as he now appeals to the UN for a resolution authorizing military sanctions if Syria does not comply with the U.S.-Russia agreement for destroying its chemical weapons, the president nevertheless maintains that he has the authority to commit the U.S. to hostilities in Syria without Congressional (or UN) authorization. Robert Gates criticized the president for running a risk of looking “weak” if Congress did not authorize military action, and agreed with Leon Panetta that the president obviously has all power needed for strikes in Syria. On the other hand, constitutional scholars Louis Fisher, Stephen Griffin, and Sandy Levinson have argued that Obama’s constitutional grounding for independent strikes is either non-existent or extremely weak. Congress itself has been divided over whether authorization is necessary for a presidential strike in Syria. While the Constitution tells us that Congress has the power to “declare war,” the text nowhere defines what kinds of hostilities count as war – which has enabled some opportunism in the Obama administration, and in many other presidential administrations too. Even the War Powers Resolution restricts “hostilities” without defining the term, and there, too, Obama has been willing to press language to (or beyond) its absolute limit. Constitutional and statutory text that does not define the meaning of the key words that separate one institution’s authority from another necessarily insert some measure of uncertainty into the branches’ war powers regime. What to make of these tensions and ambiguities? Has the Constitution failed in its task to provide a definitive legal framework that can guide decision-makers about important questions such as which institution has the power to take the country to war? Isn’t the point of a Constitution to resolve this kind of conflict? If it is so pervasively difficult to read our political culture and know which branch has war authority, then does that mean that the Constitution has failed to do its job – or worse, that we are witnessing an epidemic of reckless infidelity to the Constitution’s mandates? In fact, I think that uncertainty as to the meaning of the Constitution’s war powers regime in Syria is not catastrophic but may actually carry benefits. As diplomacy around Syria unfolds, I want to draw attention to a few of the intersections between domestic constitutional debates and the conditions for effective international action. First, it is arguably the threat of intervention which moved Russia into high gear in negotiations with Syria. But President Obama needed a plausible claim of independent presidential empowerment for such a claim to be credible. At the same time, such a claim, unresisted, raises the specter of undefined aims, mission creep, costly wars without broad public support, unconsidered policy complexities, and troubling bellicose precedent that are a hallmark of presidentialism in war. This is, in part, why congressional mobilization to defend its institutional prerogatives has been so welcomed by some prominent war powers scholars. Obama’s subsequent willingness to back down, to accommodate claims to legislative empowerment – derided by many as a weak or vacillating choice — seems in turn to have created time and space for a diplomatic process to unfold in the place of a military one. Recent developments in that process include not only a Russian-brokered plan to confiscate all chemical weapons from the Assad regime but also statements by the Ayatollah Khamenei signaling openness to diplomacy and by President Rouhani that Iran would not develop a nuclear weapon. And now Obama is moving this technique of vacillating red lines up to the level of global institutions. On the one hand he is pressing the UN to back up the U.S.-Russia agreement with sanctions, but at the same time says that he reserves the power to act outside the UN, and has argued that “without a credible military threat, the Security Council had demonstrated no inclination to act at all.” We have yet to see what kind of domestic or international push-back would await him if he tried to translate this rhetorical willingness to act outside the UN into concrete action. Obama’s constitutional “vacillations” may end up being productive in sundering the Assad regime from its chemical weapons. Only time will tell. For constitutional scholars, it is worth noting the positive role that uncertainty and textual ambiguity can create in generating good international outcomes.

#### Iran proliferation causes nuclear war

**Edelman, Center for Strategic and Budgetary Assessments distinguished fellow, 2011**

(Eric, “the Dangers of a Nuclear Iran”, Foreign Affairs, January/February, ebsco, ldg)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention Of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia,Turkey, and the United Arab Emirates— all signatories to the Nuclear Nonproliferation Treaty (npt)—have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and di⁄cult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states’ access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade. There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also oªered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads eªectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This “Islamabad option” could develop in one of several diªerent ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might oªer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan’s weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India’s reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT. n-player competition Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents’ forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to “launch on warning” of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly,would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

### 1NC

#### Congress CP -- Text

#### Congress should create an independent review board for initiating offensive use of military force composed of individuals selected by the minority and majority leadership of the House and Senate. The committee should focus on transparency and accountability in the area of initiating offensive use of military force. The individuals on the review board should be drawn from the ranks of former intelligence and military officers. The review board should be given independent appropriations powers over relevant executive departments and agencies.

Creating an independent review board solves—provides transparency and accountability

McNeal 13 (Gregory McNeal is a professor at Pepperdine University. He is a national security specialist focusing on the institutions and challenges associated with global security, with substantive expertise in national security law and policy, criminal law, and international law, “Five Ways to Reform the Targeted Killing Program,” http://www.lawfareblog.com/2013/04/five-ways-to-reform-the-targeted-killing-program/)

The transparency related accountability reforms specified above have the ability to expose wrongdoing; however that’s not the only goal of accountability. Accountability is also designed to deter wrongdoing. By exposing governmental activity, transparency oriented reforms can influence the behavior of all future public officials—to convince them to live up to public expectations. The challenge associated with the reforms articulated above is a bias towards the status quo. Very few incentives exist for elected officials to exercise greater oversight over targeted killings and interest group advocacy is not as strong in matters of national security and foreign affairs as it is in domestic politics. To overcome the bias towards the status quo, Congress should consider creating an independent review board composed of individuals selected by the minority and majority leadership of the House and Senate, thus ensuring bi-partisan representation. The individuals on the review board should be drawn from the ranks of former intelligence and military officers, lending their report enhanced credibility. These individuals should be responsible for publishing an annual report analyzing how well the government’s targeted killing program is performing. The goal would be a strategic assessment of costs and benefits, including the fiscal costs, potential blowback, collateral damage and other details that are currently held deep within the files of the targeting bureaucracy. This board, like many prior commissions can be successful because they signal the executive’s interest in maintaining credibility and winning the support of the public. It also shows his willingness to give up control of information that allows others to subject the executive branch to critiques. Similarly, Congress may prefer this solution because it allows them to claim they are holding the executive branch accountable while at the same time shifting the blame for poor accountability decisions to others. The board could review the program in its entirety, or could conduct audits on specified areas of the program.

### R2P

#### Obama will resist the plan-fights over war powers create intractable national diversions and impairs military decision making

**Lobel, Pittsburgh law professor, 2008**

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

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

#### Crisis pressure and information asymmetry means Congress will defer to the executive

**Posner et al., Chicago law professor, 2011**

(Eric, The Executive Unbound, pg 7-10, ldg)

Having defined our terms as far as possible, our main critical thesis is that liberal legalism has proven unable to generate meaningful constraints on the executive. Two problems bedevil liberal legalism: delegation and emergencies. The first arises when legislatures enact statutes that grant the executive authority to regulate or otherwise determine policy, the second when external shocks require new policies to be adopted and executed with great speed. Both situations undermine the simplest version of liberal legalism, in which legislatures themselves create rules that the executive enforces, subject to review by the courts. Delegation suggests that the legislature has ceded lawmaking authority to the executive, de facto if not de jure,14 while in emergencies, only the executive can supply new policies and real-world action with sufficient speed to manage events. The two problems are related in practice. When emergencies occur, legislatures acting under real constraints of time, expertise, and institutional energy typically face the choice between doing nothing at all or delegating new powers to the executive to manage the crisis. As we will see, legislatures often manage to do both things; they stand aside passively while the executive handles the first wave of the crisis, and then come on the scene only later, to expand the executive's de jure powers, sometimes matching or even expanding the de facto powers the executive has already assumed. A great deal of liberal legal theory is devoted to squaring delegation and emergencies with liberal commitments to legislative governance. Well before World War I, the Madisonian framework of separated powers began to creak under the strain of the growing administrative state, typically thought to have been inaugurated by the creation of the Interstate Commerce Commission in 1887. For Madisonian theorists, delegation threatened the separation of powers by effectively combining lawmaking and law-execution in the same hands, and emergencies threatened legislative primacy by requiring the executive to take necessary measures without clear legal authorization, and in some cases in defiance of existing law. (We refer to the Madisonian tradition as it has developed over time and as it exists today, not to Madison himself, whose views before the founding were less legalistic than they would become during the Washington and Adams administrations.) As to both delegation and emergencies, Madisonian liberals have repeatedly attempted to compromise with the administrative state, retreating from one position to another and attempting at every step to limit the damage. In one prominent strand of liberal legal theory and doctrine, which has nominally governed since the early twentieth century, delegation is acceptable as long as the legislature supplies an "intelligible principle"15 to guide executive policymaking ex ante; this is the so-called "nondelegation doctrine." This verbal formulation, however, proved too spongy to contain the administrative state. During and after the New Deal, under strong pressure to allow executive policymaking in an increasingly complex economy, courts read the intelligible principle test so capaciously as to allow statutes delegating to the president and agencies the power to act in the "public interest," nowhere defined.'6 Before 1935, the U.S. Supreme Court mentioned nondelegation in dictum but never actually applied it to invalidate any statutes; in 1935, the Court invalidated two parts of the National Industrial Recovery Act on nondelegation grounds;" since then, the Court has upheld every challenged delegation. Subsequently, liberal legal theorists turned to the hope that legislatures could create administrative procedures and mechanisms of legislative and judicial oversight that would enforce legal constraints on the executive ex post, as a second-best substitute for the Madisonian ideal. In American administrative law, a standard account of the Administrative Procedure Act (APA), the framework statute for the administrative state, sees it as an attempt to translate liberal legalism into a world of large-scale delegation to the executive, substituting procedural controls and judicial review for legislative specification of policies. The APA applies to administrative action in a broad range of substantive areas, but does not apply to presidential action, so Congress has also enacted a group of framework statutes that attempt to constrain executive action in particular areas. Examples are the War Powers Resolution, which regulates the presidential commitment of armed forces abroad, the National Intelligence Act, which structures the intelligence agencies and attempts to require executive disclosure of certain intelligence matters to key congressional committees, and the Inspector General Act, which installs powerful inspectors general throughout the executive branch. As to emergencies, starting at least with John Locke's discussion of executive "prerogative," liberal political and constitutional theorists have struggled to reconcile executive primacy in crises with the separation of powers or the rule of law or both. Such questions have become all the more pressing in the twentieth and twenty-first centuries, when a series of wars, economic emergencies, and other crises have multiplied examples in which the executive proceeded with dubious legal authority or simply ignored the laws. Here too, the response has been a series of legal constraints, such as the APA's restrictions on emergency administrative action, and framework statutes such as the National Emergencies Act, which regulates the president's ability to invoke grants of emergency powers granted under other laws. One of our main claims is that these approaches are palliatives that have proven largely ineffective, and that fail to cure the underlying ills of liberal legalism. The same institutional and economic forces that produce the problems of delegation and emergencies also work to undermine legalistic constraints on the executive. The complexity of policy problems, especially in economic domains, the need for secrecy in many matters of security and foreign affairs, and the sheer speed of policy response necessary in crises combine to make meaningful legislative and judicial oversight of delegated authority difficult in the best of circumstances. In emergencies, the difficulties become insuperable—even under the most favorable constellation of political forces, in which the independently elected executive is from a different party than the majority of the Congress. Liberal legalism, in short, has proven unable to reconcile the administrative state with the Madisonian origins of American government. The constitutional framework and the separation-of-powers system generate only weak and defeasible constraints on executive action. Madisonian oversight has largely failed, and it has failed for institutional reasons. Both Congress and the judiciary labor under an informational deficit that oversight cannot remedy, especially in matters of national security and foreign policy, and both institutions experience problems of collective action and internal coordination that the relatively more hierarchical executive can better avoid. Moreover, political parties, uniting officeholders within different institutions, often hobble the institutional competition on which Madisonian theorizing relies.'8 Congressional oversight does sometimes serve purely political functions—legislators, particularly legislators from opposing parties, can thwart presidential initiatives that are unpopular—but as a legal mechanism for ensuring that the executive remains within the bounds of law, oversight is largely a failure. The same holds for statutory constraints on the executive—unsurprisingly, as these constraints are the product of the very Madisonian system whose failure is apparent at the constitutional level. In the terms of the legal theorist David Dyzenhaus, the APA creates a series of legal "black holes" and "grey holes" that either de jure or de facto exempt presidential and administrative action from ordinary legal requirements, and hence from (one conception of) the rule of law.19 The scope of these exemptions waxes and wanes with circumstances, expanding during emergencies and contracting during normal times, but it is never trivial, and the administrative state has never been brought wholly under the rule of law; periodically the shackles slip off altogether.

