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#### Indefinite detention means holding enemy combatants until the cessation of hostilities – authority for it is codified in the NDAA

**Greenwald, 11** –former Constitutional and civil rights litigator (Glenn, “Three myths about the detention bill” Salon, 12/16, <http://www.salon.com/2011/12/16/three_myths_about_the_detention_bill/>)

Condemnation of President Obama is intense, and growing, as a result of his announced intent to sign into law the indefinite detention bill embedded in the 2012 National Defense Authorization Act (NDAA). These denunciations come not only from the nation’s leading civil liberties and human rights groups, but also from the pro-Obama New York Times Editorial Page, which today has a scathing Editorial describing Obama’s stance as “a complete political cave-in, one that reinforces the impression of a fumbling presidency” and lamenting that “the bill has so many other objectionable aspects that we can’t go into them all,” as well as from vocal Obama supporters such as Andrew Sullivan, who wrote yesterday that this episode is “another sign that his campaign pledge to be vigilant about civil liberties in the war on terror was a lie.” In damage control mode, White-House-allied groups are now trying to ride to the rescue with attacks on the ACLU and dismissive belittling of the bill’s dangers. For that reason, it is very worthwhile to briefly examine — and debunk — the three principal myths being spread by supporters of this bill, and to do so very simply: by citing the relevant provisions of the bill, as well as the relevant passages of the original 2001 Authorization to Use Military Force (AUMF), so that everyone can judge for themselves what this bill actually includes (this is all above and beyond the evidence I assembled in writing about this bill yesterday): Myth # 1: This bill does not codify indefinite detention Section 1021 of the NDAA governs, as its title says, “Authority of the Armed Forces to Detain Covered Persons Pursuant to the AUMF.” The first provision — section (a) — explicitly “affirms that the authority of the President” under the AUMF ”includes the authority for the Armed Forces of the United States to detain covered persons.” The next section, (b), defines “covered persons” — i.e., those who can be detained by the U.S. military — as “a person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners.” With regard to those “covered individuals,” this is the power vested in the President by the next section, (c): It simply cannot be any clearer within the confines of the English language that this bill codifies the power of indefinite detention. It expressly empowers the President — with regard to anyone accused of the acts in section (b) – to detain them “without trial until the end of the hostilities.” That is the very definition of “indefinite detention,” and the statute could not be clearer that it vests this power. Anyone claiming this bill does not codify indefinite detention should be forced to explain how they can claim that in light of this crystal clear provision. It is true, as I’ve pointed out repeatedly, that both the Bush and Obama administrations have argued that the 2001 AUMF implicitly (i.e., silently) already vests the power of indefinite detention in the President, and post-9/11 deferential courts have largely accepted that view (just as the Bush DOJ argued that the 2001 AUMF implicitly (i.e., silently) allowed them to eavesdrop on Americans without the warrants required by law). That’s why the NDAA can state that nothing is intended to expand the 2001 AUMF while achieving exactly that: because the Executive and judicial interpretation being given to the 20o1 AUMF is already so much broader than its language provides. But this is the first time this power of indefinite detention is being expressly codified by statute (there’s not a word about detention powers in the 2001 AUMF). Indeed, as the ACLU and HRW both pointed out, it’s the first time such powers are being codified in a statute since the McCarthy era Internal Security Act of 1950, about which I wrote yesterday.

#### Violation - Force feeding isn’t detention – the plan rules on penological interest, not detention power

**Bennett, 13** – Wells, managing editor of Lawfare (“Oral Argument Recap: Aamer v. Obama,” Lawfare, 10/18/13, <http://www.lawfareblog.com/2013/10/oral-argument-recap-aamer-v-obama/> //Red)

With regard got the merits, Judge Tatel tested Eisenberg’s theory, that force-feeding bears no relationship to a legitimate penological interest. (The legal principle is that when a prison regulation impinges on prisoners’ constitutional rights, then the regulation must bear a reasonable relationship to such an interest.) The judge asked about a long string of detainee-unfavorable cases, cited by the United States, all of which affirmed the government’s legitimate interest in maintaining **security and good order at prisons.** Well, why isn’t that also true at Guantanamo? The lawyer acknowledged the cited authorities, but suggested nevertheless that an alternative approach—that employed under California state law—would better suit the case at bar. The lawyer surmised that JTF-GTMO officials had jumped the gun in some instances, by force-feeding certain detainees (Eisenberg’s clients, presumably) before their hunger strike began to pose a mortal risk. The California regime, he said, could account for this.

#### Vote neg for fairness and education

#### Predictable Limits – their interpretation allows all prison rights issues - explodes the neg research burden

#### Ground – shifts the debate from war powers which changes the nature of our offense

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#### Obama is investing all of his political capital in blocking Iran sanctions – he’s winning the fight and momentum is on his side

**Benen, 1/17/14** – American political writer and blogger, an MSNBC contributor, and a producer for The Rachel Maddow Show (Steve, “Support for new Iran sanctions wanes”

<http://www.msnbc.com/rachel-maddow-show/support-new-iran-sanctions-wanes>)

A week ago, it was practically a foregone conclusion that such a bill would pass the House and Senate; the question is whether President Obama’s veto could be overridden. Just of the last few days, however, the odds of such a bill even reaching the president’s desk have dropped unexpectedly.

The Hill, for example, reported yesterday that House Republicans “are moving away from a proposal to adopt new Iran sanctions.” House Democrats who were otherwise sympathetic to the idea became “irked” by GOP political tactics “and the idea appears to have been at least temporarily shelved.”

In the Senate, meanwhile, BuzzFeed reports that Sen. Bob Corker (R-Tenn.), a co-sponsor of the legislation, has “proposed the idea of scheduling a vote on Iran sanctions six months from now, after the interim nuclear agreement has run its course, instead of voting on sanctions right now.”

In other words, lawmakers could at least wait to see if the talks bear fruit before sabotaging them in advance. Corker’s idea isn’t ideal – it would reportedly lock in the Senate for a vote on July 21, exactly six months after the current deal is implemented, regardless of the status of the diplomacy – but in the larger context it suggests even sanctions supporters are starting to see value in waiting.

Indeed, an unnamed senator who supports the sanctions bill told Greg Sargent this week that opponents have the momentum. The senator added, “At the moment, there’s no rush to put the bill on the floor. I’m not aware of any deadline in anyone’s head.”

Keep in mind, the sanctions legislation was introduced in the Senate on Dec. 19 with a bipartisan group of 26 sponsors. Over the course of just three weeks, that total more than doubled to 59 sponsors. But the last addition was eight days ago – and no other senators have signed on since.

What changed the direction of the debate? To be sure, White House pressure has made a difference, reinforced by President Obama’s direct lobbying to Democratic senators this week. I also talked to a Senate staffer yesterday who said public pressure has also increased, with more voters contacting the Hill with phone calls and emails, voicing opposition to the bill.

#### It’s a war powers fight that Obama is winning

**Merry, 1/1/14** - Robert W. Merry, political editor of the National Interest, is the author of books on American history and foreign policy (Robert, “Obama may buck the Israel lobby on Iran” Washington Times, factiva)

Presidential press secretary Jay Carney uttered 10 words the other day that represent a major presidential challenge to the American Israel lobby and its friends on Capitol Hill. Referring to Senate legislation designed to force President Obama to expand economic sanctions on Iran under conditions the president opposes, Mr. Carney said: “If it were to pass, the president would veto it.”

For years, there has been an assumption in Washington that you can’t buck the powerful Israel lobby, particularly the American Israel Public Affairs Committee, or AIPAC, whose positions are nearly identical with the stated aims of Israeli Prime Minister Benjamin Netanyahu. Mr. Netanyahu doesn’t like Mr. Obama’s recent overture to Iran, and neither does AIPAC. The result is the Senate legislation, which is similar to a measure already passed by the House.

With the veto threat, Mr. Obama has announced that he is prepared to buck the Israel lobby — and may even welcome the opportunity. It isn’t fair to suggest that everyone who thinks Mr. Obama’s overtures to Iran are ill-conceived or counterproductive is simply following the Israeli lobby’s talking points, but Israel’s supporters in this country are a major reason for the viability of the sanctions legislation the president is threatening to veto.

It is nearly impossible to avoid the conclusion that the Senate legislation is designed to sabotage Mr. Obama’s delicate negotiations with Iran (with the involvement also of the five permanent members of the U.N. Security Council and Germany) over Iran’s nuclear program. The aim is to get Iran to forswear any acquisition of nuclear weapons in exchange for the reduction or elimination of current sanctions. Iran insists it has a right to enrich uranium at very small amounts, for peaceful purposes, and Mr. Obama seems willing to accept that Iranian position in the interest of a comprehensive agreement.

However, the Senate measure, sponsored by Sens. Robert Menendez, New Jersey Democrat; Charles E. Schumer, New York Democrat; and Mark Kirk, Illinois Republican, would impose potent new sanctions if the final agreement accords Iran the right of peaceful enrichment. That probably would destroy Mr. Obama’s ability to reach an agreement. Iranian President Hasan Rouhani already is under pressure from his country’s hard-liners to abandon his own willingness to seek a deal. The Menendez-Schumer-Kirk measure would undercut him and put the hard-liners back in control.

Further, the legislation contains language that would commit the United States to military action on behalf of Israel if Israel initiates action against Iran. This language is cleverly worded, suggesting U.S. action should be triggered only if Israel acted in its “legitimate self-defense” and acknowledging “the law of the United States and the constitutional responsibility of Congress to authorize the use of military force,” but the language is stunning in its brazenness and represents, in the view of Andrew Sullivan, the prominent blogger, “an appalling new low in the Israeli government’s grip on the U.S. Congress.”

While noting the language would seem to be nonbinding, Mr. Sullivan adds that “it’s basically endorsing the principle of handing over American foreign policy on a matter as grave as war and peace to a foreign government, acting against international law, thousands of miles away.”

That brings us back to Mr. Obama’s veto threat. The American people have made clear through polls and abundant expression (especially during Mr. Obama’s flirtation earlier this year with military action against Bashar Assad’s Syrian regime) that they are sick and weary of American military adventures in the Middle East. They don’t think the Iraq and Afghanistan wars have been worth the price, and they don’t want their country to engage in any other such wars.

That’s what the brewing confrontation between Mr. Obama and the Israel lobby comes down to — war and peace. Mr. Obama’s delicate negotiations with Iran, whatever their outcome, are designed to avert another U.S. war in the Middle East. The Menendez-Schumer-Kirk initiative is designed to kill that effort and cedes to Israel America’s war-making decision in matters involving Iran, which further increases the prospects for war. It’s not even an argument about whether the United States should come to Israel’s aid if our ally is under attack, but whether the decision to do so and when that might be necessary should be made in Jerusalem or Washington.

2014 will mark the 100th anniversary of beginning of World War I, a conflict triggered by entangling alliances that essentially gave the rulers of the Hapsburg Empire power that forced nation after nation into a war they didn’t want and cost the world as many as 20 million lives. Historians have warned since of the danger of nations delegating the power to take their people into war to other nations with very different interests.

AIPAC’s political power is substantial, but this is Washington power, the product of substantial campaign contributions and threats posed to re-election prospects. According to the Center for Responsive Politics’ Open Secrets website, Sens. Kirk, Menendez and Schumer each receives hundreds of thousands of dollars a year in pro-Israel PAC money and each of their states includes concentrations of pro-Israel voters who help elect and re-elect them.

Elsewhere in the country, AIPAC’s Washington power will collide with the country’s clear and powerful political sentiment against further U.S. adventurism in the Middle East, particularly one as fraught with as much danger and unintended consequence as a war with Iran. If the issue gets joined, as it appears that it will, Mr. Obama will see that it gets joined as a matter of war and peace. If the Menendez-Schumer-Kirk legislation clears Congress and faces a presidential veto, the war-and-peace issue could galvanize the American people as seldom before.

If that happens, the strongly held opinions of a democratic public are liable to overwhelm the mechanisms of Washington power, and the vaunted influence of the Israel lobby may be seen as being not quite what it has been cracked up to be.

#### **Plan’s a perceived loss – that causes Obama’s allies to defect**

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

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

#### That means sanctions proponents will be able to override a veto

**Kampeas, 1/24/14** – Washington, D.C. bureau chief of the Jewish Telegraphic Agency (Ron, Heritage Florida Jewish News, “Iran sanctions have majority backing in Senate, but not enough to override veto”

<http://www.heritagefl.com/story/2014/01/24/news/iran-sanctions-have-majority-backing-in-senate-but-not-enough-to-override-veto/2115.html>

WASHINGTON (JTA)—More than half the United States Senate has signed on to a bill that would intensify sanctions against Iran. But in a sign of the so-far successful effort by the White House to keep the bill from reaching a veto-busting 67 supporters, only 16 Democrats are on board. The number of senators cosponsoring the bill, introduced by Sens. Mark Kirk (R-Ill.) and Robert Menendez (D-N.J.), reached 58 this week, up from just 33 before the Christmas holiday break. Notably only one of the 25 who signed up in recent days—Sen. Michael Bennet (D-Colo.)—is a Democrat, a sign of intense White House lobbying among Democrats to oppose the bill. Backers of the bill say it would strengthen the U.S. hand at the negotiations. But President Obama has said he would veto the bill because it could upend talks now underway between the major powers and Iran aimed at keeping the Islamic Republic from obtaining a nuclear bomb. A similar bill passed this summer by the U.S. House of Representatives had a veto-proof majority. On Thursday, the White House said backers of the bill should be upfront about the fact that it puts the United States on the path to war. “If certain members of Congress want the United States to take military action, they should be up front with the American public and say so,” Bernadette Meehan, the National Security Council spokeswoman, said in a statement posted by The Huffington Post. “Otherwise, it’s not clear why any member of Congress would support a bill that possibly closes the door on diplomacy and makes it more likely that the United States will have to choose between military options or allowing Iran’s nuclear program to proceed.” A number of pro-Israel groups, led by the American Israel Public Affairs Committee, are leading a full-court press for the bill’s passage, with prominent Jewish leaders in a number of states making calls and writing letters to holdouts. Dovish Jewish groups such as J Street and Americans for Peace Now oppose the bill.

#### Sanctions bill causes Israeli strikes

**Perr, 12/24/13 -** B.A. in Political Science from Rutgers University; technology marketing consultant based in Portland, Oregon. Jon has long been active in Democratic politics and public policy as an organizer and advisor in California and Massachusetts. His past roles include field staffer for Gary Hart for President (1984), organizer of Silicon Valley tech executives backing President Clinton's call for national education standards (1997), recruiter of tech executives for Al Gore's and John Kerry's presidential campaigns, and co-coordinator of MassTech for Robert Reich (2002).(Jon, “Senate sanctions bill could let Israel take U.S. to war against Iran” Daily Kos, [http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran#](http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran)

As 2013 draws to close, the negotiations over the Iranian nuclear program have entered a delicate stage. But in 2014, the tensions will escalate dramatically as a bipartisan group of Senators brings a new Iran sanctions bill to the floor for a vote. As many others have warned, that promise of new measures against Tehran will almost certainly blow up the interim deal reached by the Obama administration and its UN/EU partners in Geneva. But Congress' highly unusual intervention into the President's domain of foreign policy doesn't just make the prospect of an American conflict with Iran more likely. As it turns out, the Nuclear Weapon Free Iran Act essentially empowers Israel to decide whether the United States will go to war against Tehran. On their own, the tough new sanctions imposed automatically if a final deal isn't completed in six months pose a daunting enough challenge for President Obama and Secretary of State Kerry. But it is the legislation's commitment to support an Israeli preventive strike against Iranian nuclear facilities that almost ensures the U.S. and Iran will come to blows. As Section 2b, part 5 of the draft mandates: If the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence. Now, the legislation being pushed by Senators Mark Kirk (R-IL), Chuck Schumer (D-NY) and Robert Menendez (D-NJ) does not automatically give the President an authorization to use force should Israel attack the Iranians. (The draft language above explicitly states that the U.S. government must act "in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force.") But there should be little doubt that an AUMF would be forthcoming from Congressmen on both sides of the aisle. As Lindsey Graham, who with Menendez co-sponsored a similar, non-binding "stand with Israel" resolution in March told a Christians United for Israel (CUFI) conference in July: "If nothing changes in Iran, come September, October, I will present a resolution that will authorize the use of military force to prevent Iran from developing a nuclear bomb." Graham would have plenty of company from the hardest of hard liners in his party. In August 2012, Romney national security adviser and pardoned Iran-Contra architect Elliott Abrams called for a war authorization in the pages of the Weekly Standard. And just two weeks ago, Norman Podhoretz used his Wall Street Journal op-ed to urge the Obama administration to "strike Iran now" to avoid "the nuclear war sure to come." But at the end of the day, the lack of an explicit AUMF in the Nuclear Weapon Free Iran Act doesn't mean its supporters aren't giving Prime Minister Benjamin Netanyahu de facto carte blanche to hit Iranian nuclear facilities. The ensuing Iranian retaliation against to Israeli and American interests would almost certainly trigger the commitment of U.S. forces anyway. Even if the Israelis alone launched a strike against Iran's atomic sites, Tehran will almost certainly hit back against U.S. targets in the Straits of Hormuz, in the region, possibly in Europe and even potentially in the American homeland. Israel would face certain retaliation from Hezbollah rockets launched from Lebanon and Hamas missiles raining down from Gaza. That's why former Bush Defense Secretary Bob Gates and CIA head Michael Hayden raising the alarms about the "disastrous" impact of the supposedly surgical strikes against the Ayatollah's nuclear infrastructure. As the New York Times reported in March 2012, "A classified war simulation held this month to assess the repercussions of an Israeli attack on Iran forecasts that the strike would lead to a wider regional war, which could draw in the United States and leave hundreds of Americans dead, according to American officials." And that September, a bipartisan group of U.S. foreign policy leaders including Brent Scowcroft, retired Admiral William Fallon, former Republican Senator (now Obama Pentagon chief) Chuck Hagel, retired General Anthony Zinni and former Ambassador Thomas Pickering concluded that American attacks with the objective of "ensuring that Iran never acquires a nuclear bomb" would "need to conduct a significantly expanded air and sea war over a prolonged period of time, likely several years." (Accomplishing regime change, the authors noted, would mean an occupation of Iran requiring a "commitment of resources and personnel greater than what the U.S. has expended over the past 10 years in the Iraq and Afghanistan wars combined.") The anticipated blowback? Serious costs to U.S. interests would also be felt over the longer term, we believe, with problematic consequences for global and regional stability, including economic stability. A dynamic of escalation, action, and counteraction could produce serious unintended consequences that would significantly increase all of these costs and lead, potentially, to all-out regional war.

#### An Israeli strike fails, but triggers World War 3, collapses heg and the global economy

**Reuveny, 10** – professor in the School of Public and Environmental Affairs at Indiana University (Rafael, “Unilateral strike could trigger World War III, global depression” Gazette Xtra, 8/7, - See more at: <http://gazettextra.com/news/2010/aug/07/con-unilateral-strike-could-trigger-world-war-iii-/#sthash.ec4zqu8o.dpuf>)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash. For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force. Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground. All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces. Because Iran is well-prepared, a single, conventional Israeli strike—or even numerous strikes—could not destroy all of its capabilities, giving Iran time to respond. Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt and the Palestinian Authority to join the assault, turning a bad situation into a regional war. During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. After years of futilely fighting Palestinian irregular armies, Israel has lost some of its perceived superiority—bolstering its enemies’ resolve. Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat. In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973. An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean. Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe. From there, things could deteriorate as they did in the 1930s. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey—all of which essentially support Iran—could be tempted to form an alliance and openly challenge the U.S. hegemony. Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario. Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted. If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons but would probably not risk using force. While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

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**Torture is a necessary evil to solve terrorism**

**Jakab 2005**, Andas Jakab, M. Garcia-Pelayo Fellow Centro de Estudio Politicos y Constitucionales, "Breaching Constititonal Law on Moral Ground in the Fight against Terrorism, 2005, http://www.juridicas.unam.mx/wccl/ponencias/6/99.pdf

**Heroes needed**. This position maintains that Torture is prohibited both by the constitution and statues, and that this legal situation should not be changed (because of the mentioned identity function). It accepts, however, that in certain situations (namely when it is necessary to save innocent lives) it is morally acceptable, or **even required**. It means that there has to be someone who-by a heroic self-sacrificing act-accepts the (risk of) punishment by law in order to save (by getting information through torture) the lives of innocent people**. These heroes** either have to accept the punishment (with a Socratic gesture, to uphold the legal order), or they simply should hope for grace by the respective head of state. IV. We could / should introduce it. This position also views the current legal situation as prohibiting torture but it differs from the former one in two points. Here the prohibition is only a statutory level (so there is no constitutional prohibition), and it also proposes or at least allows for the introduction of the exceptional possibility of life saving torture (with precise procedural safeguards). A possible additional argument is here, that in practice it is happening anyway, so at least we should cover it by (transparent) legal controls, e.g., by a ‘torture warrant’ issued by judged. V. It is already allowed (or **even obligatory**). This position is the real **taboo breaking one**: it states that life saving torture is already allowed (as the protection of **life is more valuable than the protection of dignity**, because **life is a logical precondition of human dignity).** Sometimes the ticking bomb scenarios are modified including a bomb which **causes a painful death by torture**, so we should torture only one terrorist to save maybe millions of **people from death by torture**. Criminal lawyers usually conceptualize the problem as ‘defence of others’, whereas constitutional lawyers argue with concurring fundamental rights (either right to life, or in modified ticking bomb scenario with the right to human dignity of those threatened by torture death). If there is an explicit or implicit general prohibition of torture in the respective legal order, then **its scope should be interpreted in a restrictive way** (teleologische Reduktion), so **allowing for** the narrow exception of **life saving torture**. Torture is considered by these authors as **a necessary evil to avoid an even greater evil.** According to Zippelius and Wurtenberger, torture can never be an obligation of any policeman, but if s/he wants to save an innocent from a death by torture, then torturing the perpetrator might be justified. Whether the policeman will actually do that, should be left to his or her conscience.

**Nuke terror causes extinction---equivalent to full-scale nuclear war**

Owen B. **Toon 7**, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and **international economic consequences**. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and **terrorists would be most likely to strike there**. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, **could generate casualties comparable to those** once **predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict**. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives **could lead to significant global climate perturbations** (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

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#### The 1AC ignores the *interconnectedness* and *inherent worth* of every individual; this denies us of our *morality* and *value to life*.