#### R2P doesn’t force intervention

Claes 2013 Jonas, USIP program officer who helped coordinate the Working Group on the Responsibility to Protect, Responsibility to Protect Weighed Down by Misconceptions, 8-16-13 http://www.usip.org/olivebranch/responsibility-protect-weighed-down-misconceptions

To the limited extent policymakers in Washington, D.C. are familiar with the Responsibility to Protect, the principle is frequently dismissed as “a U.N. thing” or “something the Canadians came up with.” Ever since the concept was first introduced in 2001, the U.S. response has remained lukewarm, even though heads of state and government unanimously endorsed the principle at the 2005 United Nations World Summit, the U.S. among them. The hesitancy in Washington stems from a common misperception that the principle justifies military force in the face of Syria-like situations and the U.S. eagerness to adopt a ‘unique’ atrocity prevention approach. The Responsibility to Protect constitutes a set of principles underlining the need to prevent the worst kind of ‘man-made’ atrocities, including genocide, ethnic cleansing, war crimes, and crimes against humanity. The emerging norm does not create new legal requirements, but serves as a political instrument designed to keep latent tensions from escalating into mass violence at an early stage, and reduce the need for crisis management or reactive interventions down the road. In an effort to familiarize the U.S. capital with the principle, former Secretary of State Madeleine Albright and Ambassador Richard Williamson (former Special Envoy to Sudan under President George W. Bush) co-chaired a senior Working Group on the Responsibility to Protect. The Albright-Williamson report illustrates how the U.S. atrocity prevention policy, a recent foreign policy priority, complements rather than contradicts the important work conducted on the Responsibility to Protect at the U.N. and throughout the world. Within most of the relevant U.S. government agencies, the Responsibility to Protect is considered a secondary U.N. instrument that remains a small part of the overall U.S. toolbox for atrocity prevention. While the practice would look almost identical, you will rarely hear the words Responsibility to Protect in Washington. The U.S. Mission to the United Nations in New York is the consistent exception to this trend; its representatives staunchly advocate for the principle at the annual dialogues on the Responsibility to Protect at the U.N. General Assembly. Even foreign policy experts commonly misperceive the Responsibility to Protect as a justification for military force in the face of Syria-like situations. Yet, countries where there is a risk of atrocities, along with their neighbors, regional powers, and international or civil society organizations, can most effectively uphold their responsibility by acting at the first sign of identity-based tensions, well before the immediate, violent manifestations of conflict occur. Ideally, the invocation of the principle by senior officials would trigger an automatic consideration of preventive tools, like intelligence gathering, media training, security sector reform, diplomatic condemnations, or even targeted sanctions. Albright and Williamson clarify in their report that “in a number of cases, one can see how the emergence of the R2P norm has strengthened international capacity and the will to act decisively.” That being said, the principle that nations have this responsibility still remains more of an aspiration than reality. As the co-chairs conclude, the norm “is neither the panacea that some had hoped for nor the hollow promise that others resigned themselves to expect.” The largely successful efforts to prevent anticipated atrocities during the 2011 referendum in Sudan and the 2013 elections in Kenya exemplify how non-military measures can, at the least, offer temporary relief and neutralize triggers of mass violence ahead of time. Meanwhile, the ongoing violence in Syria and the inability of the United Nations to formulate organized responses to similar situations demonstrates the further work needed to transform the norm into standard international practice. The latest tests of the principle of a Responsibility to Protect in Kenya and Libya will continue to provide vital lessons on how to apply such norms to individual cases, and how to improve operational strategies to prevent the worst atrocities.

#### The US never has to intervene militarily under R2P but abandoning it costs a leadership platform which is key to international influence.

Albright and Williamson 2013

Madeleine – Former Secretary of State, and Richard – Senior fellow for multilateral institutions at the Chicago Council on Global Affairs, The United States and R2P: From Words to Action, http://www.ushmm.org/genocide/pdf/The-United-States-and-R2P.pdf

To date, the concept of R2P has neither attracted widespread notice within Congress nor entered the public consciousness in a meaningful way. To the extent the term is known, the response to it has been mixed. Americans traditionally have been slow to commit themselves in advance to policies that may or may not be perceived, at the time actions are required, to serve the nation’s best interests. Leaders from both parties attach a high value to preserving U.S. freedom to adopt policies and commit resources on a case by case basis. Th is tendency is particularly acute regarding the potential use of U.S. armed forces in areas not considered to be of vital strategic importance and has been magnifi ed in recent years by weariness with the extended and costly deployment of troops to Iraq and Afghanistan. Added to this is a hesitancy to become involved in multilateral military operations, in which success may depend on others, key decisions are made by committee, and getting out is often far harder than getting in. Responding to humanitarian crises, moreover, generally garners less attention from U.S. security strategists than other challenges, such as terrorism, the spread of nuclear weapons, and the geopolitical ambitions of competing major powers. In sum, Americans have a strong desire to help people in danger overseas; however, that sentiment is tempered by a fear of yielding control over decisions to multilateral organizations and becoming enmeshed in places where our engagement distracts from other priorities, is unsuccessful or underappreciated, or where costs exceed benefi ts. Th e concerns listed above are understandable, legitimate, and shared by many members of our working group but need not detract from a strong national commitment to R2P. Despite the open-ended nature of the phrase responsibility to protect, the doctrine does not require us to intervene in a place, manner, or time contrary to our own best interests. R2P’s fi rst two pillars and much of the third are fully consistent with bipartisan U.S. eff orts undertaken since at least the Truman administration to help other countries prosper in a climate of stability and freedom. Th e doctrine imposes no new legal obligation on the United States or any other country. It does pledge our preparedness to support international action, when necessary, to protect people from genocide and other war crimes when the responsible government has manifestly failed to do so. In that circumstance, any response will be taken under the UN Charter and therefore subject to a decision by the Security Council, of which the United States is a permanent member. Even when the council does authorize collective measures, there is no requirement that the U.S military participate. Properly conceived, then, R2P is not a straitjacket but a platform on which U.S. leaders can join with partners in progressing toward a set of widely shared goals. It is in our interest for every government to recognize and be held accountable to the standards established by this norm. Especially in our era, the instability and desperation associated with atrocities in one country can easily spread across international borders. Unfortunately, U.S. concerns about the potential eff ects of R2P on the exercise of its national sovereignty are mirrored in many places overseas. Th e history of international intervention, for humanitarian or other purposes, has a mixed legacy. Th e leaders of some nations have voiced the fear that UN Security Council members will use R2P as a tool to pursue their own interests under the guise of collective action. At the same time, these leaders express support for protecting populations from genocide and other atrocities. November 2011, at the UN General Assembly, Dilma Rousseff , the president of Brazil, introduced the term responsibility while protecting. Th is concept, intended not to amend R2P but to complement it, set forth a list of principles and parameters to guide international action. Th ese included an emphasis on prevention, the exhaustion of alternatives before coercive measures are contemplated, and strict adherence to international law in the use of force. According to Brazil, “Th e use of force must produce as little violence and instability as possible … and be judicious, proportionate, and limited to the objectives established by the Security Council.” We view this initiative as an encouraging eff ort to strengthen the global consensus in support of R2P by addressing concerns that, although legitimate, can also be exaggerated. Certainly the United States has no desire to use R2P to justify actions that confl ict with the doctrine’s intended humanitarian goals. Th e domestic and worldwide political obstacles to R2P’s implementation are considerable but not insurmountable. Determined leadership from the White House can help to expand a dialogue with Congress and the public aimed at clarifying what R2P really entails and why it poses no threat to our own freedom of decision. Opinion shapers from all walks of life—including the military, business, the media, academia, and the religious community—can do more to make the case for employing every available foreign policy tool to prevent genocide and other war crimes. Th ere is much useful work to be done in highlighting the value of capacity building, creative diplomacy, and a broader and more durable consensus about when and how to undertake emergency measures supporting R2P. Th is eff ort will be most eff ective if it is based on partnerships that go well beyond the leading states of the West to include emerging powers, smaller countries, and regional organizations. Included in this landscape is the global nongovernmental organization (NGO) community that is well positioned to monitor, evaluate, and report on the broad swath of R2P-related activities being implemented around the globe.

#### UN has the capability but the US is a needed model

Albright and Williamson 2013

Madeleine – Former Secretary of State, and Richard – Senior fellow for multilateral institutions at the Chicago Council on Global Affairs, The United States and R2P: From Words to Action, http://www.ushmm.org/genocide/pdf/The-United-States-and-R2P.pdf

An improved U.S. structure for implementing R2P is vital, but so too are international measures. No country acting alone has the resources, information, or authority to fulfi ll more than a modest portion of what R2P requires. Accordingly, U.S. offi cials should consult regularly with other governments and international NGOs to share information and coordinate policies and actions. If the APB proves successful in our bureaucracy, it might well serve as an appropriate model for others. Th e United States should also embrace UN eff orts to enhance its support of R2P. Over the years, the United Nations has become involved in many activities that serve this end, including peace operations, human rights monitoring, and eff orts to mediate disputes. More recently, the United Nations created an offi ce that houses the special advisers to the secretary-general on the prevention of genocide and R2P. Th is offi ce is charged with alerting relevant actors to the risk of mass atrocities, strengthening the UN capacity to prevent such crimes, and working with member states, organizations, and civil society to respond in a timely manner when crises occur. To this end, the offi ce should conduct regular briefi ngs for the Security Council, with emphasis on incoming members. Given the council’s importance to R2P, governments serving on it must have the information they need to understand the nature, variety, and severity of individual country situations. Th e offi ce should also have suffi cient resources to expand staff and training programs on preventing genocide and related crimes

#### UN credibility solves every extinction scenario

Brimmer 2011

Esther, Sustaining America's Global Leadership: U.S. Priorities at the United Nations, Head of State Dept’s International Organization Bureau, September 2011 http://www.state.gov/p/io/rm/2011/171747.htm

Here in the United States, we face our own challenges. This Administration has strengthened our national security and restored U.S. global influence by engaging multilaterally. Yet there are still some here in Washington intent on forcing a U.S. retreat from global leadership, by hindering our participation in the UN system, seemingly unaware of the profoundly altered global landscape. It is against this backdrop that I want to discuss not only the U.S. goals for the upcoming session of the UN General Assembly, but also the Administration’s approach to the UN, and the centrality of multilateral diplomacy to U.S. foreign policy in the 21st century. In short, U.S. engagement with the UN has never been more critical or more beneficial to our nation. We cannot turn back the clock to a time when the world was simpler and less interconnected, and multilateral engagement was less essential to core U.S. interests. And we cannot dispatch U.S. diplomats to the United Nations to pursue our 21st century foreign policy objectives hobbled by a 19th century worldview, one that ignores the role multilateral bodies play in so many of our most pressing challenges. The importance to the United States of our engagement at the UN is hardly a new phenomenon; indeed, most Democratic and Republican Administrations have understood, regardless of party, the importance and benefits to our nation of multilateral engagement. In advance of each year’s General Assembly, the State Department’s International Organizations bureau – which I head – drafts a memorandum for the President, framing the strategic context and highlighting the most session’s important debates. I want to share with you today a brief excerpt from a past such memo. It begins by stating that in September, “nearly every major issue of American foreign policy will be before the [ ] General Assembly of the United Nations. This would be largely true even if we did not want it that way. It is all the more true because we have deliberately decided, on some very important matters, that the United Nations must be the central forum in which to pursue our objectives.” This was written not last year or the year before; no, it dates to summer 1961, sent to President John Kennedy by my predecessor, Harlan Cleveland. And its principles are as true today as they were then, even though the world and the multilateral system have changed dramatically over the past half-century. To state them plainly: multilateral diplomacy is central to American foreign policy, and important issues will be decided at the United Nations whether or not the United States chooses to be actively engaged. But as the world has changed, our foreign policy – even how we engage multilaterally – has adapted as well. Now more than ever, our economy and security is intertwined with that of the rest of the globe. We have seen the benefits that globalization can bring for our economy, as well as the threats and challenges that cross-border networks pose for our national security. So many of the threats we face are shared by the global community, and their solutions will require global cooperation. Nuclear proliferation endangers the security of us all, regardless of nationality. If not checked, the impact of climate change will further accelerate across the globe. Attacks on freedom and universal human rights anywhere stain our collective conscience. Terrorism and transnational crime do not respect national borders. Pandemic disease requires no passport to move quickly from one country to another. And we know all too well that conflict and instability, even when they fall within a single country halfway around the world, can unleash these and other dangers. We also know that to respond to these and other threats, U.S. engagement at the United Nations works.