**Henning 09** (Brian; Associate Professor of Philosophy at Gonzaga University; “Trusting in the 'Efficacy of Beauty: A Kalocentric Approach to Moral Philosophy”; Ethics & the Environment- Volume 14, Number 1)//RSW

**Final truths** (whether in religion, morality, or science) **are unattainable** not only due to the finitude and fallibility of human inquirers, but because we live in what the theologian John F. Haught calls an "unfinished universe" (2004). The notion that one could achieve anything like a final or absolute formulation in any field of study presupposes that one's object is static. Thankfully, we do not live in such a universe. Over the last century scientists have consistently discovered that the universe is not a plenum of lifeless, valueless facts mechanistically determined by absolute laws. Rather, we live in a processive cosmos that is a dynamic field of events organized in complex webs of interdependence, rather than a collection of objects interacting via physical laws. The intuition that the universe is fundamentally a clockwork machine successfully guided science in the wake of Newton's inspirational formulation of the laws of mechanics, but this metaphor proved increasingly inadequate as Newton's work was supplanted in the early 20th century by both general relativity and quantum mechanics. Even at its peak, the [End Page 107] mechanical metaphor created difficulties for thinking about human beings, who were never effectively illuminated by the assumption that they were complex machines. At the level of elementary particles, quantum mechanics disclosed a world of wave-like particles spread out in space and inextricably entangled with other particles in the local environment. The notion of autonomous "individual" particles disappeared. Although all metaphors are misleading to some degree, the metaphor of the world as an evolving organism has become more helpful than the old mechanical model of the world as a clock. This, in a sense, is the founding insight of Whitehead's "philosophy of organism," which took as its starting point the view that individuals—particles, plants, and people—are not discrete facts walled off from each other but parts of complex and intersecting wholes. Conceived of as an organic process, every individual is inextricably intertwined and interconnected with every other. The fundamental reality is no longer individual entities but rather the ongoing processes by which they interact and create novel structures. **Once we recognize that every individual—from a subatomic event to a majestic sequoia—brings together the diverse elements in its world in just this way, just here, and just now, we see that nothing is entirely devoid of value and beauty**. This process whereby many diverse individuals are brought together into the unity of one new individual, which will eventually add its energy to future individuals, characterizes the most basic feature of reality and is what Whitehead calls the "category of creativity." On this view, reality is best characterized not as an unending march of vacuous facts, but as an incessant "creative advance" striving toward ever-richer forms of beauty and value. Noting its emphasis on interdependence and interrelation, many scholars have rightly noted that Whitehead's metaphysics is uniquely suited to provide a basis for making sense of our relationship to the natural world.10 Decades before modern ecologists taught us about ecosystems, Whitehead was describing individuals as interrelated societies of societies. No individual, Whitehead insisted, can be understood apart from its relationship to others.11 Indeed, whereas ecologists only explain how it is that macroscopic individuals are related in interdependent systems, Whitehead's organic metaphysics of process provides a rich account of how individuals at every level of complexity—from subatomic events to ecosystems, and from oak trees to galaxies—arise and are perpetuated.12 [End Page 108] What is more, Whitehead's philosophy of organism places a premium on an individual's dependence on and relationship to the larger wholes of which it is a part without making the mistake of subsuming the individual into that larger whole.13 With the philosophy of organism we need not choose between either the one or the many, "the many become one and are increased by one" (Whitehead [1929] 1978, 21). By providing a robust alternative to the various forms of reductive physicalism and destructive dualism that currently dominate many branches of science and philosophy, the philosophy of organism is an ideal position from which to address the complex social and ecological challenges confronting us. First, if who and what I am is intimately and inextricably linked to everyone and everything else in the universe, then I begin to recognize that my own flourishing and the flourishing of others are not independent. Not only do I intimately and unavoidably depend on others in order to sustain myself, with varying degrees of relevance, **how I relate to my environment is constitutive of who and what I am.** As we are quickly learning, we ignore our interdependence with our wider environment at our own peril. Moreover, in helping us to recognizing our connection to and dependence on our larger environment, an organic model forces us to abandon the various dualisms that have for too long allowed us to maintain the illusion that we are set off from the rest of nature. Adopting an organic metaphysics of process forces us finally to step down from the self-constructed pedestal from which we have for millennia surveyed nature and finally to embrace the lesson so compellingly demonstrated by Darwin: humans are not a singular exception to, but rather a grand exemplification of, the processes at work in the universe.14 In this way we ought finally to reject not only the materialisms of contemporary science, but also the dualisms that often undergird our religious, social, political, and moral understandings of ourselves and our relationship to the natural world. As John Dewey concisely put it, **"man is within nature, not a little god outside"** (1929, 351). Until we shed our self-deluding arrogance and recognize that who and what we are as a species is fundamentally bound up in and dependent on the wider scope of events unfolding in the universe, the ecological crisis will only deepen. Taken seriously, our understanding of reality as composed of vibrant, organically interconnected achievements of beauty and value, has a dramatic effect on how we conceive [End Page 109] of ourselves, of nature, and of our moral obligations—morality can no longer be limited merely to inter-human relations. In rejecting modernity's notion of lifeless matter, we come to recognize that **every form of actuality has value in and for itself, for others, and for the whole.** In aiming at and achieving an end for itself, **every individual—no matter how ephemeral or seemingly insignificant—has intrinsic value for itself and in achieving this self-value it thereby becomes a value for others and for the whole of reality.** Every individual, from the most fleeting event in deep space to centuries old redwoods, has value for itself, for others, and for the whole of reality and it is from this character of reality that our moral obligations derive (Whitehead 1938, 111). Given that every individual in our universe, no matter how small or seemingly insignificant, has some degree of value, **the scope of our direct moral concern**15 **can exclude nothing.** Thus, in rather sharp contrast to the invidious forms of anthropocentrism that characterize much of western moral thought, our scope of direct moral concern cannot be limited to humans, to sentient beings, or even to all living beings. Morality is not anthropocentric, but neither is it sentientcentric or biocentric. **In affirming the value of every individual, we must begin to recognize that every relation is potentially a moral relation.** As Whitehead vividly puts it, "The destruction of a man, or of an insect, or of a tree, or of the Parthenon, may be moral or immoral.… Whether we destroy or whether we preserve, our action is moral if we have thereby safeguarded the importance [or value] of experience so far as it depends on that concrete instance in the world's history" (1938, 14–15). Morality is not merely about how we ought to act toward and among other human beings, other sentient beings, or even other living beings. **Morality is fundamentally about how we comport ourselves in the world, how we relate to and interact with every form of existence.**

#### Anthropocentric ordering is the foundation of the war machine and drives the exclusion of populations based on race, ethnicity and gender

Kochi, 09 (Tarik, Sussex law school, Species war: Law, Violence and Animals, Law Culture and Humanities Oct 5.3)//RSW

Grotius and Hobbes are sometimes described as setting out a prudential approach, 28 or a natural law of minimal content 29 because in contrast to Aristotelian or Thomastic legal and political theory their attempt to derive the legitimacy of the state and sovereign order relies less upon a thick con-ception of the good life and is more focussed upon basic human needs such as survival. In the context of a response to religious civil war such an approach made sense in that often thick moral and religious conceptions of the good life (for example, those held by competing Christian Confessions) often drove conflict and violence. Yet, it would be a mistake to assume that the categories of “survival,” “preservation of life” and “bare life” are neutral categories. Rather **survival, preservation of life and bare life as expressed by the Westphalian theoretical tradition already contain distinctions of value** – in particular, **the specific distinction of value between human and non-human life**. “Bare life” in this sense is not “bare” but contains within it a distinction of value between the worth of human life placed above and beyond the worth of non-human animal life. In this respect bare life within this tradition contains within it a hidden conception of the good life. The foundational moment of the modern juridical conception of the law of war already contains within it the operation of species war. The Westphalian tradition puts itself forward as grounding the legitimacy of violence upon the preservation of life, however its concern for life is already marked by a hierarchy of value in which non-human animal life is violently used as the “raw material” for preserving human life. Grounded upon, but concealing the human-animal distinction, the Westphalian conception of war makes a double move: it excludes the killing of animals from its definition of “war proper,” and, through rendering dominant the modern juridical definition of “war proper” the tradition is able to further institutionalize and normalize a particular conception of the good life. Following from this original distinction of life-value realized through the juridical language of war were other forms of human life whose lives were considered to be of a lesser value under a European, Christian, “secular” 30 natural law conception of the good life. Underneath this concern with the preservation of life in general stood veiled preferences over what particu-lar forms of life (such as racial conceptions of human life) and ways of living were worthy of preservation, realization and elevation. The business contracts of early capitalism, 31 the power of white males over women and children, and, especially in the colonial context, the sanctity of European life over non-European and Christian lives over non-Christian heathens and Muslims, were some of the dominant forms of life preferred for preservation within the early modern juridical ordering of war.

#### Our alternative is to vote negative to affirm a non-anthropocentric value system for action and deliberation.

#### Opening discussion to all populations reinvigorates democracy and creates a political paradigm shift.

Sandilands 2000

Catriona Sandilands, Environmental Studies at York University, 2000 [*Ethics and the Environment* 4.2]

But it strikes me that the call for a rethinking of moral standing to include the experiences of nonhuman animals is an interesting and important trajectory for a politics of citizenship. In a phrase. the expansion of our listening to hear "other" expressions, and the legitimation of these expressions as aspects of a common world, is a call for a reconsideration of who "we" as citizens are. To explain: in a recent essay, Iris Marion Young (1996) has pointed out that the practices of deliberative citizenship currently held out as the embodiments of appropriate democratic behaviour‑civility, rational argument, persuasion‑not only rely on a highly particular and culturally bound ideal of speech, but assume a highly particular kind of actor. She argues (perhaps [ironically. in](http://ironically.in) a highly civil, rational, and persuasive sort of way), that these ideals and suppositions are highly exclusionary, banishing to "the private" certain modes of thinking. speaking, and acting that are not only highly important. but are systematically gendered. racialized. and cultured. In order to conceive of a more inclusive practice of democratic speech, we need to welcome practices of storytelling, greeting. and rhetoric, not as a way of including more and different speakers but as a way of genuinely questioning the ways in which different practices of speech engender different understandings of the world, and of learning how to listen differently to the stories that shape our common world.  In my view, this is precisely what ecofeminists are doing when they argue that we need to consider the ways in which human and nonhuman beings‑even if they are not capable of or disposed to civil rationality‑do express their needs. Although, perhaps, we might take as a starting point the need to include "other" expressions of pain and pleasure as a moral question. I think it is also an orientation to the expansion of citizenship: these "other" expressions are expressions of a relationship to a shared and common world, and we must expand the circle of discussion to include both their form and their content. In particular, the inclusion of these "other" forms of speech in the public realm demands that [we. as](http://we.as) speakers, recognize our relationships to the common world of which these "other" voices speak. The "we" expands. As legitimate voices in public conversation, "the cries of factory farm animals," to quote Quiriby (1994). require not only that we shift our listening to hear them, but that we change ourselves as a result of the hearing. The shift from moral to political consideration is a shift from empathy to citizenship: where the former, however valuable, is a relationship that develops from intimacy and intensity, the latter demands that such intimately generated knowledges be given equal consideration in public definitions of the real, the good, and the possible. Such a recognition signals political intersubjectivity, in which a careful listening reveals nonhuman‑and marginalized humyn‑actors to be equal subjects in the common world.  The third ecoferninist proposal for citizenship that I would like to highlight concerns an insight made by Tzvetan 'Iodorov, namely, that "there exist two major forms ol communication, one between [people and people, the other between people and the world (cited in Dallmayr 1996)." Qualitatively different and culturally located, these two knowledges derive, on the one hand, from "the interaction between the person and his/her social group." and on the other. from the interaction "between the per­son and the natural world, the person and the religious universe," Todorov main­[tains-actually. in](http://tains-actually.in) a discussion of the communicative dimensions of the conquest of the Americas‑that Euro-western cultures have focused on the former, and found it  more than conducive to their exploitation and obliteration of other cultures. which  have focused on the latter. In Todorov's view, the ideal of full communication must include attention not only to intrahumam conversations, but to conversations that take place with the divine and the natural, a world of signs. omens, premonitions, smells. and other sensations that overflow human speech and language.  I have written elsewhere about the ways in which this nonspeaking, nonspoken world interrupts the seamless flow of discourse and consciousness, and especially about the ways in which ecofeminism makes space for these interruptions as part of what I have called an "ethical relation to the Real" (Sandilands. 1999). What I would like to emphasize here is that ecofeminists. kindred spirits to Todorov, also insist that communication with "the world" is properly part of the common world of public discussion, an activity of citizenship. I should note here that I have no wish to subsume all modes of communication into the activities of the public sphere, and that the creation of a distinct realm of action requires a certain distinctiveness. Not all speech is public speech, nor should it be: there must be places of privacy, where experiences of wonder or ecstasy or communion are not exposed to the harsh light of public scrutiny (increasingly difficult though this night be in a world of globally‑broadcast talk shows). For things to emerge into public life, there must he spaces to emerge from as much as there must be spaces to emerge to, thus, public life is only part of the human condition. But it strikes me that the desire to communicate with "the world" through the opening of the self to alternative modes of knowing and speaking with nonhunian creatures is also a gesture toward the expansion of the common and public world. Specifically, this expansion aims to include kinds of conversation that have been systeniatically suppressed in Eurowestern traditions, including traditions of democracy.  There is a strong similarity between this proposal and the one of which I have already spoken concerning the intersubjective recognition of nonhuman beings in public life. This proposal. however, demands that we not only recognize the potential intersubjectivity of nonhuman others, but pay closer attention to the non‑intersubjective relations that lie behind and beyond our accustomed modes of human communication. Signs and omens are, Nancy Reagan notwithstanding, generally not considered legitimale information for public debate: the questions that ecoleminists pose in their discussions of spirituality, wonder, and empathic labor, call us to consider their potential place as a mode of communication with the world in the world.  Lest you think I am calling for publically appointed astrologers and oracles‑and am thus totally off my nut‑let me quickly explain. What I think ecofeminists are arguing is for a potentially political openness to nonlinguistic forms of knowledge and experience that already inform human interactions with other humans and with nonhuman natures. These interactions are culturally located and profoundly shaped by [gender. by](http://gender.by) tradition, by colonialism. In their public recognition, again, the call is both for the inclusion of particular and systematically marginalized speakers. but for an ex­panded attention to particular and systematically marginalized forms of communication. I do not mean that spirituality can or should replace public deliberation: I do mean that what Todorov calls communication with the world could he recognized in public discussion as a legitimate and negotiable form of knowledge. In particular, this proposal involves receptivity to forms of intrahuman speech that, perhaps, more profoundly capture or express these "other‑worldly" communications: again, I emphasize the possibilities of storytelling or perhaps, poetry. But, as with all practices of citizenship, this communication is accountable to other forms of knowledge in conversation: what would happen if symbolic narrative met scientific taxonomy met rhetorical persuasion in a forum in which these modes of speech were held equal and accountable? What new understandings of ourselves might we reach. and what common worlds might we discover from our collaboration? Again, the orientation is to opening, to a fuller recognition of a common world that lies between us; Arendt's table is still there. but what the table is made of has shifted.  IV. CAUTIONS ALONG THE ROAD  I would like to conclude this paper with a series of cautions that I think ecofeminissts must take into account in our formulations of citizenship. In my view, ecofeminism holds enormous promise as a politics that attempts to expand the realm of citizenship and to include and legitimate new actors and new forms of speech and knowledge as elements of a genuinely common world. But in this project, there are always dangers: the focus on inclusion, the orientation to expansion and proliferation, always carries with it the possibility of cacophony. of an unconversational repetition of difference without the crucial orientation to showing its place as an element in a common and negotiable world. And the focus on making "the subaltern speak." to borrow a phrase out of context, also carries with it the specter of the regulation of discourse and identity in any and all calls for conversation and accountability.  Ecofeminists. I think, take as their starting point the politicization of marginalized knowledges of gender and nature, the insistence that degraded and undervalued ways of being in the world must he heard in public and understood as rich, complex. and satisfying for the long‑term health of humans and other beings. The specific proposals I have mentioned‑for care as a public principle, for political intersubjectivity with nonhuman beings. and for communication with "the world as part of public discussion of the world‑are all parts of this project. Ecological citizenship requires that the circle of conversation he expanded, yet it also demands that all actors involved are oriented to the changes to self and world wrought by conversation.  This project cannot work if these kriowledges are essentialized: the point is not only to show their particularity and situated practice, but to orient their appearance to the potential creation of commonality. It is, however, the unfortunate case that many ecoleminists‑and others‑feel compelled to resort to essentialist accounts to identify or legitimate their positions. Hence my first set of cautions: one way that this essentialism occurs lies in the process by which the situated activities of caring or empathy or communication with the world are held up as epistemologically privileged for environmental politics without a deep questioning of the social, political, and economic relations in which this situating occurs. Another manifestation of essentialism lies in the political rhetoric by which the family or community or particular culture is held up as the deepest, if not the only site for the development of relations of care or intersubjective recognition. It is in the realm of public conversation, in which different experiences and knowledges of family and community and cultural location are held accountable to each other and to other experiences and knowledges deriving from other spheres of life, that the creation of a common and inclusive world, a renewed citizenship. takes place. To put it simply. citizenship is not community: to forge a relationship to the world requires that we step outside the intimate and familiar and consider ourselves accountable to others whom we may not know. But there is. here, a third problem: the mirror image of an over‑reliance on community is an over‑reliance on a sort of colonizing and equally essentialist universalism that fails to consider its own particularity. In many discussions of deliberative citizenship‑like some versions of social ecology‑there is a strong assumption that only the traditions of civil discussion that are currently understood as "democratic" are ultimately appropriate for discusions of the common world. To foster an expanded ecological citizenship, deliberation must he opened to new forms and topics of conversation so that they can he shown to the common.

#### Ethics first- how we choose to act shapes how we interact with the world.

#### Their advantages are sandcastles built into a fundamentally flawed system of anthropocentrism, accurate knowledge starts with a revaluation of the world.

Weston 09 Anthony Weston, Professor of Philosophy at Elon University, 2009

[*The Incompleat Eco-Philosopher* p. 9-11]

If the world is a collection of more or less ﬁxed facts to which we  must respond, then the task of ethics is to systematize and unify our  responses. This is the expected view, once again so taken for granted  as to scarcely even appear as a “view” at all. Epistemology is prior to  ethics. Responding to the world follows upon knowing it—and what  could be more sensible or responsible than that? If the world is not  “given,” though—if the world is what it seems to be in part because  we have made it that way, as I have been suggesting, and if therefore  the process of inviting its further possibilities into the light is funda-  mental to ethics itself—then our very knowledge of the world, of the  possibilities of other animals and the land and even ourselves in relation  to them, follows upon “invitation,” and ethics must come ﬁ rst. Ethics  is prior to epistemology—or, as Cheney and I do not say in the paper  but probably should have said, what really emerges is another kind of  epistemology—“etiquette,” in our speciﬁ c sense, as epistemology.  But then of course we are also speaking of something sharply  different from “ethics” as usually understood. We are asked not for a  set of well-defended general moral commitments in advance, but rather  for something more visceral and instinctual, a mode of comportment more than a mode of commitment, more ﬂeshy and more vulnerable.  Etiquette so understood requires us to take risks, to offer trust before  we know whether or how the offer will be received, and to move with  awareness, civility, and grace in a world we understand to be capable  of response. Thus Cheney and I conclude that ethical action itself must be “ﬁrst and foremost an attempt to open up possibilities, to enrich the world” rather than primarily an attempt to respond to the world  as already known.  Cheney, true to his nature, also takes the argument on a more  strenuous path, exploring indigenous views of ceremony and ritual.  Once again the question of epistemology turns out to be central.  Euro-Americans, Cheney says, want to know what beliefs are encoded  in the utterances of indigenous peoples. We treat their utterances as  propositional representations of Indigenous worlds. But what if these utterances function, instead, primarily to produce these worlds? Cheney  cites the indigenous scholar Sam Gill on the fundamentally performative function of language. When Gill asks Navajo elders what prayers mean, he reports, they tell him “not what messages prayers carry, but  what prayers do.” More generally, Gill asserts that “the importance of  religion as it is practiced by the great body of religious persons for  whom religion is a way of life [is] a way of creating, discovering, and  communicating worlds of meaning largely through ordinary and common actions and behavior.”11  What then, Cheney and I ask, if this performative dimension of language is fundamental not just in indigenous or obviously religious   settings, but generally? How we speak, how we move, how we carry  on, all the time, also literally brings all sorts of worlds into being—and  thus, again, the ethical challenge put mindful speech, care, and respect  ﬁrst. Indeed we would now go even further. Here it is not so much  that epistemology comes ﬁrst but that, in truth, it simply fades away.  The argument is not the usual suggestion that the West has misunderstood the world, got it wrong, and that we now need to “go back” to  the Indians to get it right. Cheney is arguing that understanding the  world is not really the point in the ﬁ rst place. We are not playing a  truth game at all. What matters is how we relate to things, not what  things are in themselves. Front, center, and always, the world responds.  The great task is not knowledge but relationship.

### 1nc util

#### Upholding life is the ultimate moral standard.

Uyl and Rasmussen,profs. of philosophy at Bellarmine College and St. John’s University, 1981 (Douglas Den and Douglas, “Reading Nozick”, p. 244)

Rand has spoken of the ultimate end as the standard by which all other ends are evaluated. When the ends to be evaluated are chosen ones the ultimate end is the standard for moral evaluation. Life as the sort of thing a living entity is, then, is the ultimate standard of value; and since only human beings are capable of choosing their ends, it is the life as a human being-man's life qua man-that is the standard for moral evaluation.

**Solving Extinction comes first. You have to be alive to be ethical.**

**Gelven, 1994**

[Michael, Prof. Phil. – Northern Illinois U., “War and Existence: A Philosophical Inquiry”, p. 136-137]

**The personal pronouns, like "I" and "We," become governed existentially by the possessive pronouns, like "ours," "mine," "theirs"; and this in turn becomes governed by the adjective "own." What is authentic becomes what is our own as a way of existing.** The meaning of this term is less the sense of possession than the sense of belonging to. It is a translation of the German eigen, from which the term eigentlich (authentic) is derived. **To lose this sense of one's own is to abandon any meaningfulness, and hence to embrace nihilism**. To be a nihilist is to deny that there is any way of being that is our own; for the nihilist, what is one's own has no meaning. The threat here is not that what is our own may yield to what is not, but rather that the distinction itself will simply collapse. **Unless I can distinguish between what is our own and what is not, no meaningfulness is possibleat all**.  This is the foundation of the we-they principle. The pronouns in the title do not refer to anything; they merely reveal how we think. Like all principles, this existential principle does not determine specific judgments, any more than the principle of cause and effect determines what the cause of any given thing is. The we-they principle is simply a rule that governs the standards by which certain judgments are made. Since it is possible to isolate the existential meanings of an idea from the thinglike referent, the notions of we-ness and they-ness can be articulated philosophically. On the basis of this primary understanding, it is possible to talk about an "existential value," that is, the weight o. rank given to ways of existing in opposition to other kinds of value, such as moral or psychological values. But the principle itself is not, strictly speaking, a principle of value; it is an ontological principle, for its foundation is in the very basic way in which I think about what it means to be. **The ground of the we-they principle is, quite simply, the way in which we think about being. Thus, it is more fundamental than any kind of evaluating or judging.**  One of the things that the authentic I can do, of course, is to concern itself with moral questions. **Whether from a deontological sense of obligation or from a utilitarian projection of possiblehappiness, an I that considers these matters nevertheless is presupposed by them.** Although authenticity and morality are distinct, a sense of who one is must precede a decision about how to act. Thus, the question of authenticity comes before the question of obligation. And **since the worth of the I is generated from the prior worth of the we, it follows there can be no moral judgment that cancels out the worth of the I or the We**. This is not to say that anything that benefits the we is therefore more important than what ought to be done. It is merely to say that **any proper moral judgment will in fact be consistent with the integrity of the we.** Thus, I would be morally prohibited from offending someone else merely for my own advantage, but no moral law would ever require me to forgo my existential integrity. This is true not only for moral questions but for any question of value whatsoever: **all legitimate value claims must be consistent with the worth of the I and the We. It is only because my existence matters that I can care about such things as morality, aesthetics, or even happiness**. Pleasure, of course, would still be preferable to pain, but to argue that one ought to have pleasure or even that it is good to have pleasure would simply reduce itself to a tautology: if I define pleasure as the satisfaction of my wants, then to say I want pleasure is tautological, for I am merely saying that I want what I want, which may be true but is not very illuminating.  **The existential worth of existing is thereforefundamental and cannot be outranked by any other consideration. Unless I am first meaningful, I cannot be good; unless I first care about who I am, I cannot genuinely care about anything else, even my conduct.To threaten this ground of all values, the worth of my own being, then becomes the supreme assaultagainst me. To defend it and protect it is simply without peer. It is beyond human appeal or persuasion.**