### Warfighting

#### Congressional involvement on every use of force emboldens enemies and damages presidential credibility-academic consensus.

**Howell et al., Chicago political science professor, 2007**

(William, While Dangers Gather: Congressional Checks on Presidential War Powers, google books, ldg)

SIGNALING RESOLVE To the extent that congressional discontent signals domestic irresolution to other nations, the job of resolving a foreign crisis is made all the more difficult. As Kenneth Schultz shows, an ''opposition party can undermine the credibility of some challenges by publicly opposing them. Since this strategy threatens to increase the probability of resistance from the rival state, it forces the government to be more selective about making threats "—and, concomitantly, more cautious about actually using military force.'4 When members of Congress openly object to a planned military operation, would-be **adversaries** of the United States may feel emboldened, believing that the president lacks the domestic support required to see a military venture through. Such nations, it stands to reason, will be more willing to enter conflict, and if convinced that the United States will back down once the costs of conflict are revealed, they may fight longer and make fewer concessions. Domestic political strife, as it were, weakens the ability of presidents to bargain effectively with foreign states, while increasing the chances that military entanglements abroad will become **protracted and unwieldy.** A large body of work within the field of international relations supports the contention that a nation's ability to achieve strategic military objectives in short order depends, in part**,** on the head of state's **credibility in conveying political resolve.** Indeed, a substantial game theoretic literature underscores the importance of domestic political institutions and public opinion as state leaders attempt to credibly commit to war,75 Confronting widespread and vocal domestic opposition, the president may have a difficult time signaling his willingness to see a military campaign to its end, While congressional opposition may embolden foreign enemies, the perception on the part of allies that the president lacks support may make them wary of **committing any troops at all.**

#### Compromises speed and secrecy and causes isolation-that triggers prolif, terrorism and rogue state aggression

Yoo 12 (John, professor of law at the University of California, Berkeley, “War Powers Belong to the President,” <http://www.abajournal.com/magazine/article/war_powers_belong_to_the_president>)

This time, President Obama has the Constitution about right. His exercise of war powers rests firmly in the tradition of American foreign policy. Throughout our history, neither presidents nor Congresses have acted under the belief that the Constitution requires a declaration of war before the U.S. can conduct military hostilities abroad. We have used force abroad more than 100 times but declared war in only five cases: the War of 1812, the Mexican-American and Spanish-American wars, and World War I and II. Without any congressional approval, presidents have sent forces to battle Indians, Barbary pirates and Russian revolutionaries; to fight North Korean and Chinese communists in Korea; to engineer regime changes in South and Central America; and to prevent human rights disasters in the Balkans. Other conflicts, such as the 1991 Persian Gulf war, the 2001 invasion of Afghanistan and the 2003 Iraq war, received legislative “authorization” but not declarations of war. The practice of presidential initiative, followed by congressional acquiescence, has spanned both Democratic and Republican administrations and reaches back from President Obama to Presidents Abraham Lincoln, Thomas Jefferson and George Washington. Common sense does not support replacing the way our Constitution has worked in wartime with a radically different system that mimics the peacetime balance of powers between president and Congress. If the issue were the environment or Social Security, Congress would enact policy first and the president would faithfully implement it second. But the Constitution does not duplicate this system in war. Instead, our framers decided that the president would play the leading role in matters of national security. Those in the pro-Congress camp call upon the anti-monarchical origins of the American Revolution for support. If the framers rebelled against King George III’s dictatorial powers, surely they would not give the president much authority. It is true that the revolutionaries rejected the royal prerogative, and they created weak executives at the state level. Americans have long turned a skeptical eye toward the growth of federal powers. But this may mislead some to resist the fundamental difference in the Constitution’s treatment of domestic and foreign affairs. For when the framers wrote the Constitution in 1787 they rejected these failed experiments and restored an independent, unified chief executive with its own powers in national security and foreign affairs. The most important of the president’s powers are commander in chief and chief executive. As Alexander Hamilton wrote in Federalist 74, “The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority.” Presidents should conduct war, he wrote, because they could act with “decision, activity, secrecy and dispatch.” In perhaps his most famous words, Hamilton wrote: “Energy in the executive is a leading character in the definition of good government. ... It is essential to the protection of the community against foreign attacks.” The framers realized the obvious. Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation. Instead, they can demand swift, decisive action—sometimes under pressured or even emergency circumstances—that is best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. Congress is too large and unwieldy to take the swift and decisive action required in wartime. Our framers replaced the Articles of Confederation, which had failed in the management of foreign relations because they had no single executive, with the Constitution’s single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, Congress’ loose, decentralized structure would paralyze American policy while foreign threats grow. Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure. Congress’ track record when it has opposed presidential leadership has not been a happy one. Perhaps the most telling example was the Senate’s rejection of the Treaty of Versailles at the end of World War I. Congress’ isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed the Neutrality Acts designed to keep the United States out of the conflict. President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president’s foreign adventurism, the real threat to our national security may come from inaction and isolationism. Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War and the passage of the ineffectual War Powers Resolution. Congress passed the resolution in 1973 over President Richard Nixon’s veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it. Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare war.” But these observers read the 18th century constitutional text through a modern lens by interpreting “declare war” to mean “start war.” When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain—where the framers got the idea of the declare-war power—fought numerous major conflicts but declared war only once beforehand. Our Constitution sets out specific procedures for passing laws, appointing officers and making treaties. There are none for waging war because the framers expected the president and Congress to struggle over war through the national political process. In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent danger as will not admit of delay.” This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive. Presidents, of course, do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. Only Congress can raise the military, which gives it the power to block, delay or modify war plans. Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military. Congress’ check on the presidency lies not just in the long-term raising of the military. It can also block any immediate armed conflict through the power of the purse. If Congress feels it has been misled in authorizing war, or it disagrees with the president’s decisions, all it need do is cut off funds, either all at once or gradually. It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action. Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation. The framers expected Congress’ power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war. Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’ funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo or Korea, it is only because Congress has chosen not to exercise its easy check. We should not confuse a desire to escape political responsibility for a defect in the Constitution. A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy. The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

#### Alliances are out dated, multi-polarity is stable and there is no scenario for war in a world of US decline

**Friedman et al., MIT political science PhD candidate, 2012**

(Benjamin, “Why the U.S. Military Budget is ‘Foolish and Sustainable”, Orbis, 56.2, Science Direct, ldg)

Standard arguments for maintaining the alliances come in two contradictory strains. One, drawn mostly from the run-up to World War II, says that without American protection, the ally would succumb to a rival power, either by force or threat of force, heightening the rival’s capability and danger to the United States. The other argument says that without the United States, the ally would enter a spiral of hostility with a neighbor, creating instability or war that disrupts commerce and costs America more than the protection that prevented it. The main problem with the first argument is that no hegemon today threatens to unify Europe or Asia. Europe is troubled by debt, not conquest. Russian GDP is today roughly equivalent to that of Spain and Portugal combined. Whatever Russia’s hopes, it has no ability to resurrect its Soviet Empire, beyond perhaps those nations in its near abroad that Americans have no good reason to defend. Even today, the military capabilities of Europe’s leading powers are sufficient to defend its eastern flank, and they could increase their martial exertions should a bigger threat arise. Asia is tougher case. South Korea’s military superiority over its northern neighbor is sufficient to deter it from an attempt at forcible reunification. By heightening North Korea’s security, nuclear weapons may reinforce its capacity for trouble-making, but they do not aid offensive forays. U.S. forces long ago became unnecessary to maintaining the peninsula’s territorial status quo. Chinese efforts to engage in old-fashioned conquest are unlikely, at least beyond Taiwan. Its more probable objective is a kind of Asian Monroe doctrine, meant to exclude the United States.6 China naturally prefers not to leave its maritime security at the whim of U.S. policymakers and, thus, has sought to improve its anti-access and area-denial capabilities. In the longer term, China’s leaders will likely pursue the ability to secure its trade routes by building up longer-range naval forces. They may also try to leverage military power to extract various concessions from nearby states. Washington’s defense analysts typically take those observations as sufficient to establish the necessity that U.S. forces remain in Asia to balance Chinese military power. But to justify a U.S. military presence there, one also needs to show both that Asian nations cannot or will not balance Chinese power themselves and that their failure to do so would greatly harm U.S. security. Neither is likely. Geography and economics suggest that the states of the region will successfully balance Chinese power—even if we assume that China’s economic growth allows it to continue to increase military spending.7 Bodies of water are natural defenses against offensive military operations. They allow weaker states to achieve security at relatively low cost by investing in naval forces and coastal defenses. That defensive advantage makes balances of power more stable. Not only are several of China’s Asian rivals islands, but those states have the wealth to make Chinese landings on their coast prohibitively expensive. India’s mountainous northern border creates similar dynamics. The prospects of Asian states successfully deterring future Chinese aggression will get even better if, as seems likely, threats of aggression provoke more formal security alliances. Some of that is already occurring. Note for example, the recent joint statement issued by the Philippines and Japan marking a new ‘‘strategic partnership’’ and expressing ‘‘common strategic interests’’ such as ‘‘ensuring the safety of sea lines of communication.’’8 This sort of multilateral cooperation would likely deepen with a more distant U.S. role. Alliances containing disproportionately large states historically produce free-riding; weaker alliance partners lose incentive to shore up their own defenses.9 Even if one assumes that other states in the region would fail to balance China, it is unclear exactly how U.S. citizens would suffer. China’s territorial ambitions might grow but are unlikely to span the Pacific. Nor would absorbing a few small export-oriented states slacken China’s hunger for the dollars of American consumers. The argument that U.S. alliances are necessary for stability and global commerce is only slightly more credible. One problem with this claim is that U.S. security guarantees can create moral hazard—emboldening weak allies to take risks they would otherwise avoid in their dealings with neighbors. Alliances can then discourage accommodation among neighboring states, heightening instability and threatening to pull the United States into wars facilitated by its benevolence. Another point against this argument is that even if regional balancing did lead to war, it would not obviously be more costly to the U.S. economy than the cost of the alliance said to prevent it. Neutrality historically pays.10 The larger problem with the idea that our alliances are justified by the balancing they prevent is that wars generally require more than the mutual fear that arms competition provokes. Namely, there is usually a territorial conflict or a state bent on conflict. Historical examples of arms races alone causing wars are few.11 This confusion probably results from misconstruing the causes of World War I—seeing it as a consequence of mutual fear alone rather than fear produced by the proximity of territorially ambitious states.12 Balances of power, as noted, are especially liable to be stable when water separates would-be combatants, as in modern Asia. Japan would likely increase defense spending if U.S. forces left it, and that would likely displease China. But that tension is very unlikely to provoke a regional conflagration. And even that remote scenario is far more likely than the Rube Goldberg scenario needed to argue that peace in Europe requires U.S. forces stationed there. It is not clear that European states would even increase military spending should U.S. troops depart. If they did do so, one struggles to imagine a chain of misperceived hostility sufficient to resurrect the bad old days of European history.