**Moral absolutism leads to complicity in injustice – only consideration of consequences can create political responsibility**

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As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, **an unyielding concern with moral goodness undercuts political responsibility.** **The concern** may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It **fails to see that the purity of one's intention does not ensure the achievement of what one intends.** **Abjuring violence** or refusing to make common cause with morally compromised parties **may seem like the right thing; but** if **such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters**; (2) it fails to see that **in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice.** This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that **politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant.** Just as the alignment with "good" may engender impotence, **it is often the pursuit of "good" that generates evil.** This is the lesson of communism in the twentieth century: **it is not enough that one's goals be sincere** or idealistic; **it is equally important,** always, **to ask about the effects of pursuing these goals and to judge these effects in pragmatic** and historically contextualized **ways**. Moral **absolutism** inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it **undermines political effectiveness.** WHAT WOULD IT mean for the American left right now to take seriously the centrality of means in politics? First, it would mean taking seriously the specific means employed by the September 11 attackers--terrorism. There is a tendency in some quarters of the left to assimilate the death and destruction of September 11 to more ordinary (and still deplorable) injustices of the world system--the starvation of children in Africa, or the repression of peasants in Mexico, or the continued occupation of the West Bank and Gaza by Israel. But this assimilation is only possible by ignoring the specific modalities of September 11. It is true that in Mexico, Palestine, and elsewhere, too many innocent people suffer, and that is wrong. It may even be true that the experience of suffering is equally terrible in each case. But neither the Mexican nor the Israeli government has ever hijacked civilian airliners and deliberately flown them into crowded office buildings in the middle of cities where innocent civilians work and live, with the intention of killing thousands of people. Al-Qaeda did precisely this. That does not make the other injustices unimportant. It simply makes them different. It makes the September 11 hijackings distinctive, in their defining and malevolent purpose--to kill people and to create terror and havoc. This was not an ordinary injustice. It was an extraordinary injustice. The premise of terrorism is the sheer superfluousness of human life. This premise is inconsistent with civilized living anywhere. It threatens people of every race and class, every ethnicity and religion. Because it threatens everyone, and threatens values central to any decent conception of a good society, it must be fought. And it must be fought in a way commensurate with its malevolence. Ordinary injustice can be remedied. Terrorism can only be stopped. Second, it would mean frankly acknowledging something well understood, often too eagerly embraced, by the twentieth century Marxist left--that it is often politically necessary to employ morally troubling means in the name of morally valid ends. **A just or even a better society can only be realized in and through political practice; in our complex and bloody world, it will sometimes be necessary to respond to barbarous tyrants or criminals, with whom moral suasion won't work.** In such situations **our choice is not between the wrong that confronts us and our ideal vision of a world beyond wrong. It is between the wrong that confronts us and the means-**-perhaps the dangerous means--**we have to employ in order to oppose it.** In such situations there is a danger that "realism" can become a rationale for the Machiavellian worship of power. But equally great is the danger of a righteousness that translates, in effect, into a refusal to act in the face of wrong. What is one to do? Proceed with caution. Avoid casting oneself as the incarnation of pure goodness locked in a Manichean struggle with evil. Be wary of violence. Look for alternative means when they are available, and support the development of such means when they are not. And never sacrifice democratic freedoms and open debate. Above all, ask the hard questions about the situation at hand, the means available, and the likely effectiveness of different strategies. Most striking about the campus left's response to September 11 was its refusal to ask these questions. Its appeals to "international law" were naive. It exaggerated the likely negative consequences of a military response, but failed to consider the consequences of failing to act decisively against terrorism. In the best of all imaginable worlds, it might be possible to defeat al-Qaeda without using force and without dealing with corrupt regimes and political forces like the Northern Alliance. But in this world it is not possible. And this, alas, is the only world that exists. **To be politically responsible is to engage this world and to consider the choices that it presents. To refuse to do this is to evade responsibility. Such a stance may indicate a sincere refusal of unsavory choices. But it should never be mistaken for a serious political commitment.**

## 2nc

### 2nc krebs

#### The aff misidentifies the internal link to narrative change – winning the war on terror is key to create the space for broader change. The plan simply re-entrenches dominant ideas.

**Krebs, 13** – Ronald R., associate professor of political science at the University of Minnesota (“Military Conflict and the Politics of Narrative: Explaining the Rise and Fall of the Cold War Consensus,” University of Minnesota, 8/30/13, Online //Red)

Contemporaries and historians have often blamed the errors and tragedies of US policy during the Cold War—from military brinkmanship and imprudent intervention to alliance with rapacious autocrats and brutal rebels to an inflated defense budget—on the “Cold War consensus.” By this account, an ideological and policy consensus so took hold by 1948 that alternatives to militarized global containment could not get a hearing. That consensus dragged the United States into the disastrous Vietnam War, and it unraveled only amidst the trauma of Vietnam in the late 1960s.1 This story of the Cold War consensus’ rise and fall appears to fit well with a well-established and intuitive theory of change in major foreign policy ideas and discourses. That theory avers that large-scale shocks, often unexpected military defeats, unsettle settled minds and discredit dominant ideas with respect to national security policy and thus are crucial drivers of change.2 This article shows that the standard history of the Cold War consensus **is wrong** and develops an alternative theoretical architecture to explain its consolidation and collapse. It points toward a reinterpretation of major puzzles of the Cold War, but it also has substantial theoretical stakes: **how we explain fundamental change in the national security arena** and in other policy domains as well. Scholars have long invoked the Cold War consensus, but they have failed to study it rigorously. This article attempts to do so by conceptualizing the Cold War consensus as a dominant public narrative of national security and by tracking that narrative via a content analysis of foreign affairs editorials. The consensus’ history then looks quite different: the zone of narrative agreement was narrower than many believe; this narrow Cold War narrative did not achieve dominance—that is, the consensus did not coalesce—until well into the 1950s; it began to erode before the Americanization of the Vietnam War in 1965; and a new dominant narrative (or consensus) did not take its place. How to explain the Cold War narrative’s rise to dominance and its subsequent fall from that perch? The answer cannot lie simply with the shifting realities of global politics: the narrative was most dominant precisely when the communist bloc was becoming more diverse—that is, when the consensus was least apropos—and no new consensus took its place in the 1960s. This article points rather to the surprising domestic politics surrounding triumph and frustration on Cold War battlefields. In a nutshell, the argument is that **the politics of protracted military failure impede change in the national security narrative** in whose terms government officials had legitimated the mission, while **victory generates space for unorthodox ideas to penetrate.** Dominant narratives of national security, such as the Cold War consensus, depict the protagonists and the setting of security competition, and they define the range of sustainable policy options. They endure as long as leading political and cultural elites continue to reproduce them, and their dominance erodes when elites publicly challenge key tenets. However, early on in an uncertain and protracted military campaign, battlefield setbacks give both doves (war opponents) and hawks (war supporters) in the opposition **incentives to criticize the war’s conduct while reaffirming the underlying narrative.** While opposition doves pull their rhetorical punches to avoid bearing the political costs of wartime criticism, opposition hawks are moved by the prospect of gain, but the effect is the same: to blunt the scope of wartime critique and to bolster the underlying narrative of national security. In contrast, **victory creates a political opening for its** “**owners**” **to advance an alternative**: riding a political high, they can argue that, as a result of their wise and resolute policies, **the world has changed**, that a different narrative is now more apposite. In short, this article argues that, when it comes to public narratives of national security, the **conventional wisdom has it backwards: military failure promotes the consolidation or continuation of narrative dominance**, while **victory opens space for narrative challenge.** Applying this theoretical argument to the two signal events of the first half of the Cold War, I show how the frustrations of the Korean War facilitated the Cold War narrative’s rise to dominance, while the triumph of the Cuban Missile Crisis made possible the consensus’ breakdown before the upheaval of Vietnam. The high costs of the Korean War might have undermined the Cold War globalism in whose name the United States had waged the war. But leading Republican opponents, who supported the war but opposed its globalist logic, insisted that the war had resulted from the fact that the Truman administration’s battle against communism had **not been global enough.** They thus helped consolidate the global Cold War that they feared would yield **an imperial presidency and an imposing national-security state.** The Cuban Missile Crisis, seen at the time as a one-sided triumph for John F. Kennedy, paradoxically created political space for the young president to deviate publicly from the previously dominant narrative, from the Cold War consensus. Kennedy had long privately articulated a more sophisticated view of the Soviet Union’s ambitions, the diversity of communist regimes, and the superpowers’ shared interests, but **only after his great victory did he feel free to articulate publicly the narrative foundation for détente.** Hawkish opponents drew precisely the opposite lesson: that the crisis was proof of the wisdom of the Cold War narrative’s core propositions. As a result, no new national security narrative emerged as dominant in the crisis’ wake. Documenting and explaining the rise and fall of the Cold War narrative is intrinsically important, as it speaks to enduring questions of the Cold War—from the origins of America’s national-security state to the conditions of possibility for détente to the drivers of the US intervention in Vietnam. But the Cold War consensus is also an important case. Hardly questioned narratives often structure national debates over security and foreign policy for a time. We know them by shorthand expressions that encapsulate their portraits of the protagonists, scene, and action of a global drama: the civilizing mission of liberal empire, the Nazi obsession with “living space,” the Gaullist vision of French restoration and grandeur, the communist faith in capitalist aggression and imperialism, the Iranian Revolutionary regime’s Great and Little Satans, the Israeli discourse of “no partner for peace,” and **most recently the War on Terror.** These constitute what the historian Ernest May once termed the “axiomatic” dimension of foreign policy: the “**broad formulation that fixes priorities and provides standards** by which the appropriate choices among alternatives may be made.”3 Scholars have devoted the lion’s share of their attention, however, to what May called the “calculated”: the level of effort expended, the scope of targets, the means states employ. Even Legro, in his important work on states’ ideas about international society, focuses on collective “causal beliefs” about the “effective means for achieving interests” in international politics.4 The narrative underpinnings of policy debate have received far less attention, yet are arguably more important. Through its examination of the Cold War consensus, this article suggests rethinking conventional theories of change in foreign policy—and perhaps in other arenas too.

#### Here is some evidence – Ending the war can’t solve – politicians’ positions are too entrenched for a radical reconsideration of dominant narratives, and attempts to do so will be deemed irresponsible

**Krebs, 11** – Ronald R., associate professor of political science at the University of Minnesota (“Military Conflict and the Politics of Narrative: The Rise and Fall of the Cold War Consensus,” pp. 8-9, 3/7/11, http://blog.lib.umn.edu/gpa/globalnotes/Krebs,%20MIRC%202011\_final.pdf)**Red**

**Once the scale of the failure becomes fully known, however, why would opposition elites not try to recast the narrative basis of national security? Because they bear the weight of their past utterances and are thus already “narratively committed.”** Had critics who took a public stand ahead of the tipping point known in prospect what they know in retrospect, they might have sought a more radical revision of the tropes and terms in which national security is debated. But **the uncertainties** **of** the **war**’s course **and the corresponding political pressures cast alternatives to the margins in the war’s early stages**—**and there they remain.** War, especially defeat, often does shake up the established political order and bring **new personalities** into politics, but even they **are not unconstrained.** Although not personally shackled by a wartime rhetorical past, **they normally require political veteran allies who are, and thus even political neophytes are compelled to obey narrative conventions in a war’s waning days.** **Furthermore, early criticism sets the boundaries of the “responsible opposition,” and exceeding those lines of argument, and the dominant narrative on which they draw, positions actors as irresponsible.** With apologies to Marx, people write narratives of national security, but not entirely of their own choosing. **We live in a world that is always already narrated,** in which most of us most of the time are readers and speakers, not writers.

#### Winning solves – it allows for the incorporation of the aff’s alternative narratives by opening new spaces for political thought

**Krebs, 13** – Ronald R., associate professor of political science at the University of Minnesota (“Military Conflict and the Politics of Narrative: Explaining the Rise and Fall of the Cold War Consensus,” University of Minnesota, 8/30/13, Online //Red)

**While the politics of military failure stifle change, success on the battlefield and in significant episodes of coercive diplomacy opens space for departures from the dominant narrative.** This seems counterintuitive from the perspective of actors’ motives. But motive is only half the story, and **triumph alters the opportunity structure facing officials who wish to narrate the world differently but had previously felt politically constrained.** Success boosts government spokesmen’s interpretive authority, loosening those constraints and permitting them to advance an alternative if they so desire. It creates an opening for its owners **to argue that the rules** **of the global game have changed** because their policy was so successful. Success does not, in and of itself, end narrative dominance, but it makes its breakdown possible—depending on whether doves or hawks occupy positions of authority: doves can reveal their true colors, while hawks are free to continue toeing the narrative line. Success is not, however, conducive to the consolidation of a new dominant narrative, because it **creates space for alternative futures** without delegitimizing the past. It has not only many fathers, but many lessons: it can also be interpreted as proving the wisdom of the status quo from which deviation is dangerous. The erstwhile dominant narrative retains its legitimacy, and so, even when doves seize the opportunity that success provides, the result is at most the erosion of narrative dominance. This theoretical framework puts strategizing political elites at the center of the dynamics of national security narrative. This **is not to deny significance to those beyond the halls of power**, and indeed **activists and intellectuals are often the progenitors of alternative narratives.** **But those alternatives remain sidelined until political elites take them up**. Whether elites do so depends in part on whether the alternatives are compatible with their established political identity and in part on whether they see it as politically profitable. Nor is this to reduce dominant narratives to elite strategizing alone. Whether elites can productively advance specific narratives of national security depends on deeper and more enduring structures of national identity discourse, in which those narratives must be grounded. Moreover, in line with the logic of path dependence, elites’ choices with respect to narrative have long-run, often unintended, and sometimes undesirable consequences. Whether, at nodal points, they reproduce the dominant narrative or break from it has implications for politics downstream, limiting subsequent policy legitimation. This theoretical framework helps make sense of the peculiar dynamics of the Cold War narrative. The protracted war in Korea—frustrating to Americans fresh off World War II, persuaded of their rectitude, and sure that their wealth and know-how guaranteed swift victory— might have led to the rejection of globalist underpinnings, but the Republican party leadership composed of hawkish conservatives behaved in line with theoretical expectations. Worried about undercutting the war effort yet eager to strike political gains, they abandoned their preferred narrative that denied the world’s tight interconnectedness. In assailing the Truman administration for having left East Asia to communist predation—that is, for pursuing a containment policy that was insufficiently global—they deprived a non-globalist alternative of its leading voices and helped consolidate the Cold War consensus. A decade later, the Cuban Missile Crisis allowed the liberals who “owned” that triumph to articulate a different vision of the Soviet Union, global communism, and the possibilities for negotiation. During the Cold War, superpower crisis is what passed for the battlefield, and **the administration’s victory created an opening, which Kennedy eagerly seized.** **The Cuban Missile Crisis made possible the demise of a dominant Cold War narrative.** The next sections trace the workings of the theoretical logic in these two episodes, one contributing to the dominance of the Cold War narrative and the other to its erosion.

#### That’s specifically true of terrorism

**Krebs, 11** – Ronald R., associate professor of political science at the University of Minnesota (“Military Conflict and the Politics of Narrative: The Rise and Fall of the Cold War Consensus,” pp. 56, 3/7/11, http://blog.lib.umn.edu/gpa/globalnotes/Krebs,%20MIRC%202011\_final.pdf)**Red**

To the extent that Terror has become a less prominent theme in American political discourse today, it is because the Great Recession allowed the Obama administration to focus its attention, and its rhetorical energies, elsewhere. But **the administration has not challenged the Terror narrative directly, and it likely will not—at least not without its own Cuban Missile Crisis, without a striking victory that it can argue has changed the rules of the game. Whether the U**nited **S**tates **is engaged in a “long war” or a “struggle against extremism,” it will find such victories few and far between. And so the post-9/11 consensus will survive.**

### 2nc terrorism

Extend toon—terrorists can aquire nuclear weapons, use them, no impact defense—prefer evidence over analytics

**Risk of nuclear terrorism is high, causes extinction**

**Costello, 12** – Ryan, coordinator of the Fissile Materials Working Group at the Connect U.S. Fund (“Involuntary response,” Bulletin of the Atomic Scientists, 1/26/12, http://thebulletin.org/involuntary-response //Red

Earlier this month, widespread inaction on the increasing dangers posed by nuclear proliferation and climate change forced the Bulletin's Doomsday Clock to move one minute closer to midnight, indicating the **mounting perils confronting humanity's survival**. One factor pushing the clock forward to five minutes to midnight was the failure to ensure strict security and comprehensive international oversight for nuclear weapons and materials, which continue to accumulate in a few nations. Despite several ongoing initiatives to strengthen global defenses against nuclear terrorism, it is clear that **much more needs to be done to ensure that the nightmare doesn't become reality.** In April 2010, 47 heads of state met in Washington, DC, for the first Nuclear Security Summit in order to find ways to address the largely overlooked threat of nuclear terrorism. The summit was the largest meeting of heads of state called by an American president since 1945, when leaders gathered in San Francisco in the effort that launched the United Nations. Major obstacles confronted planners for the first Nuclear Security Summit, including a lack of consensus on the dangers of nuclear terrorism and how best to enhance global nuclear security (problems that still persist). By gathering world leaders -- rather than bureaucrats -- to address the issue head on, the first summit made some important steps in helping to raise global awareness about the threat of nuclear terrorism. The 47 heads of state, representing countries from all corners of the globe, concluded in a nonbinding communiqué that "nuclear terrorism is one of the greatest threats to global security" and that "strong nuclear security measures" are the best means to prevent the threat from becoming reality. Additionally, the leaders joined President Obama's goal to secure all vulnerable nuclear material within four years. In addition to the strong normative support generated for preventing nuclear terrorism, the 2010 Nuclear Security Summit resulted in approximately 50 concrete national commitments to strengthen global nuclear security -- many of which have already been fulfilled heading into the second summit this March in Seoul, South Korea. Of particular note are the pledges to eliminate nuclear bombmaking materials. Since April 2010, nearly 400 kilograms of highly enriched uranium (HEU) has been removed from 10 countries. Russia, meanwhile, has destroyed more than 48 metric tons of HEU, with the United States eliminating seven additional metric tons of HEU. Such measures reduce the amount of material that could slip onto the black market and into the wrong hands. Other states, meanwhile, helped to bolster the international legal framework for nuclear security, with 13 additional countries ratifying the amendment to the Convention on the Physical Protection of Nuclear Materials and 12 ratifying the International Convention for the Suppression of Acts of Nuclear Terrorism. Several states made additional contributions to the Office of Nuclear Security of the International Atomic Energy Agency (IAEA), thus increasing the resources of an organization that provides vital guidance on how nations can best enhance their nuclear security. Yet, while the first Nuclear Security Summit greatly enhanced international attention on the threat of nuclear terrorism and gained tangible commitments, it is evident that **much more work remains to ensure that all nuclear materials are secure.** In 2009, the Fissile Materials Working Group (FMWG), a coalition of nongovernmental organizations dedicated to preventing nuclear terrorism, released a set of five consensus policy recommendations: • Launch a new "Next Generation Nuclear Security Initiative." • Accelerate efforts to consolidate and eliminate global HEU, plutonium, and nuclear weapons stockpiles. • Minimize all forms of HEU use and set a timetable for a ban on the civil use of HEU. • Request and aggressively pursue sufficient funding for removing and securing all vulnerable nuclear materials around the world in four years. • Extend and expand the G-8 Global Partnership Against the Spread of Weapons of Mass Destruction for another 10 years. Despite strong international expert consensus on the nature of the threat, the FMWG's original policy recommendations still remain largely applicable two years after they were released. Unfortunately, **governments and citizens don't seem to recognize the urgency of the problem**, and a detailed plan for securing all vulnerable nuclear materials has yet to be created. And, while significant progress has been made to secure fissile materials around the globe, there is enough military and civilian HEU in the world to produce another 60,000 nuclear weapons -- without considering stockpiles of plutonium -- according to the International Panel on Fissile Materials. Plus, the future budget outlook for the United States and Europe is grim, potentially jeopardizing funding for vital programs that secure nuclear materials around the globe. The current nuclear security regime, meanwhile, may **not** be **adequate to prevent potential terrorists from** acquiring nuclear material and **constructing a** crude **nuclear device.** Kenneth Brill, former US ambassador to the IAEA, argues that the "existing global architecture for nuclear security is more like a shantytown than a coherent structure." Nuclear security remains a national responsibility, with very little international oversight, peer review, or enforcement measures. According to Brill: "The existing pastiche of niche treaties, like-minded initiatives, and IAEA recommendations give the appearance of dealing effectively with nuclear security, while the reality is the 'best efforts' and voluntary nature of virtually all international action on nuclear security leave **loopholes through which a determined terrorist group could drive one or more improvised nuclear devices.**" Given the international ramifications of a nuclear terrorist attack, it seems that a regime relying on voluntary national commitments is inadequate, particularly when governmental consensus on the nature of the threat can be uneven and fleeting.

**Terrorism causes extinction and the risk is increasing- improving tech and inefficient response mechanisms**

Nathan **Myhrvold '13**, Phd in theoretical and mathematical physics from Princeton, and founded Intellectual Ventures after retiring as chief strategist and chief technology officer of Microsoft Corporation , July 2013, "Stratgic Terrorism: A Call to Action," The Lawfare Research Paper Series No.2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>

Several **powerful trends have aligned to** profoundly **change the way that the world works. Technology** now **allows stateless groups to organize, recruit, and fund themselves in an unprecedented fashion**. **That, coupled with** the extreme **difficulty of** finding and **punishing a stateless group, means that stateless groups are positioned to be lead players on the world stage.** **They may act on their own, or** they may act **as proxies for nation-states that wish to duck responsibility**. Either way, stateless groups are forces to be reckoned with. At the same time, a different set of **technology trends means that small numbers of people can obtain incredibly lethal power.** Now, for the first time in human history, **a small group can be as lethal as the largest superpower**. Such a group could execute an attack that could kill millions of people. **It is technically feasible for such a group to kill billions** of people, to end modern civilization—perhaps **even**  to **drive the human race to extinction**. Our defense establishment was shaped over decades to address what was, for a long time, the only strategic threat our nation faced: Soviet or Chinese missiles. More recently, it has started retooling to address tactical terror attacks like those launched on the morning of 9/11, but the reform process is incomplete and inconsistent. **A real defense will require rebuilding our military and intelligence capabilities** from the ground up. Yet, so far, **strategic terrorism has received relatively little attention in defense agencies, and** the **efforts** that have been **launched to combat this existential threat seem fragmented**. History suggests what will happen. The only thing that shakes America out of complacency is a direct threat from a determined adversary that confronts us with our shortcomings by repeatedly attacking us or hectoring us for decades.