### SOP

#### Social science proves no modeling- US signals are dismissed

**Zenok, CFR fellow, 2013**

(Micah, “The Signal and the Noise”, 2-2, [www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise](http://www.foreignpolicy.com/articles/2013/02/20/the_signal_and_the_noise), ldg)

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

#### Preventive norms are locked in and the AFF doesn’t change it

**Fisk et al., Claremont political science PhD, 2013**

(Kerstin, “Actions Speak Louder Than Words: Preventive Self-Defense as a Cascading Norm”, 4-15, International Studies Perspectives, Wiley, ldg)

Preventive self-defense entails waging a war or an attack by choice, in order to prevent a suspected enemy from changing the status quo in an unfavorable direction. Prevention is acting in anticipation of a suspected latent threat that might fully emerge someday. One might rightfully point out that preventive strikes are nothing new—the Iraq War is simply a more recent example in a long history of the preventive use of force. The strategic theorist Colin Gray (2007:27), for example, argues that “far from being a rare and awful crime against an historical norm, preventive war is, and has always been, so common, that its occurrence seems remarkable only to those who do not know their history.” Prevention may be common throughout history, but this does not change the fact that it became increasingly difficult to justify after World War II, as the international community developed a core set of normative principles to guide state behavior, including war as a last resort. The threshold for war was set high, imposing a stringent standard for states acting in self-defense. Gray concedes that there has been a “slow and erratic, but nevertheless genuine, growth of a global norm that regards the resort to war as an extraordinary and even desperate measure” and that the Iraq war set a “dangerous precedent” (44). Although our cases do not provide a definitive answer for whether a preventive self-defense norm is diffusing, they do provide some initial evidence that states are re-orienting their military and strategic doctrines toward offense. In addition, these states have all either acquired or developed unmanned aerial vehicles for the purposes of reconnaissance, surveillance, and/or precision targeting. Thus, the results of our plausibility probe provide some evidence that the global norm regarding the use of force as a last resort is waning, and that a preventive self-defense norm is emerging and cascading following the example set by the United States. At the same time, there is variation among our cases in the extent to which they apply the strategy of self-defense. China, for example, has limited their adaption of this strategy to targeted killings, while Russia has declared their strategy to include the possibility of a preventive nuclear war. Yet, the preventive self-defense strategy is not just for powerful actors. Lesser powers may choose to adopt it as well, though perhaps only implementing the strategy against actors with equal or lesser power. Research in this vein would compliment our analyses herein. With the proliferation of technology in a globalized world, it seems only a matter of time before countries that do not have drone technology are in the minority. While preventive self-defense strategies and drones are not inherently linked, current rhetoric and practice do tie them together. Though it is likely far into the future, it is all the more important to consider the final stage of norm evolution—internalization—for this particular norm. While scholars tend to think of norms as “good,” this one is not so clear-cut. If the preventive self-defense norm is taken for granted, integrated into practice without further consideration, it inherently changes the functioning of international relations. And unmanned aerial vehicles, by reducing the costs of war, make claims of preventive self-defense more palatable to the public. Yet a global norm of preventive self-defense is likely to be destabilizing, leading to more war in the international system, not less. It clearly violates notions of just war principles—jus ad bellum. The United States has set a dangerous precedent, and by continuing its preventive strike policy it continues to provide other states with the justification to do the same.

# 2NC

## Iran

### ov

#### Iran nuclearization kills U.S. hegemony and credibility EVEN IF their impact d is true

Daremblum 2011

Jaime, Hudson Institute Senior Fellow and directs the Center for Latin American Studies, Iran Dangerous Now, Imagine It Nuclear, http://www.hudson.org/index.cfm?fuseaction=publication\_details&id=8439

What would it mean if such a regime went nuclear? Let's assume, for the sake of argument, that a nuclear-armed Iran would never use its atomic weapons or give them to terrorists. Even under that optimistic scenario, Tehran's acquisition of nukes would make the world an infinitely more dangerous place. For one thing, it would surely spark a wave of proliferation throughout the Greater Middle East, with the likes of Turkey, Egypt, and Saudi Arabia - all Sunni-majority Muslim countries - going nuclear to counter the threat posed by Shiite Persian Iran. For another, it would gravely weaken the credibility of U.S. security guarantees. After all, Washington has repeatedly said that the Islamic Republic will not be permitted to get nukes. If Tehran demonstrated that these warnings were utterly hollow, rival governments and rogue regimes would conclude that America is a paper tiger. Once Tehran obtained nuclear weapons, it would have the ultimate trump card, the ultimate protection against outside attack. Feeling secure behind their nuclear shield, the Iranians would almost certainly increase their support for global terrorism and anti-American dictatorships. They would no longer have to fear a U.S. or Israeli military strike. Much like nuclear-armed North Korea today, Iran would be able to flout international law with virtual impunity. If America sought to curb Iranian misbehavior through economic sanctions, Tehran might well respond by flexing its muscles in the Strait of Hormuz. As political scientist Caitlin Talmadge explained in a 2008 analysis, "Iranian closure of the Strait of Hormuz tops the list of global energy security nightmares. Roughly 90 percent of all Persian Gulf oil leaves the region on tankers that must pass through this narrow waterway opposite the Iranian coast, and land pipelines do not provide sufficient alternative export routes. Extended closure of the strait would remove roughly a quarter of the world's oil from the market, causing a supply shock of the type not seen since the glory days of OPEC." Think about that: The world's leading state sponsor of terrorism has the ability to paralyze the global economy, and, if not stopped, it may soon have nuclear weapons. As a nuclear-armed Iran steadily expanded its international terror network, the Western Hemisphere would likely witness a significant jump in terrorist activity. Tehran has established a strategic alliance with Venezuelan leader Hugo Chávez, and it has also developed warm relations with Chávez acolytes in Bolivia, Ecuador, and Nicaragua while pursuing new arrangements with Argentina as an additional beachhead in Latin America Three years ago, the U.S. Treasury Department accused the Venezuelan government of "employing and providing safe harbor to Hezbollah facilitators and fundraisers." More recently, in July 2011, Peru's former military chief of staff, Gen. Francisco Contreras, told the Jerusalem Post that "Iranian organizations" are aiding and cooperating with other terrorist groups in South America. According to Israeli intelligence, the Islamic Republic has been getting uranium from both Venezuela and Bolivia. Remember: Tehran has engaged in this provocative behavior without nuclear weapons. Imagine how much more aggressive the Iranian dictatorship might be after crossing the nuclear Rubicon. It is an ideologically driven theocracy intent on spreading a radical Islamist revolution across the globe. As the Saudi plot demonstrates, no amount of conciliatory Western diplomacy can change the fundamental nature of a regime that is defined by anti-Western hatred and religious fanaticism.

#### The DA turns preventative war doctrine and SOP

Katyal 13 (Neal Kumar, Georgetown University Law Center, review of Jack Goldsmith’s Power and Constraint: The Accountable Presidency After 9/11, “Book Review: Stochastic Constraint”, 126 Harv. L. Rev. 990-1010 (2013))

He identifies several mechanisms Congress has established and the Executive has self-imposed to check military wartime activities. Covert actions must be approved via formal findings, congressional intelligence committees must be informed of all intelligence activities, detention now involves extensive paperwork and legalistic standards, and inspectors general conduct reviews of CIA activities (pp. 87–88, 99, 155). Goldsmith describes the exponential increase in the number of lawyers employed by the executive and military departments as a significant check on executive discretion (pp. 125–35). These mechanisms not only lead to increased reporting but also provide a deterrent effect — the presidential synopticon described by Goldsmith and mentioned earlier in this Review — inducing executive branch officials to second guess themselves before undertaking decisions that they will soon have to explain to Congress and other bodies. These existing mechanisms work well now, in a time of relative calm. But if another grave threat to national security emerges, as it undoubtedly will, there is no guarantee that these accountability programs will be left in place and will work. Indeed, Goldsmith himself suggests that they will not.48 The suspension of these checks and the resulting increase in executive power would mean the cycle will repeat itself, for to reinstate those same checks we would have to relitigate, repass, or rescind legislation, and rely once again on the press and courts to uncover abuse of this broad power. Given Goldsmith’s prognosis, it is worth thinking now about ways to try to lace an understanding of Goldsmith’s cycle into legislative and judicial decisionmaking in times of crisis, in order to catalyze the start of stage three and allow a quick exit from stage two’s unilateral regime.

### A2: Syria Thumps

#### Obama asserted independent authority during Syria and that was key, the plan unravels this. Congress is afraid of war in the Middle East.

**York, Washington Examiner, 9-18-13**

(Byron, “Sen. Lindsey Graham to seek authorization for U.S. attack on Iran”, http://washingtonexaminer.com/sen.-lindsey-graham-to-seek-authorization-for-u.s.-attack-on-iran/article/2536040)

Sen. Lindsey Graham is one of the strongest advocates of an American military strike against the Assad regime in Syria. He was unhappy when President Obama decided to seek congressional authorization for an attack, and then unhappy when his fellow lawmakers voiced disapproval of the president's plan. Graham believes the diplomatic path chosen by the administration will lead to a debacle. Given all that, Graham now says he will work with a bipartisan group of senators to craft a resolution authorizing the president to use military force -- not against the Syrian regime but against Iran. In an appearance on Fox News' Huckabee program over the weekend, Graham argued that such a resolution is essential, because American inaction in Syria will encourage Iran to go forward with its nuclear weapon program, eventually leading toward a Mideast conflagration if the U.S. doesn't intervene. "Look how we've handled the chemical weapons threat in Syria," Graham said. "If we duplicate that with the Iranians, they're going to march toward a nuclear weapon and dare Israel to attack them. So in the next six months, our friends in Israel are going to have to take the Iranians on, unless the United States can send a clear signal to Iran, unlike what we've sent to Syria. "The mixed message and the debacle called Syria can't be repeated when it comes to Iran," Graham continued. "So here's what I’m going to do. I'm going to get a bipartisan coalition together. We're going to put together a use-of-force resolution allowing our country to use military force as a last resort to stop the Iranian nuclear program, to make sure they get a clear signal that all this debacle about Syria doesn't mean we're confused about Iran." After Graham repeated his intention to draft a use-of-force resolution, Huckabee stepped in to make sure everyone understood. "Lindsey, I want to clarify," Huckabee said. "You actually are going to seek sort of a pre-emptive approval to give the president a loaded weapon so that he feels the absolute freedom and support of a bipartisan Congress to take whatever action, including military, against Iran to prevent them from having nuclear weapons?" "That's exactly right," said Graham. Graham knows that Congress, particularly the House, was moving strongly against authorizing Obama to use force in Syria. And that was after a chemical weapons attack that clearly violated the president's "red line" in the Syrian civil war. Given that, congressional authorization for an attack on Iran seems far-fetched at best -- a reality Graham seemed to acknowledge. "I'm going to need your help, Mike," Graham said. "I'm going to need your audience's help. Every friend of Israel needs to rally behind this endeavor. Israel feels abandoned after Syria, and I want to send a signal to Tehran and Jerusalem and Tel Aviv that we're not going to leave our friends in Israel behind. And to the ayatollahs: If you march toward a nuclear weapon, all options are on the table, including the military option."

### Link – 2NC

#### The plan’s restriction on Obama destroys potential Iran negotiations and causes widespread backlash

**Alterman, CSIS Middle East program director, 9-4-13**

(Jon, “US-Iran Nuclear Deal Hinges On Syria Vote”, [www.al-monitor.com/pulse/originals/2013/09/us-iran-nuclear-deal-hinges-on-syria-vote.html](http://www.al-monitor.com/pulse/originals/2013/09/us-iran-nuclear-deal-hinges-on-syria-vote.html), ldg)

Focusing solely on events in Syria, however, misses a large part of the Iranian calculus, if not the largest. What really matters to Iran is how successful Obama is in winning congressional support for his Syria policy. If he fails, it will deal a double blow to the president. Not only will the Iranian government dismiss the possibility of negotiations with his administration, it will also conclude that Obama can be defied with impunity. The international cost of domestic political failure would be profound. To start, it is worth noting the extent to which foreign governments are sophisticated consumers of American political information. Decades of international cable news broadcasts and newspaper websites have brought intimate details of US politics into global capitals. Foreign ministers in the Middle East and beyond are US news junkies, and they seem increasingly distrustful of their embassies. For key US allies, the foreign minister often seems to have made him- or herself the US desk officer. Most can have a quite sophisticated discussion on congressional politics and their impact on US foreign relations. The Iranian government is no exception. While former president Mahmoud Ahmedinejad was emotional and shrill in his opposition to the United States, there remains in Iran a cadre of Western-trained technocrats, fluent in English and nuanced in their understanding of the world. President Hassan Rouhani has surrounded himself with such people, and Supreme Leader Ayatollah Ali Khamenei has charged them with investigating a different relationship between Iran and the United States. As they do so, they cannot help but be aware that on the eve of Rouhani’s inauguration, the US House of Representatives voted 400–20 to impose stiff additional sanctions on Iran. The House saw Rouhani’s electoral victory as a call for toughness, not potential compromise. If Iran were to make concessions in a negotiation with the United States, they would surely seek sanctions relief and other actions requiring congressional approval. To make such concessions to Obama, they would need some confidence that he can deliver. A president who cannot bring around a hostile Congress is not a president with whom it is worth negotiating.