### 2nc AQ hype

#### Criticizing US power distracts from deterring global imperial powers that actually trigger the impact

Shaw 2

Martin Shaw, professor of international relations at University of Sussex, April 7, Uses and Abuses of Anti-Imperialism in the Global Era, <http://www.martinshaw.org/empire.htm>

It is fashionable in some circles, among which we must clearly include the organizers of this conference, to argue that the global era is seeing 'a new imperialism' - that can be blamed for the problem of 'failed states' (probably among many others). Different contributors to this strand of thought name this imperialism in different ways, but novelty is clearly a critical issue. The logic of using the term imperialism is actually to establish *continuity* between contemporary forms of Western world power and older forms first so named by Marxist and other theorists a century ago. The last thing that critics of a new imperialism wish to allow is that Western power has changed sufficiently to invalidate the very application of this critical concept. Nor have many considered the possibility that if the concept of imperialism has a relevance today, it applies to certain aggressive, authoritarian regimes of the **non-Western world rather than to the contemporary West**. In this paper I fully accept that there is a concentration of much world power - economic, cultural, political and military - in the hands of Western elites. In my recent book, *Theory of the Global State*, I discuss the development of a 'global-Western state conglomerate' (Shaw 2000). I argue that 'global' ideas and institutions, whose significance characterizes the new political era that has opened with the end of the Cold War, depend largely - but not solely - on Western power. I hold no brief and intend no apology for official Western ideas and behaviour. And yet I propose that the idea of a new imperialism is a **profoundly misleading**, indeed ideological concept that **obscures the realities** of power and especially of empire in the twenty-first century. This notion is an obstacle to understanding the significance, extent and limits of contemporary Western power. It simultaneously serves to **obscure many real causes** of oppression, suffering and struggle for transformation against the quasi-imperial power of many regional states. In order to explore the intellectual and political problem that 'a new imperialism' poses it is necessary to do several things. Obviously, we must explore the old imperialism, but before we can do that we must look at the roots of the concept in the idea of empire itself. Indeed, my argument is that *the coherence of the concept of 'imperialism' lay partly in its connection with the idea of empire*. In analysing imperialism, classic Marxist writers (see Table 1) linked the new economic relations of late nineteenth-century world capitalism to the phenomenon of political empire. Late twentieth-century anti-imperialists have struggled with the problem that modern Western power has almost entirely abandoned formal empire. Hence the idea of neo-imperialism, rooted in economic exploitation buttressed only by indirect political dominance, has already a history of half a century. The problem that these critics have faced is that their chosen concept has become more and more abstracted from the real politics of empire. I argue that in the global era, this separation has finally become critical. This is for two related reasons. On the one hand, Western power has moved into new territory, largely uncharted -- and I argue unchartable -- with the critical tools of anti-imperialism. On the other hand, the politics of empire remain all too real, in classic forms that recall both modern imperialism and earlier empires, in many **non-Western states**, and they are revived in many political struggles today. Thus the concept of a 'new imperialism' fails to deal with both key post-imperial features of Western power *and* the quasi-imperial character of many non-Western states. The concept **overstates Western** power and **understates the dangers posed by other**, more authoritarian and imperial centres of power. Politically it identifies the West as the principal enemy of the world's people, when for many of them there are far more real and dangerous enemies closer to home. I shall return to these political issues at the end of this paper.

### 2nc suffering

#### Your author concludes the other way – your criticism risks silence which is infinitely worse, some appropriations are productive

**Kleinman and Kleinman, 96**  Dr. Arthur Kleinman is the Esther and Sidney Rabb Professor, Department of Anthropology, Harvard University and Professor of Medical Anthropology in Global Health and Social Medicine and Professor of Psychiatry, Harvard Medical School. Joan Kleinman is a Professor of Mathematics and Coordinator of Activating Learning in the Classroom (ALC), a faculty development initiative at Middlesex Community College. “The Appeal of Experience; The Dismay of Images: Cultural Appropriations of Suffering in Our Times,” [http://www.jstor.org/stable/20027351 Accessed 7/8/12](http://www.jstor.org/stable/20027351%20Accessed%207/8/12) BJM

It is necessary to balance the account of the globalization of commercial and professional images with a vastly different and even more dangerous cultural process of appropriation: the totali tarian state's erasure of social experiences of suffering through the suppression of images. Here the possibility of moral appeal through images of human misery is prevented, and it is their absence that is the source of existential dismay. Such is the case with the massive starvation in China from 1959 to 1961. This story was not reported at the time even though more than thirty million Chinese died in the aftermath of the ruinous policies of the Great Leap Forward, the perverse effect of Mao's impossible dream of forcing immediate industrialization on peas ants. Accounts of this, the world's most devastating famine, were totally suppressed; no stories or pictures of the starving or the dead were published. An internal report on the famine was made by an investigating team for the Central Committee of the Chinese Communist Party. It was based on a detailed survey of an extremely poor region of Anwei Province that was particularly brutally affected. The report includes this numbing statement by Wei Wu-ji, a local peasant leader from Anwei: Originally there were 5,000 people in our commune, now only 3,200 remain. When the Japanese invaded we did not lose this many: we at least could save ourselves by running away! This year there's no escape. We die shut up in our own houses. Of my 6 family members, 5 are already dead, and I am left to starve, and I'll not be able to stave off death for long.30 Wei Wu-ji continued: Wang Jia-feng from West Springs County reported that cases of eating human meat were discovered. Zhang Sheng-jiu said, "Only an evil man could do such a thing!" Wang Jia-feng said, "In 1960, there were 20 in our household, ten of them died last year. My son told his mother Til die of hunger in a few days.'" And indeed he did.31 The report also includes a graphic image by Li Qin-ming, from Wudian County, Shanwang Brigade: In 1959, we were prescheduled to deliver 58,000 jin of grain to the State, but only 35,000 jin were harvested, hence we only turned over 33,000 jin, which left 2,000 jin for the commune. We really have nothing to eat. The peasants eat hemp leaves, anything they can possibly eat. In my last report after I wrote, "We have nothing to eat," the Party told me they wanted to remove my name from the Party Roster. Out of a population of 280, 170 died. In our family of five, four of us have died leaving only myself. Should I say that I'm not broken hearted?32 Chen Zhang-yu, from Guanyu County, offered the investigators this terrible image: Last spring the phenomenon of cannibalism appeared. Since Com rade Chao Wu-chu could not come up with any good ways of prohibiting it, he put out the order to secretly imprison those who seemed to be at death's door to combat the rumors. He secretly imprisoned 63 people from the entire country. Thirty-three died in prison.33 The official report is thorough and detailed. It is classified neibu, restricted use only. To distribute it is to reveal state secrets. Pre sented publicly it would have been, especially if it had been pub lished in the 1960s, a fundamental critique of the Great Leap, and a moral and political delegitimation of the Chinese Communist Party's claim to have improved the life of poor peasants. Even today the authorities regard it as dangerous. The official silence is another form of appropriation. It prevents public witnessing. It forges a secret history, an act of political resistance through keep ing alive the memory of things denied.34 The totalitarian state rules by collective forgetting, by denying the collective experience of suffering, and thus creates a culture of terror. The absent image is also a form of political appropriation; public silence is perhaps more terrifying than being overwhelmed by public images of atrocity. Taken together the two modes of appropriation delimit the extremes in this cultural process.35 CODA Our critique of appropriations of suffering that do harm does not mean that no appropriations are valid. To conclude that would be to undermine any attempt to respond to human misery. It would be much more destructive than the problem we have identified; it would paralyze social action. We must draw upon the images of human suffering in order to identify human needs and to craft humane responses.

## 1nr

### 2nc impact

#### 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.

#### **Circumvention: wartime gives OB leeway to circumvent the plan-- -- means aff won’t be enforced**

Eric Posner 11, the Kirkland and Ellis Professor of Law @ U-Chicago, and Adrian Vermeule, the John H. Watson, Jr. Professor of Law @ Harvard, “The Executive Unbound: After the Madisonian Republic,” Oxford U Press, Feb 16, p. 7-10

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.

### A2 No vote

#### Their PressTV evidence describes the status quo – not a world in which Democratic support for sanctions increases. If it reaches a veto-proof majority, Reed won’t be able to prevent a vote

**Armbruster, 1/6/14** (Ben, Think Progress, “Security Experts Ask Senators To Pull Back Iran Sanctions Bill”

<http://thinkprogress.org/security/2014/01/06/3122551/crocker-experts-senate-iran-sanctions-bill/>

CQ Roll Call reported last week that Reid “still has not publicly signaled his intentions on a floor vote” on the Kirk-Menendez bill.

“The bill had 47 co-sponsors signed up before Christmas and we expect at least a dozen more to sign up in the first couple of days back in session,” a Senate aide said via e-mail to CQ. “Once there are 60 co-sponsors, meaning the bill can clear a cloture motion, it will be difficult for Harry Reid to delay a vote on the bill; if it gets to a veto-proof majority of co-sponsors, it will be nearly impossible.”

The White House has been lobbying Congress against passing new sanctions. Secretary of State John Kerry told a House Panel last month that it would be “gratuitous in the context of this situation.”

#### Reid is taking a wait and see approach – he’ll allow a vote if support increases enough

**Crabtree, 1/17/14** (Susan, “Obama needs Harry Reid to tamp down Democratic defiance on Iran” Washington Examiner, <http://washingtonexaminer.com/obama-needs-harry-reid-to-tamp-down-democratic-defiance-on-iran/article/2542330>)

The momentum now has Reid equivocating, with the Senate leader saying he will let the divisions “play out” before deciding whether to hold a vote on the bill.

The foreign policy stakes couldn’t be higher for Obama, who has vowed to veto any new sanctions while negotiations with Iran continue. The president is calling for more time to craft a permanent deal and has vowed to back sanctions if Iran fails to comply with the international community.

The United States is under increasing pressure from Israel and Western allies to prevent Iran from developing a nuclear weapon and has built a tough sanctions regime that has brought Tehran to the negotiating table.

When new Iranian President Hassan Rouhani signaled a willingness to engage, Obama seized on the opportunity. Secretary of State John Kerry offered a six-month preliminary deal that would require Iran to freeze some parts of its nuclear program and allow international inspectors access to nuclear sites in exchange for nearly $7 billion in sanctions relief.

But many prominent senators, deeply distrustful of Iran and not yet convinced that the Obama administration can exact lasting concessions, want to ratchet up pressure. Reid’s wavering on whether to hold a vote on the new sanctions bill has only served to intensify the public debate.

Opponents of the bill have begun to push back, with Sens. Jeff Merkley, D-Ore., and Chris Murphy, D-Conn., publicly urging their colleagues to hold off.

Sandy Berger, a former national security adviser to President Clinton, warned that a vote on the legislation raised the “risk of upending the negotiations before they start,” while former Sen. Dick Lugar, R-Ind., called on Congress “to give diplomacy a chance.”

The Menendez-Kirk bill would allow Obama a year of diplomacy before new, stronger sanctions would kick in, and supporters say they don’t see how that could disrupt negotiations with Iran.

Sen. Ben Cardin, D-Md., told the Washington Examiner that passage of the bill shouldn’t damage the deal with Iran in any way.

“The bill makes it clear that we prefer that [diplomatic] route, but if Iran doesn’t comply with that route, not only will sanctions be reimposed but they will be tougher sanctions,” he continued. “I think that’s consistent with the U.S. strategy.”

But some Democrats’ support may be only symbolic. One of the Iran bill’s co-sponsors, Sen. Richard Blumenthal, D-Conn., said this week he didn’t see the need for a vote “as long as there is progress” in implementing the initial nuclear agreement.

With so much bipartisan support for the bill, though, others say it’s time for Reid to hold the vote and test the Senate’s will on the issue.

The pressure on Reid will likely increase, making it harder for the Senate leader to stall his colleagues and protect Obama’s Iran talks.

“Partisanship rules everything here,” Kirk said. “But the Senate should be heard on this issue — this issue should not be decided by one senator.”

#### It still requires Obama’s PC even without a scheduled vote – otherwise the dynamics blocking the vote could change

**Ramsey, 1/17/14** (Jasmin, Inter Press Service, “Iran’s Rouhani Needs a Nuclear Resolution”

<http://www.ipsnews.net/2014/01/irans-rouhani-needs-nuclear-resolution/>

While no vote has been scheduled on the “Nuclear Weapon Free Iran Act of 2013,” which would impose sweeping new sanctions against Tehran if it fails to comply with the terms of the Nov. 24 accord or reach a comprehensive deal within one year, Obama is still battling a heavily pro-sanctions Congress.

On Thursday, Obama even targeted Senate fellow Democrats by urging them to resist new sanctions while the deal is being implemented during a meeting about his legislative agenda.