#### Just the link destroys US credibility and causes regional instability

**Alterman, CSIS Middle East program director, 9-4-13**

(Jon, “US-Iran Nuclear Deal Hinges On Syria Vote”, [www.al-monitor.com/pulse/originals/2013/09/us-iran-nuclear-deal-hinges-on-syria-vote.html](http://www.al-monitor.com/pulse/originals/2013/09/us-iran-nuclear-deal-hinges-on-syria-vote.html), ldg)

There is, however, an even more stark consequence of Obama losing the Syria vote in Congress. Should the White House, with its immense power and prestige, fail to build sufficient support, leaders around the world will conclude that this president can be defied with impunity. If he cannot win the support of those close to him, what hope does he have of winning over those at a distance?

The consequence here would be a combination of much more difficult diplomacy and even more bad behavior around the world that requires diplomacy to address. Hard-liners in Iran and their allies around the Middle East would certainly be emboldened, and regional states would be far less likely to rely on US cues in managing their own issues. Arab-Israeli negotiations, as well, would be dealt a fundamental blow, as each party would retreat to its own maximal position. China, Russia and a host of other countries are watching closely as well.

#### The plan sends signals of weakness and discord to Iran and Israel that collapse a deal

**Miller, Woodrow Wilson International Center for Scholars new indicatives vice president, 9-26-13**

(Aaron, “Dealing with Iran: Get ready for a wild ride”, <http://www.latimes.com/opinion/commentary/la-oe-miller-iran-nuclear-negotiations-20130926,0,6474158.story>, ldg)

U.S. diplomacy must take these fears into account, both for their merits and for political reasons. Washington will have to negotiate not just for itself but for its vulnerable allies. And Israel is the key. The task will be to determine what the Israelis really need, and then to reconcile those needs with U.S. goals, making it unmistakably clear that the president will not participate in a charade that allows the Iranians to run down the diplomatic clock while continuing to develop nuclear weapons capacity. In the end, the president needs to be willing — and make his willingness clear — to use any means, including force, to prevent Iran from making weapons. Iranian President Hassan Rouhani and President Obama both have tough domestic politics to deal with. Even though Iran's supreme leader, Ayatollah Ali Khamenei, empowered Rouhani to launch his diplomatic bid, that hardly means he's a believer in an enhanced U.S.-Iranian relationship. Indeed, tension in that relationship may actually serve to consolidate Khamenei's control. Sanctions have created pressure to reach an agreement with the U.S. But suspicious hard-liners, including Khamenei, will be watching and weighing both U.S. diplomacy and Rouhani's own capacity to negotiate carefully and avoid missteps or traps.

#### Congress won’t speak with one voice – instead partisan splits are inevitable and it’s the dispute that telegraphs weakness – all authorization looks like weakness

**Kahn, Yale law and humanities professor, 2000**

(Paul, “The Seventh Annual Fritz B. Burns Leclture The War Powers Resolution And Kosovo: War Powers And The Millennium” 34 Loy. L.A. L. Rev. 11, lexis

With respect to foreign affairs, however, these techniques of congressional decision-making work poorly. The differentiation that marks the parties as distinct and separate, and is domestically an initial step toward compromise, serves the same differentiating function in foreign policy, but there it tends to freeze party positions. Treaties come before the Senate too late in the process for compromise to be an option, particularly when they are multiparty covenants. n62 Moreover, compromises can look like concessions of U.S. interests to foreign states, rather than a distribution among competing elements of the polity. Nor is there a great deal of pressure to compromise. Rejecting foreign policy initiatives is a way of preserving the [\*30] status quo, and preserving the international status quo is rarely a policy for which one is held politically accountable. It is hard to make an issue out of a failure to change the conditions that prevail internationally, when the country is enjoying power, prestige, and wealth. Unable to compromise, the Senate can end up doing nothing, and then treaty ratification fails. Difference leads to stalemate, rather than to negotiation. The problem is greatly exacerbated by the two-thirds requirement for ratification. n63 This structural bias toward inaction accounts in part for the use of executive agreements in place of treaties. n64 These agreements make use of some of the tactical advantages of presidential initiative. Many of the structural problems remain, however, when executive agreements require subsequent congressional approval. If the issue involves the use of force, compromise is particularly difficult. A compromise that produces a less substantial response to a foreign policy crisis can look like a lack of commitment. Disagreement now threatens to appear to offer an "exploitable weakness" to adversaries. Congress cannot simply give the president less of what he wants, when what he wants is a military deployment. There cannot easily be compromises on a range of unrelated issues in order to achieve support for a military deployment. While that may happen, it has the look of disregard for the national interests and of putting politics ahead of the public interest. Nor can Congress easily adopt the technique of the expert commission. n65 The timeframe of a crisis usually will not allow it. More importantly, the military - particularly in the form of the Joint Chiefs of Staff - has already preempted the claim of expertise, as well as the claim to be "apolitical." [\*31] Finally, there is little room for the private lobbyist with respect to these decisions. Congress, in short, is not capable of acting because it only knows how to reach compromise across dissensus. When disagreement looks unpatriotic, and compromise appears dangerous, Congress is structurally disabled. This produces the double consequence for American foreign policy of a reluctance to participate in much of the global development of international law - outside of those trade and finance arrangements that are in our immediate self-interest - and a congressional abdication of use of force decisions to the president. The same structural incapacities are behind these seemingly contradictory results. The vices of congressional decision-making in this area are balanced by the corresponding presidential virtues. The president can formulate a policy; the president need not compromise to act; the president can publicly claim responsibility for a position without having to distinguish his position from that of his political opponents; and the president almost inevitably can speak with the support of military experts. Because the president can do all of this, he is uniquely accountable for foreign policy decisions, especially on the use of force. n66 There is little doubt that the president believes he will be held politically accountable for American foreign policy decisions to use force. The recent loss of seventeen servicemen in Somalia deeply affected the methods of military deployment, precisely because of a fear that the public would not approve military losses outside of a narrow range of vital national interests. n67 The Clinton policy on the use of force, whatever else we may think about it, is directly responsive [\*32] to an assessment of what is politically acceptable. n68 This dynamic of public accountability is not likely to be improved by requiring congressional action. If the president is publicly accountable, then it is not necessarily the case that Congress's failure has produced a sort of democracy deficit. Indeed, our most compelling problem today is not democratic accountability for the use of force, but Congress's structural weakness in assessing American participation in an emerging global order. To insist that the constitutional text requires congressional approval of any commitment of American military forces that places them at risk would put the war-declaring function in the same position as the treaty-making function. The consequence would be an effective withdrawal of American forces from an active international role. One unfortunate consequence of our domestic, ideological wars of the '60s and the '70s, and particularly of our experience over Vietnam, is an academic tendency to argue for the further democratization of use of force decisions. This is the lens through which the war-declaring power of Congress is viewed. For the reasons sketched above, however, the political and institutional underpinnings for such a view are unrealistic. More importantly, we are already at a point at which there is too much "public accountability," given the ends for which force is deployed today. The democratization of the war powers is a Cold War agenda that no longer makes sense in a post-Cold War era. To understand this we have to investigate the changing character of the international legal order.

### 1NR A2: Congress Solves

#### The link alone kills U.S. credibility and Iranian diplomacy

**Alterman, CSIS Middle East program director, 9-4-13**

(Jon, “US-Iran Nuclear Deal Hinges On Syria Vote”, [www.al-monitor.com/pulse/originals/2013/09/us-iran-nuclear-deal-hinges-on-syria-vote.html](http://www.al-monitor.com/pulse/originals/2013/09/us-iran-nuclear-deal-hinges-on-syria-vote.html), ldg)

There is, however, an even more stark consequence of Obama losing the Syria vote in Congress. Should the White House, with its immense power and prestige, fail to build sufficient support, leaders around the world will conclude that this president can be defied with impunity. If he cannot win the support of those close to him, what hope does he have of winning over those at a distance?

The consequence here would be a combination of much more difficult diplomacy and even more bad behavior around the world that requires diplomacy to address. Hard-liners in Iran and their allies around the Middle East would certainly be emboldened, and regional states would be far less likely to rely on US cues in managing their own issues. Arab-Israeli negotiations, as well, would be dealt a fundamental blow, as each party would retreat to its own maximal position. China, Russia and a host of other countries are watching closely as well.

### A2: Congress

#### Congress would sign off on a deal

**Bloomberg 9-28-13**

(“Nuclear Nuts & Bolts, Politics Loom Over Iran Talks”, <http://www.bloomberg.com/news/2013-09-28/nuclear-nuts-bolts-politics-loom-over-iran-talks.html>, ldg)

“Obama has made a huge public commitment to pursuing these negotiations with Iran,” Mann said. “He will keep doing so until he reaches an agreement or decides it is futile.” Aaron David Miller, a former Mideast adviser to several U.S. administrations, said there’s no foreign policy issue in Congress today on which there’s more “unanimity and consensus than hammering Iran on the nuclear issue.” Congressional Hawks Miller, now a vice president at the Woodrow Wilson International Center for Scholars in Washington, said in an interview that “Congress will watch Obama on Iran like the literal and figurative hawks they are.” The upshot is that Obama won’t be able “to agree to a questionable deal on the nuclear issue -- even if he were desperate for one.” At the same time, Miller said, “It’s very tough for Congress to totally restrict a president” from easing sanctions as part of an acceptable deal. Miller said he sees no way that Obama would accept a bad deal, given bipartisan concern in Washington, as well as on the part of key ally Israel, whose leader, Netanyahu, will visit the U.S. next week. Charlie Cook, editor and publisher of the Washington-based Cook Political Report, said that despite the focus on Iran in foreign policy circles, Obama needn’t worry about the issue as his Democratic Party faces midterm congressional elections next year. “The American public is not in the least bit engaged on the Iran nuclear issue, not paying attention at all,” Cook said in an interview. “Between a possible government shutdown, debt ceiling, concerns about the economy and a little hangover from the Syria issue, this is not an issue on the public’s radar screen.” Not Top 10 As for pressure on the president from lawmakers, Cook said that while some members of Congress follow the issue closely, “this is pretty far down the pecking order of immediacy -- not Topic 1, 2, or even 10,” he said.

### 1NR A2: No Prolif

#### Iran prolif causes nuke war and destroys US credibility and deterrence

Wall Street Journal 2011

If Iran Gets the Bomb, http://online.wsj.com/article/SB10001424052970204224604577027842025797760.html

Advocates of a "containment" strategy toward a nuclear Iran argue that its behavior would differ little from what it is today. By this logic, the U.S. and its allies would warn Iran that it would face nuclear annihilation if it crossed certain red lines, such as passing a bomb to terrorists, and Iran wouldn't dare breach them. But those red lines would be hard to credit once the U.S. squandered its credibility by allowing Iran to go nuclear after spending a decade warning that such an outcome was "unacceptable." Would the U.S. really risk nuclear war with a fanatical regime for the sake of, say, Bahrain, or even Israel? We doubt it, and so would every power in the region. One certain result would thus be a nuclear proliferation spiral in the Middle East, in which Saudi Arabia, Turkey and probably Egypt would acquire nuclear arsenals of their own. That would be an odd outcome for an Administration that has made nuclear arms control a cornerstone of its foreign policy. Then again, not every country in the region would have the will or wherewithal to stand up to Iran. Some could no doubt be bullied or induced to cooperate with it, especially as the U.S. presence in the region diminishes after withdrawals from Iraq and Afghanistan. Those Iranian neighbors could fall into its orbit, thereby extending Tehran's strategic reach from Kabul to Beirut. Containment advocates also assert that Iran would never use its nuclear weapons, since it would invite devastating reprisals. But the power of nuclear weapons lies in the fact of their possession even if they are never used. Iran could use ambiguous threats or work through proxies to both provoke and deter its adversaries in the region, including the U.S. Iran's prestige would also be immensely bolstered, both at home and abroad, by developing nuclear weapons in the teeth of international opposition. It is perilous, in any case, to assume that Iran is a "normal" regime that wouldn't dare use nuclear weapons. Iran's regime was born in revolutionary religious fervor and routinely vows to annihilate Israel and its "Great Satan" protector, the U.S. Iran is also a regime shaped by a messianic cult of martyrdom, one that sent thousands of children to clear mine fields during the Iran-Iraq war. Sometimes such governments mean what they say even if the rest of the world won't believe it. The Nazis did. In the case of the assassination plot against the Saudi ambassador, one plausible explanation is that the strike was ordered by a faction within the regime trying to undermine its internal rivals. What does that say about the unity of command needed to secure a nuclear arsenal? Another argument for containment is that the Iranian regime is destined to collapse and so we can afford to wait it out. But tyrannical regimes with a fanatical will to power have a way of holding on against the odds: Look at the Kim dynasty in North Korea. Nuclear weapons would not save the mullahs from an internal uprising in the Libyan mold, though it's worth noting that Gadhafi would still be in power had he not abandoned his nuclear programs. It's also worth wondering what a regime faced with such an uprising would do with its nuclear weapons if it believed it was on the verge of collapse. All of this adds up to far more dangerous world—in which Iran becomes a regional hegemon, Israel faces a threat to its very existence, the Middle East embarks on a nuclear arms race, America's freedom of action is curtailed, and the dangers of a nuclear exchange rise to levels above what they were even during the early Cold War. \*\*\* The question for the world, and especially for the Obama Administration, is whether those dire consequences are worse than the risks of a pre-emptive strike. We think we know what the Israelis will decide, especially if they conclude that President Obama stays on his current course. Opponents of a pre-emptive strike say it would do no more than delay Iran's programs by a few years. But something similar was said after Israel's strike on Iraq's Osirak reactor in 1981, without which the U.S. could never have stood up to Saddam after his invasion of Kuwait. In life as in politics, nothing is forever. But a strike that sets Iran's nuclear programs back by several years at least offers the opportunity for Iran's democratic forces to topple the regime without risking a wider conflagration. No U.S. President could undertake a strike on Iran except as a last resort, and Mr. Obama can fairly say that he has given every resort short of war an honest try. At the same time, no U.S. President should leave his successor with the catastrophe that would be a nuclear Iran. A nuclear Iran on Mr. Obama's watch would be fatal to more than his legacy.

## R2p

#### Food prices won’t cause instability

**WFP 2012**

(World Food Program, “High Food Prices: Why This Is Different From 2008”, 9-4, <http://www.wfp.org/stories/high-food-prices-why-different-2008>, ldg)

1. Global stocks of rice and wheat are higher than they were in 2008. The price and supplies of rice, a staple food for many millions of people, are relatively stable in Asia. 2. In 2008, several major food-producing countries imposed export bans, which caused shortages on world markets. Meanwhile, in food-deficit countries, there was panic-buying, with governments paying very high prices, especially for rice. So far this time this has not happened. 3. In contrast to 2008, global economic growth is presently weak, so demand is not pushing prices further upwards. 4. Many countries are better prepared to face the current situation. Some have worked on establishing and improving social safety nets such as school meals, and public works programmes. 5. Better tools exist at the international level to coordinate the policy response. For example, in 2011 the G20 set up the Agricultural Market Information System (AMIS), hosted at FAO, which tracks food commodity markets and aims to improve transparency and act as an early warning system.

### R2p dumb

#### 1 no intervention chebab

#### Invoking R2P requires security council authorization

Albright and Williamson 2013

Madeleine – Former Secretary of State, and Richard – Senior fellow for multilateral institutions at the Chicago Council on Global Affairs, The United States and R2P: From Words to Action, http://www.ushmm.org/genocide/pdf/The-United-States-and-R2P.pdf

At the 2005 UN World Summit, governments unanimously embraced R2P in its present form. In so doing, they endorsed the principle that every state has a responsibility to protect civilians against mass atrocities and pledged their preparedness, when necessary, to take collective action through the Security Council in accordance with the UN Charter. R2P does not envision a case in which states could legitimately intervene in another country without Security Council authorization. Th us, while reinforcing the premise that states—individually and collectively— have a duty to protect people from mass atrocities, the R2P declaration did not establish a new basis for international decision-making. Th is restraint was reassuring to those who worried that R2P might be used as an unwarranted license to intervene and frustrating to those concerned that a stalemate within the Security Council could block eff ective action.

#### After Libya R2P won’t be possible – regime change.

Kassim 2012

Yang Razali, Visiting Fellow at the Lowy Institute, Senior Fellow with Singapore's S Rajaratnam School of International Studies, Nanyang Technological University, Syria and R2P: Time for a middle ground 6-6-12, http://www.lowyinterpreter.org/post/2012/06/06/Syria-Time-for-a-middle-ground.aspx

The decision to intervene in Libya won wide support, including from the Arab League. Even the main detractors of R2P, Russia and China, did not veto Resolutions 1970 and 1973 enabling intervention in Libya, primarily because there was assurance from the UN that it would not lead to regime change. That was key: When R2P was first proposed a decade ago, its proponents were at pains to stress R2P was not, and should not be, about regime change but about the international community's responsibility to protect civilians from mass atrocities. But when Qadhafi fell and subsequently died at the hands of the rebels, the R2P detractors concluded that this was not what they had voted for. The interventionists, especially France and Britain, argued in defence that the dynamics on the ground were such that Qadhafi's fall was an inevitable consequence of the civil strife. But the Libyan experience changed the tide against R2P. Russia and China have since hardened their positions over intervention in Syria. They acted in tandem to veto initiatives they feared could lead to a replay of Libya and to the fall of Assad. The UN sees it as Syria's internal crisis. Assad sees it as an external war imposed on his country. Given the stalemate, some commentators have declared R2P dead. But is it?

### Circumvention – 2NC

#### They assume Congress will pass very specific authorization-instead they are going to pass ambiguous statutes that let the President do whatever he wants

**Mitchell, GMU law professor, 2009**

(Jonathan, “Legislating Clear-Statement Regimes in National-Security Law”, January, <http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=jonathan_mitchell>, ldg)

The executive branch’s interpretive theories were far-reaching, and its approach to constitutional avoidance and implied repeal were irreconcilable with the Supreme Court’s precedents. But they provided some political cover for the President by giving his actions a veneer of legality, and may even have protected executive-branch employees from the fear of criminal liability or political reprisals.22 To prevent the executive from continuing to evade Congress’s codified clear-statement requirements in this manner, many proposals have sought to provide more narrow and explicit clear statement requirements in Congress’s framework legislation as well as provisions that withhold funding from activities that Congress has not specifically authorized. For example, Senator Arlen Specter proposed new provisions to FISA stating that no provision of law may repeal or modify FISA unless it “expressly amends or otherwise specifically cites this title,” and that “no funds appropriated or 23 otherwise made available by any Act” may be expended for electronic surveillance conducted outside of FISA. Congress failed 24 to enact Senator Specter’s proposal, but it did enact an amendment to FISA that made the clear-statement regime more explicit, specifying that “[o]nly an express statutory authorization for electronic surveillance” may authorize electronic surveillance outside of FISA’s procedures. And numerous commentators have 25 argued for new provisions in the War Powers Resolution that would withhold funds from military ventures that Congress has not specifically authorized. Yet such proposals are unable to counter 26 the executive branch’s aggressive interpretive doctrines. Executive branch lawyers will remain able to concoct congressional “authorization” from vague statutory language by repeating their assertions that codified clear-statement requirements “bind future Congresses” or that ambiguous language in later-enacted statutes implicitly repeals restrictions in Congress’s framework legislation. Future legislators will continue to acquiesce to the President’s unilateralism when it is politically convenient to do so. And the 27 federal courts’ willingness to enforce clear-statement regimes against the President in national-security law bears no relationship to the codified clear-statement requirements in framework legislation or treaties.28 Congress could produce more effective clear-statement regimes if it precommitted itself against enacting vague or ambiguous legislation from which executive-branch lawyers might claim implicit congressional “authorization” for certain actions. Rather than merely enacting statutes that instruct the executive not to construe ambiguous statutory language as authorizing military hostilities or warrantless electronic surveillance, Congress could establish point-of-order mechanisms that impose roadblocks to enacting such vague legislation in the first place. A point-of-order 29 mechanism would empower a single legislator to object to legislation that authorizes military force, or that funds the military or intelligence agencies. But the point of order would be valid only if the legislation fails to explicitly prohibit or withhold funding for military hostilities beyond sixty days, or warrantless electronic surveillance, unless the bill includes the specific authorizing language that Congress’s framework legislation requires. This device would reduce the likelihood of Congress ever enacting vague or ambiguous legislation that the executive might use to claim “authorization” for extended military hostilities or warrantless electronic surveillance. It would also induce legislators to confront presidents who act without specific congressional authorization by empowering a single legislator to object to legislation necessary to fund the President’s unauthorized endeavors. Yet the political branches have never established such an enforcement mechanism for the clear-statement requirements in national-security legislation, even though they have established such point-of-order devices to enforce precommitments in framework legislation governing the federal budget process. The result is a regime of 30 faint-hearted clear-statement regimes in national-security law—framework legislation that codifies strongly worded clearstatement rules but that lacks any mechanism to induce compliance by future political actors. This may be a calculated choice of members of Congress, or it may reflect the President’s influence in the legislative process. But no one should think that simply legislating more narrow or explicit clear-statement requirements, or adding funding restrictions to Congress’s framework legislation, will prevent the executive from continuing to infer congressional authorization from vague or ambiguous statutory language.

#### There’s no political cost because congress can’t exact it

Kriner, Boston political science professor, 2010

(Douglas, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 41-2, ldg)

However, if Congress can exert influence over military policymaking only by taking a leading role and exercising these formal legislative mechanisms to mandate its preferred policy course, then **there are reasons to be skeptical of its ultimate influence.** Throughout American history, presidents have deployed American military forces across the globe to pursue a variety of policy objectives. Yet, in all but the rarest of cases, Congress has failed to avail itself of any of these tools to limit the president's authority as commander in chief. When presidents request a congressional authorization to use force, **it is almost always forthcoming**. When they act unilaterally without prior congressional assent, they almost always **evade legislative sanction**. Congress has invoked the War Powers Resolution's withdrawal clock only once, and even then it simultaneously authorized an eighteen-month deployment for the Marine mission in Lebanon. And, as recent debates concerning the war in Iraq have demonstrated, in almost every case of interbranch conflict over military policy, the power of the purse has proven to be a blunt instrument whose costs, both strategic and political, have virtually precluded its successful use.5 Given this record of congressional acquiescence to presidential initiatives and the reality that when members of Congress do rise up against the president's policies they consistently fail to write their preferences into law, why would presidents ever adjust their military policies in response to or anticipation of congressional opposition? What costs can the legislature impose on the president to dissuade him from pursuing his chosen policy course, regardless of legislative unease? If the only way in which Congress can affect the president's strategic calculus in the military arena is by legally compelling him to abandon his preferred policies, then Congress is indeed all but impotent in military affairs. **A host of factors** combine to hinder Congress from acting legislatively to constrain the commander in chief. Collective-action problems necessarily plague any effort by 535 atomized, individual ac tors to protect their institutional prerogatives as legislators in military affairs.6 More importantly, the partisan incentives of many members of Congress to support a president of their own party often overwhelm their interest in maintaining the power stakes of their institution. This reality, coupled with a legislative process riddled with transaction costs and supermajoritarian requirements, virtually precludes Congress from building the requisite majorities, or in some cases supermajorities, needed to chart a military course independent of the president.' Finally, the courts have long been reticent to intervene and protect legislative prerogatives in war powers that Congress itself is loath to assert.8 For all of these reasons, presidents act in the military arena secure in the knowledge that they can operate as they please with little risk of Congress exercising its constitutional and statutory prerogatives to compel them to do otherwise. If Congress does retain any influence in the military arena, it must be able to affect presidents' decision calculus through other, more indirect means.

#### FJ

Entin 12 (Jonathan L. Entin is Associate Dean for Academic Affairs (School of Law), David L. Brennan Professor of Law, and Professor of Political Science, Case Western Reserve University, “War Powers, Foreign Affairs, and the Courts: Some Institutional Considerations,” http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.21.Article.Entin.pdf)

Beyond the limitations of the Supreme Court rulings, the judiciary probably will not contribute very much to the debate. Various procedural and jurisdictional obstacles make it difficult for courts to address the merits of disputes about war powers and foreign affairs. Even if those obstacles can be surmounted, those who decry what they view as presidential excess should note that the judiciary typically has taken a deferential role in reviewing challenges to executive action. A. Standing Because the judicial power of the United States encompasses only cases and controversies,12 neither Congress nor the president could obtain an advisory opinion about war powers or foreign affairs, even if they were so inclined. To satisfy the requirement of standing, an appropriate plaintiff must allege a legally cognizable injury that was caused by the defendant and could be redressed by a suitable judicial remedy.13 Most citizens will lack standing to challenge military actions or foreign policy decisions because they would be asserting a generalized grievance. This was the basis for rejecting a challenge to the constitutionality of the Vietnam War. The plaintiffs in Schlesinger v. Reservists Committee to Stop the War14 claimed that members of Congress who were members of the military reserve were susceptible to undue influence by the executive branch, but the Supreme Court never reached the merits. The Court concluded that the plaintiffs lacked standing because they were asserting “an interest shared by all citizens.” 15 Although most citizens would be foreclosed from suing, perhaps a member or group of members of Congress might have standing. Legislators might try to assert that executive actions infringed their constitutional authority. This possibility seems to have been foreclosed by Raines v. Byrd, 16 which held that individual members of Congress lacked standing to challenge the constitutionality of the Line Item Veto Act.17 The challengers, four Senators and two Representatives,18 could not and did not allege that their votes against the measure had been “completely nullified”; 19 they opposed the bill and “simply lost.” 20 Accordingly, these individual legislators lacked standing.21

#### They assume Congress wants to assert themselves-they don’t.

**Nzelibe, Northwestern law professor, 2007**

(Jide, “Are Congressionally Authorized Wars Perverse?”, Stanford Law Review, lexis, ldg)

These assumptions are all questionable. As a preliminary matter, there is not much causal evidence that supports the institutional constraints logic. As various commentators have noted, Congress's bark with respect to war powers is often much greater than its bite. Significantly, skeptics like Barbara Hinckley suggest that any notion of an activist Congress in war powers is a myth and members of Congress will often use the smokescreen of "symbolic resolutions, increase in roll calls and lengthy hearings, [and] addition of reporting requirements" to create the illusion of congressional participation in foreign policy.' 0 Indeed, even those commentators who support a more aggressive role for Congress in initiating conflicts acknowledge this problem," but suggest that it could be fixed by having Congress enact more specific legislation about conflict objectives and implement new tools for monitoring executive behavior during wartime. 12 Yet, even if Congress were equipped with better institutional tools to constrain and monitor the President's military initiatives, it is not clear that it would significantly alter the current war powers landscape. As Horn and Shepsle have argued elsewhere: "[N]either specificity in enabling legislation ... nor participation by interested parties is necessarily optimal or self-fulfilling; therefore, they do not ensure agent compliance. Ultimately, there must be some enforcement feature-a credible commitment to punish ....Thus, no matter how much well-intentioned and specific legislation Congress passes to increase congressional oversight of the President's military initiatives, it will come to naught if members of Congress lack institutional incentives to monitor and constrain the President's behavior in an international crisis. Various congressional observers have highlighted electoral disincentives

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

#### Obama would just commit forces then Congress would give up-best academic position

**Kriner, Boston political science professor, 2010**

(Douglas, After the Rubicon: Congress, Presidents, and the Politics of Waging War, pg 6-8, ldg)

The role that Congress plays in deciding whether a war is continued or concluded is of intrinsic interest to academics, policymakers, and casual observers of contemporary American politics alike. Yet the belief that Congress retains some capacity to shape the conduct of military affairs after a venture is launched is also a critically important and untested proposition underlying most theories **asserting** congressional influence over the initiation of military action.

Why, according to this emerging literature, do presidents facing a strong opposition party in Congress use force less frequently than do their peers with strong partisan majorities in Congress? The most commonly offered answer is that presidents anticipate Congress's likely reaction to a prospective use of force and respond accordingly.14 Presidents who confront an opposition-led Congress anticipate that it is more willing and able to challenge the administration's conduct of military action than a Congress controlled by their partisan allies. Therefore, the frequency with which presidents use force abroad covaries with the strength of their party in Congress. However, this anticipatory logic requires that Congress has the ability to raise the costs of military action for the president, once that action has begun. If Congress lacks this capacity, presidents have little reason to adjust their willingness to initiate the use of force in anticipation of an adverse congressional response." As a result, determining whether and how Congress can influence the scope and duration of ongoing military operations is critically important even to evaluating prior research that asserts congressional influence over the initiation of military actions. Without it, such analyses rest on shaky ground. Unfortunately, because the dynamics change dramatically once American troops are deployed abroad, simply drawing lessons from existing studies of interbranch dynamics in military policymaking at the conflict initiation phase and applying them to the conflict conduct phase is unlikely to offer much insight." The decision-making environment at the conflict conduct phase differs from that at the conflict initiation phase along at least three key dimensions: the incentives and constraints governing congressional willingness to challenge presidential discretion; the relative institutional capacities of the executive and legislative branches to affect military policymaking; and finally, the ability of unfolding conflict events to change further the political and strategic environment in which the two branches vie for power. With regard to the political constraints that limit would-be adversaries in Congress, the president may **be in an even stronger position** after American troops are deployed in the field. Ordering troops abroad is akin to other unilateral presidential actions; by seizing his office's capacity for independent action, a president can dramatically **change the status quo** and fundamentally alter the political playing field on which Congress and other actors must act to challenge his policies.17 Once the troops are overseas, the political stakes for any congressional challenge to the president's policies are inexorably raised; any such effort is subject to potentially ruinous charges of failing to support the troops. Georgia Senator Richard Russell's conversion from opposition to U.S. intervention in Vietnam in the early 196os to stalwart support for staying the course after Lyndon Johnson's escalation of the American commitment there illustrates this change: "We are there now, and the time for debate has passed. Our flag is committed, and—more importantly—American boys are under fire."" Russell's sentiment was loudly echoed forty years later in the allegations by the Bush administration and its partisan allies in Congress that any legislative efforts to curtail the war in Iraq undermined the troops. As a result of these potentially **intense political costs**, there are reasons to question whether Congress can mount an effective challenge to the policies of the commander in chief. If it cannot, this would compel a reassessment of prior theories asserting congressional influence over the initiation of military actions through the logic of anticipated response. Certainly, more empirical analysis is needed to answer this question.

# 1NR

### \*\*\*Warfighting

### Overview

#### And, Nuclear terrorism attacks escalate and cause extinction.

**Morgan, Hankuk University of Foreign Studies, 2009**

(Dennis, World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race Futures, Volume 41, Issue 10, December, ldg)

In a remarkable website on nuclear war, Carol Moore asks the question “Is Nuclear War Inevitable??” In Section , Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they’ve figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel. Because of the Russian “dead hand” system, “where regional nuclear commanders would be given full powers should Moscow be destroyed,” it is likely that any attack would be blamed on the United States” Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal “Samson option” against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even “anti-Semitic” European cities In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well. And what many people fail to realize is what a precarious, hair-trigger basis the nuclear web rests on. Any accident, mistaken communication, false signal or “lone wolf’ act of sabotage or treason could, in a matter of a few minutes, unleash the use of nuclear weapons, and once a weapon is used, then the likelihood of a rapid escalation of nuclear attacks is quite high while the likelihood of a limited nuclear war is actually less probable since each country would act under the “use them or lose them” strategy and psychology; restraint by one power would be interpreted as a weakness by the other, which could be exploited as a window of opportunity to “win” the war. In other words, once Pandora's Box is opened, it will spread quickly, as it will be the signal for permission for anyone to use them. Moore compares swift nuclear escalation to a room full of people embarrassed to cough. Once one does, however, “everyone else feels free to do so. The bottom line is that as long as large nation states use internal and external war to keep their disparate factions glued together and to satisfy elites’ needs for power and plunder, these nations will attempt to obtain, keep, and inevitably use nuclear weapons. And as long as large nations oppress groups who seek self-determination, some of those groups will look for any means to fight their oppressors” In other words, as long as war and aggression are backed up by the implicit threat of nuclear arms, it is only a matter of time before the escalation of violent conflict leads to the actual use of nuclear weapons, and once even just one is used, it is very likely that many, if not all, will be used, leading to horrific scenarios of global death and the destruction of much of human civilization while condemning a mutant human remnant, if there is such a remnant, to a life of unimaginable misery and suffering in a nuclear winter. In “Scenarios,” Moore summarizes the various ways a nuclear war could begin: Such a war could start through a reaction to terrorist attacks, or through the need to protect against overwhelming military opposition, or through the use of small battle field tactical nuclear weapons meant to destroy hardened targets. It might quickly move on to the use of strategic nuclear weapons delivered by short-range or inter-continental missiles or long-range bombers. These could deliver high altitude bursts whose electromagnetic pulse knocks out electrical circuits for hundreds of square miles. Or they could deliver nuclear bombs to destroy nuclear and/or non-nuclear military facilities, nuclear power plants, important industrial sites and cities. Or it could skip all those steps and start through the accidental or reckless use of strategic weapons

#### Rogue states multiply and cause extinction

**Johnson, Forbes contributor and Presidential Medal of Freedom winner, 2013**

(Paul, “A Lesson For Rogue States”, 5-8, <http://www.forbes.com/sites/currentevents/2013/05/08/a-lesson-for-rogue-states/>, ldg)

Although we live in a violent world, where an internal conflict such as the Syrian civil war can cost 70,000 lives over a two-year period, there hasn’t been a major war between the great powers in 68 years. Today’s three superpowers–the U.S., Russia and China–have no conflicts of interest that can’t be resolved through compromise. All have hair-trigger nuclear alert systems, but the sheer scale of their armories has forced them to take nuclear conflict seriously. Thus, in a real sense, nuclear weapons have succeeded in abolishing the concept of a winnable war. The same cannot be said, however, for certain paranoid rogue states, namely North Korea and Iran. If these two nations appear to be prospering–that is, if their nuclear threats are winning them attention and respect, financial bribes in the form of aid and all the other goodies by which petty dictators count success–other prospective rogues will join them. One such state is Venezuela. Currently its oil wealth is largely wasted, but it is great enough to buy entree to a junior nuclear club. Another possibility is Pakistan, which already has a small nuclear capability and is teetering on the brink of chaos. Other potential rogues are one or two of the components that made up the former Soviet Union. All the more reason to ensure that North Korea and Iran are dramatically punished for traveling the nuclear path. But how? It’s of little use imposing further sanctions, as they chiefly fall on the long-suffering populations. Recent disclosures about life in North Korea reveal how effectively the ruling elite is protected from the physical consequences of its nuclear quest, enjoying high standards of living while the masses starve. Things aren’t much better in Iran. Both regimes are beyond the reach of civilized reasoning, one locked into a totalitarian vise of such comprehensiveness as to rule out revolt, the other victim of a religious despotism from which there currently seems no escape. Either country might take a fatal step of its own volition. Were North Korea to attack the South, it would draw down a retribution in conventional firepower from the heavily armed South and a possible nuclear response from the U.S., which would effectively terminate the regime. Iran has frequently threatened to destroy Israel and exterminate its people. Were it to attempt to carry out such a plan, the Israeli response would be so devastating that it would put an end to the theocracy forthwith. The balance of probabilities is that neither nation will embark on a deliberate war but instead will carry on blustering. This, however, doesn’t rule out war by accident–a small-scale nuclear conflict precipitated by the blunders of a totalitarian elite. Preventing Disaster The most effective, yet cold-blooded, way to teach these states the consequences of continuing their nuclear efforts would be to make an example of one by destroying its ruling class. The obvious candidate would be North Korea. Were we able to contrive circumstances in which this occurred, it’s probable that Iran, as well as any other prospective rogues, would abandon its nuclear aims. But how to do this? At the least there would need to be general agreement on such a course among Russia, China and the U.S. But China would view the replacement of its communist ally with a neutral, unified Korea as a serious loss. Compensation would be required. Still, it’s worth exploring. What we must avoid is a jittery world in which proliferating rogue states perpetually seek to become nuclear ones. The risk of an accidental conflict breaking out that would then drag in the major powers is too great. This is precisely how the 1914 Sarajevo assassination broadened into World War I. It is fortunate the major powers appear to have understood the dangers of nuclear conflict without having had to experience them. Now they must turn their minds, responsibly, to solving the menace of rogue states. At present all we have are the bellicose bellowing of the rogues and the well-meaning drift of the Great Powers–a formula for an eventual and monumental disaster that could be the end of us all.

### Turns Solvency – 2NC

#### No one will care about the plan in a crisis

**Young, Purdue associate fellow, 2013**

(Laura, “Unilateral Presidential Policy Making and the Impact of Crises”, Presidential Studies Quarterly, 43.2, JSTOR, ldg)

During periods of crisis, the time available to make decisions is limited. Because the decision-making process is often arduous and slow in the legislative branch, it is not uncommon for the executive branch to receive deference during a crisis because of its ability to make swift decisions. The White House centralizes policies during this time, and presidents seize these opportunities to expand their power to meet policy objectives. Importantly, presidents do so with limited opposition from the public or other branches of government (Howell and Kriner 2008). In fact, despite the opposition presidents often face when centralizing policies, research shows policies formulated via centralized processes during times of crisis receive more support from Congress and the American people (Rudalevige 2002, 148-49). For several reasons, a crisis allows a president to promote his agenda through unilateral action. First, a critical exogenous shock shifts attention and public opinion (Birkland 2004, 179). This shift is a phenomenon known as the “rally round the flag” effect (Mueller 1970). The rally effect occurs because of the public's increase in “its support of the president in times of crisis or during major international events” (Edwards and Swenson 1997, 201). Public support for the president rises because he is the leader and, therefore, the focal point of the country to whom the public can turn for solutions. Additionally, individuals are more willing to support the president unconditionally during such times, hoping a “united front” will increase the chance of success for the country (Edwards and Swenson 1997, 201). As a result, a crisis or focusing event induces an environment that shifts congressional focus, dispels gridlock and partisanship, and increases positive public opinion—each of which is an important determinant for successful expansion of presidential power (Canes-Wrone and Shotts 2004; Howell 2003). In other words, a crisis embodies key elements that the institutional literature deems important for presidential unilateral policy making. The president's ability to focus attention on a particular issue is also of extreme importance if he wishes to secure support for his agenda (Canes-Wrone and Shotts 2004; Edwards and Wood 1999; Howell 2003; Neustadt 1990). The role the media play is pivotal in assisting a president in achieving such a result because of its ability to increase the importance of issues influencing the attention of policy makers and the priorities of viewers. Although it is possible a president can focus media attention on the policies he wishes to pursue through his State of the Union addresses or by calling press conferences, his abilities in this regard are limited, and the media attention he receives is typically short lived (Edwards and Wood 1999, 328-29). High-profile events, on the other hand, are beneficial because they allow the president to gain focus on his agenda. This occurs because the event itself generates attention from the media without presidential intervention. Thus, the ability of crises to set the agenda and shift media and public attention provides another means for overcoming the constraints placed upon the president's ability to act unilaterally. Finally, Rudalevige finds support that a crisis increases the success of presidential unilateral power even if the policy process is centralized. A crisis allows little time to make decisions. As a result, “the president and other elected officials are under pressure to ‘do something’ about the problem at hand” (2002, 89, 148). Because swift action is necessary, presidents rely on in-house advice. As a result, the policy formation process is centralized, and the president receives deference to unilaterally establish policies to resolve the crisis. During a crisis, the president has greater opportunity to guide policy because the event helps him overcome the congressional and judicial obstacles that typically stand in his way.2 This affords the president greater discretion in acting unilaterally (Wildavsky 1966). It is possible the institutional make-up of the government will align so that the president will serve in an environment supportive of his policy decisions. It is also likely a president will have persuasive powers that enable him to gain a great deal of support for his policy agenda. An event with the right characteristics, however, enhances the president's ability to act unilaterally, regardless of the institutional make-up of government or his persuasive abilities.

### Turns Deterrence Cred – 2NC

#### DA comes faster-the plan collapses perceptions of deterrence which makes attack on the US more likely --- also prevents new categories of responses

**Zeisberg, Princeton politics PhD, 2004**

(Mariah, “Interbranch Conflict And Constitutional Maintenance: The Case Of War Powers”, June, [www.brown.edu/Research/ppw/files/Zeisberg%20Ch5.doc](http://www.brown.edu/Research/ppw/files/Zeisberg%20Ch5.doc), ldg)

The first significant argument of pro-Presidency insularists is that flexibility is a prime value in the conduct of foreign affairs, and especially war. Implicit in this argument is the recognition that the executive is functionally superior to Congress in achieving flexibility and swiftness in war operations, a recognition I share. The Constitution cannot be meant to curtail the very flexibility that may be necessary to preserve the nation; and yet, according to the insularists, any general norm which would include Congress in decision-making about going to war could only undermine that flexibility. Writing on the War Powers Act, Eugene Rostow predicts that it would, “put the Presidency in a straightjacket of a rigid code, and prevent new categories of action from emerging, in response to the necessities of a tense and unstable world.” In fact, Rostow believes, “[t]he centralization of authority in the president is particularly crucial in matters of national defense, war, and foreign policy, where a unitary executive can evaluate threats, consider policy choices, and mobilize national resources with a speed and energy that is far superior to any other branch.” Pro-presidency insularists are fond of quoting Hamilton, who argued that “[o]f all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.” This need for flexibility, some insularists argue, is especially acute given modern conditions, where devastating wars can develop quickly. Today, “many foreign states have the power to attack U.S. forces - and some even the U.S. mainland - almost instantly,” and in such a world it is impracticable to require the President to seek advance authorization for hostilities. Such a requirement would simply be too risky to U.S. security. We furthermore face a nuclear age, and the system of deterrence that operates to contain that threat requires that a single person be capable of responding to nuclear attack with nuclear weapons immediately. Rostow writes, “the requirement for advance authorization would collapse the system of deterrence, making preemptive strikes by our enemies more likely.” Hence, “modern conditions” require the President to “act quickly, and often alone.” While this does not mean that Congress has no role to play in moments of crisis, it does mean that Congress should understand its role largely in terms of cooperating with the President to support his negotiations and decisions regarding relationships with foreign powers. Rostow writes, “Congress should be able to act effectively both before and after moments of crisis or potential crisis. It may join the President in seeking to deter crisis by publicly defining national policy in advance, through the sanctioning of treaties or other legislative declarations. Equally, Congress may participate formally in policymaking after the event through legislative authorization of sustained combat, either by means of a declaration of war, or through legislative action having more limited legal and political consequences. Either of these devices, or both in combination, should be available in situations where cooperation between the two branches is indicated at many points along an arc ranging from pure diplomacy at one end to a declaration of war at the other.” In other words, for Congress to understand itself as having any justifiable role in challenging executive security determinations, especially at moments of crisis, would be to undermine the strength that the executive requires in order to protect the nation. Conflict in this domain represents political degradation.

### A2: Signal of Resolve

#### Congressional signals of resolve don’t matter because enemies will have already decided to go to war if we need authorization

**Kriner, Boston political science professor, 2010**

(Douglas, After the Rubicon: Congress, Presidents, and the Politics of Waging War, pg 81-2, ldg)

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

### Speed – 2NC

#### No link turns—not a fast enough tempo to win fourth-gen conflicts.

**Howell et al., Chicago political science professor, 2007**

(William, While Dangers Gather: Congressional Checks on Presidential War Powers, google books, ldg)

In foreign policy making generally, and on issues involving the use of force in particular this feature of unilateral powers reaps special rewards. If presidents had to build broad-based consensus behind every deployment before any military planning could be executed, most ventures would never get off the ground. Imagine having to explain to members of Congress why events in Liberia this month or Ethiopia the next demand military action, and then having to secure the formal consent of a supermajority before any action could be taken. The federal government could not possibly keep pace with an increasingly interdependent world in which every region holds strategic interests for the United States. Because presidents, as a practical matter, can unilaterally launch ventures into distant locales without ever having to guide a proposal through a circuitous and uncertain legislative process, they can more effectively manage these responsibilities and take action when **congressional deliberations** often result in gridlock. It is no wonder, then, that in virtually every system of governance, executives [not legislatures or courts) mobilize their nations through wars and foreign crises. Ultimately, it is their ability to act unilaterally that enables them to do so. in sum, the advantages of unilateral action arc significant: they allow the president to move first and move alone.

#### Guarantees we miss a window of opportunity

**Yoo, Berkeley law professor, 2004**

(John, “War, Responsibility, and the Age of Terrorism”, <http://works.bepress.com/cgi/viewcontent.cgi?article=1015&context=johnyoo>, ldg)

In order to weigh the advantages of the Congress-first approach, it is also important to understand its potential costs. The costs may not be obvious, since grounding the use of force in ex ante congressional consent bears a close resemblance to the process for enacting legislation. The legislative process increases the costs of government action. It is heavily slanted against the enactment of legislation by requiring the concurrence not just of the popularly elected House but also the state-representing Senate and the President. 50 This raises decision costs by increasing the delay needed to get legislative concurrence, requiring an effort to coordinate between executive and legislature, and demanding an open, public discussion of potentially sensitive information. Decision costs are not encapsulated merely in the time-worn hypotheticals that ask whether the President must go to Congress for permission to launch a preemptive strike against a nation about to launch its own nuclear attack. Rather, these decision costs might arise from delay in using force that misses a window of opportunity, or one in which legislative discussion alerts an enemy to a possible attack, or the uncertainty over whether congressional authorization will be forthcoming.

### \*\*\*SOP

**<<Finish from the 1NC…>>**

**Zenok, CFR fellow, 2013**

(Micah, “The Signal and the Noise”, 2-2, [www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise](http://www.foreignpolicy.com/articles/2013/02/20/the_signal_and_the_noise), ldg)

U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

#### Preventive norms are locked in and the AFF doesn’t change it

**Fisk et al., Claremont political science PhD, 2013**

(Kerstin, “Actions Speak Louder Than Words: Preventive Self-Defense as a Cascading Norm”, 4-15, International Studies Perspectives, Wiley, ldg)

Preventive self-defense entails waging a war or an attack by choice, in order to prevent a suspected enemy from changing the status quo in an unfavorable direction. Prevention is acting in anticipation of a suspected latent threat that might fully emerge someday. One might rightfully point out that preventive strikes are nothing new—the Iraq War is simply a more recent example in a long history of the preventive use of force. The strategic theorist Colin Gray (2007:27), for example, argues that “far from being a rare and awful crime against an historical norm, preventive war is, and has always been, so common, that its occurrence seems remarkable only to those who do not know their history.” Prevention may be common throughout history, but this does not change the fact that it became increasingly difficult to justify after World War II, as the international community developed a core set of normative principles to guide state behavior, including war as a last resort. The threshold for war was set high, imposing a stringent standard for states acting in self-defense. Gray concedes that there has been a “slow and erratic, but nevertheless genuine, growth of a global norm that regards the resort to war as an extraordinary and even desperate measure” and that the Iraq war set a “dangerous precedent” (44). Although our cases do not provide a definitive answer for whether a preventive self-defense norm is diffusing, they do provide some initial evidence that states are re-orienting their military and strategic doctrines toward offense. In addition, these states have all either acquired or developed unmanned aerial vehicles for the purposes of reconnaissance, surveillance, and/or precision targeting. Thus, the results of our plausibility probe provide some evidence that the global norm regarding the use of force as a last resort is waning, and that a preventive self-defense norm is emerging and cascading following the example set by the United States. At the same time, there is variation among our cases in the extent to which they apply the strategy of self-defense. China, for example, has limited their adaption of this strategy to targeted killings, while Russia has declared their strategy to include the possibility of a preventive nuclear war. Yet, the preventive self-defense strategy is not just for powerful actors. Lesser powers may choose to adopt it as well, though perhaps only implementing the strategy against actors with equal or lesser power. Research in this vein would compliment our analyses herein. With the proliferation of technology in a globalized world, it seems only a matter of time before countries that do not have drone technology are in the minority. While preventive self-defense strategies and drones are not inherently linked, current rhetoric and practice do tie them together. Though it is likely far into the future, it is all the more important to consider the final stage of norm evolution—internalization—for this particular norm. While scholars tend to think of norms as “good,” this one is not so clear-cut. If the preventive self-defense norm is taken for granted, integrated into practice without further consideration, it inherently changes the functioning of international relations. And unmanned aerial vehicles, by reducing the costs of war, make claims of preventive self-defense more palatable to the public. Yet a global norm of preventive self-defense is likely to be destabilizing, leading to more war in the international system, not less. It clearly violates notions of just war principles—jus ad bellum. The United States has set a dangerous precedent, and by continuing its preventive strike policy it continues to provide other states with the justification to do the same.