#### The bill hasn’t been shelved – it’s an ongoing fight

**Leubsdorf, 1/22/14 -** former Washington Bureau chief of The Dallas Morning News (Carl, Dallas Morning News, “Hard-liners’ mischief-making threatens Iran nuke talks” <http://www.dallasnews.com/opinion/columnists/carl-p-leubsdorf/20140122-carl-leubsdorf-hard-liners-mischief-making-threatens-iran-nuke-talks.ece>)

While those acts attracted positive reactions from both the United States and Iran and laid the basis for formal talks beginning in about two weeks, the reaction was less supportive among hard-liners in the two countries.

More seriously, there has been no sign that a bipartisan congressional coalition is yet willing to abandon its effort to undercut the talks by tightening economic sanctions against Iran, despite signs the Iranians may actually be willing to confine their future activities to peaceful projects and halt work on developing a nuclear bomb.

President Barack Obama has warned that he would veto a resolution stepping up the sanctions. But its sponsors seem undeterred and claim enough votes in both houses to enact it, even over a presidential veto.

The good news here is that the sponsors of the latest such proposal -- Sens. Charles Schumer, D-N.Y., the No. 3 Democratic leader; Bob Menendez, D-N.J., chairman of the Foreign Relations Committee; and Mark Kirk, R-Ill. -- have so far confined themselves to issuing verbal warnings to the Iranians of the consequences of continuing nuclear development.

But the bad news is it remains a potential source of real trouble which, if passed, could either kill the talks or, even worse, ensnare the United States in yet another Middle East war if the negotiations leave Iran with a capacity for nuclear enrichment that convinces Israel it needs to attack.

### 2nc Iran uniqueness wall

#### Obama is winning now – 1nc Benen says he’s investing all of his political capital in the fight – 59 Senators support sanctions, but because of Obama pressure, he’s holding the line at that number and momentum is heavily in his favor

#### His current lobbying means there won’t be a vote – but it’s reversible – and opponents will seize upon signs of weakness like the plan

**Sargent, 1/22/14** – editor of The Plum Line blog for the Washington Post (Greg, “Another blow to the Iran sanctions bill” <http://www.washingtonpost.com/blogs/plum-line/wp/2014/01/22/another-blow-to-the-iran-sanctions-bill/?tid=pm_pop>

If current conditions remain, a vote is starting to look less and less likely. Right now, the bill has 58 co-sponsors. On the other side, 10 Dem Senate committee chairs have signed a letter opposing a vote. Around half a dozen Dem Senators subsequently came out against it. With Murray and Warren, the number of Dems against a vote has comfortably surpassed the number who want one.

Meanwhile, announcements like the one earlier this month indicating that the deal with Iran is moving forward make a vote still less likely. With Murray now opposed, that means virtually the whole Dem leadership is a No. On the other hand, those who adamantly want a vote — insisting it would only help the White House and make success more likely, despite what the White House itself wants – will be looking for any hook they can find to reactivate pressure.

And it’s worth stressing that if this ever did come to a vote, it’s quite possible that many of the Dems still remaining silent could still vote Yes. Those Democrats would be putting themselves in a ridiculous, untenable position if they did that, but since many appear convinced that the alternative is politically worse, it remains a very real possibility.

#### Won’t pass because of Obama’s political capital

**Bowman, 1/23/14** (Michael, “Support Slipping for Iran Sanctions in US Senate” VOA News, <http://www.voanews.com/content/support-slipping-for-iran-sanctions-in-senate/1836453.html>)

More Democratic senators are quietly signaling their opposition to a bill that spells out new sanctions against Iran if negotiations to limit the country’s nuclear program do not yield a final accord.

The bill retains bipartisan support in both houses of Congress, but passage is seen as increasingly unlikely in the Democratic-led Senate amid an intense lobbying effort by the Obama administration to hold off on sanctions while international negotiations proceed.

Senators Patty Murray and Elizabeth Warren are the latest Democrats to announce their opposition to the Iran sanctions bill currently before Congress.

In a letter to constituents in Washington state, Murray said “the administration should be given time to negotiate a strong verifiable comprehensive agreement” on Iran’s nuclear program. At the same time, she pledged to work “to swiftly enact sanctions” if the talks ultimately fail.

Similarly, a spokeswoman for Warren says the Massachusetts senator “does not support imposing additional sanctions through new legislation while diplomatic efforts to achieve a long-term agreement are ongoing.”

The sanctions bill has 16 Democratic co-sponsors, near-unanimous support among Republicans, and the backing of politically potent pro-Israeli U.S. lobbying groups. But 11 Senate committee chairs, including Murray, currently oppose the bill.

Among Democrats who signed on to the measure late last year, some have grown less vocal in their defense and promotion of the measure in recent weeks. Senate Majority Leader Harry Reid has neither explicitly promised a vote on the bill, nor ruled it out.

Congressional expert William Galston of the Brookings Institution says pressure from President Barack Obama appears to be swaying a growing number of Democratic lawmakers.

“The White House is determined to prevent this from happening," he said. "The administration believes in the marrow of its bones that the executive branch is the lead negotiator in the matter and that it deserves a chance to conduct its own foreign policy."

#### Obama is winning with Democrats now – he’s stopped defections but AIPAC is still fighting

**Kampeas, 1/23/14 –** Jewish Telegraph Agency(Ron “AIPAC tries to stare Obama down on Iran sanctions” http://www.ijn.com/ijn-news/national/4462-aipac-obama-iran-sanctions)

The Obama administration has taken a firm line against the sanctions bill backed by AIPAC, warning that the legislation would harm prospects for a achieving a diplomatic solution on the Iranian nuclear issue. Meanwhile, the confrontation has landed AIPAC squarely in the media spotlight and drawn pointed criticism from leading liberal commentators.

AIPAC has been stymied by a critical core of Senate Democrats who have sided with the Obama administration in the fight. While AIPAC’s bid to build a veto-busting majority has reached 59 -- eight short of the needed 67 -- it has stalled there in part because Democrats have more or less stopped signing on.

Sens. Mark Kirk (R-Ill.) and Robert Menendez (D-N.J.), the bill’s sponsors, rounded up 15 Democrats when the bill was introduced on December 19, just before Congress went on its Christmas recess. Since Congress returned this month, however, they have added just one Democrat, Michael Bennet of Colorado.

AIPAC, however, says its bid to pass sanctions is on track.

“Our top priority is stopping Iran's nuclear program, and consequently we are very engaged in building support for the Menendez-Kirk bill which now has the bi-partisan co-sponsorship of 59 senators,” AIPAC’s spokesman, Marshall Wittman, wrote in an email to JTA. “This measure would provide our negotiators with critical leverage in their efforts to achieve a peaceful end to Iran's nuclear weapons program.”

But in a recent interview with The New Yorker, President Obama appeared confident that backers of the bill would not reach a veto-proof majority.

#### Even if soft support exists for sanctions among the undecided senators – Obama’s political capital is preventing it from translating into actual votes

**Izadi, 1/13/14 -** Elahe Izadi writes about Congress and politics for National Journal, having previously covered Congress and K Street for the Influence Alley microsite(Elahe, National Journal, “Iran Sanctions Have Majority Support. So Where’s the Pressure?” <http://www.nationaljournal.com/daily/iran-sanctions-have-majority-support-so-where-s-the-pressure-20140113>)

The bill, which would impose new sanctions on Iran if no comprehensive nuclear agreement is reached, is led by Sens. Robert Menendez, a New Jersey Democrat, and Mark Kirk, an Illinois Republican. It has a total of 59 cosponsors, including 16 Democrats and all Republicans except Sens. Rand Paul and Jeff Flake. Only 60 are needed to break a filibuster. Moreover, Kirk says he expects additional Republican support in coming weeks, and that there are actually closer to 70 votes in the Senate—enough to override a veto. Reid placed the bill on the legislative calendar back in December and proponents expect it to come up again, perhaps the first week of February, according to a Senate aide familiar with the legislation. Yet Kirk says that if the bill is pushed into next month, “the American people will have committed a grievous foreign policy error similar to Neville Chamberlain giving away Czechoslovakia at the beginning of World War II. The path of appeasement always leads directly to war. If you give billions of dollars to the Iranians, you are leading directly to conflict.” The pressure to bring up the legislation belies the fact that it already has significant support, and the White House is partly the cause. The administration has lobbied lawmakers against passing additional sanctions to allow negotiators to craft a long-term deal with Iran, arguing that the threat of sanctions could complicate or derail that process. “Imposing additional sanctions now will only risk derailing our efforts to resolve this issue peacefully,” President Obama said in a statement Sunday, “and I will veto any legislation enacting new sanctions during the negotiation.” Senior administration officials briefed senior Capitol Hill staff Monday, and the full Senate Democratic Caucus will convene at the White House on Wednesday, where the issue will likely come up. Ten Senate Democratic committee chairs wrote a letter last month urging Reid to hold back on voting on sanctions. Armed Services Committee Chairman Carl Levin, D-Mich., who opposes new sanctions during the six-month window, says news of the deal implementation “should make it harder for people to be willing to act in a way that may undermine the chances or reduce the chances of a comprehensive agreement.” “A vote for additional sanctions in the middle of negotiations plays into the hands of the extremist elements in Iran,” he added. Last week, the White House suggested sanctions supporters actually wanted military action. “They should regret using that language. The bad actor here is Iran,” said Sen. Ben Cardin, a Maryland Democrat and cosponsor of the sanctions legislation. Cardin and other Democratic supporters say there is no daylight between their objectives and that of the administration: to stop a nuclear-armed Iran through diplomacy. They insist sanctions are what has brought the Iranians to the table, and additional ones are needed to push efforts across the finish line. While there could potentially be a veto-proof majority in the Senate, it’s unclear whether Democrats supportive of sanctions would actually buck the White House to overturn a veto. "I don't think we'll need to cross that bridge," Blumenthal said.

#### Prefer our evidence – the source of their uniqueness evidence is from bill sponsors – it’s biased and Obama is actually holding the line with Democrats

**Carpenter, 1/15/14 -** Zoë Carpenter is a reporter in The Nation's Washington, DC bureau(Zoe, “Push for New Sanctions on Iran Stalls Amid Growing Resistance” The Nation, [http://www.thenation.com/blog/177957/push-new-sanctions-iran-stalls-amid-growing-resistance#](http://www.thenation.com/blog/177957/push-new-sanctions-iran-stalls-amid-growing-resistance))

A bid to slap Iran with a new round of economic sanctions appears to have stalled in the Senate, after leading Democrats amplified concern about the threat such a move poses to a fragile diplomatic process.

Early in the week, reports that a bill introduced by Republican Mark Kirk and Democrat Robert Menendez was within striking distance of a veto-proof majority cast a shadow over news that negotiators had finalized a temporary agreement to freeze Iran’s nuclear program, beginning Monday. New sanctions would likely kill negotiations for a final deal, the White House warned lawmakers, and increase the chances of an armed conflict with Iran.

But Senate majority leader Harry Reid has given no indication that he will bring the bill up for a vote, and the pressure to do so is falling now that top Democrats have intensified opposition to the proposed legislation. The Kirk-Menendez bill gained no new endorsements this week, and even one supportive senator admitted Wednesday to a break in momentum.

Dianne Feinstein, chair of the Intelligence Committee, called the sanctions bill "a march towards war" on Tuesday in a floor speech that was remarkable in detail and force. “I deeply believe that a vote for this legislation will cause negotiations to collapse,” Feinstein said, after thoroughly rebutting many of the claims about the interim deal put forth by the bill’s supporters. “The United States, not Iran, then becomes the party that risks fracturing the international coalition that has enabled our sanctions to succeed in the first place.”

Ten committee chairs circulated a joint statement warning that “new sanctions would play into the hands of those in Iran who are most eager to see the negotiations fail.” Majority Whip Dick Durbin, Jeff Merkley of Oregon, Chris Murphy of Connecticut, Bill Nelson of Florida, and Tim Kaine of Virginia said they opposed the measure at this point. Even one of the co-sponsors of the Kirk-Menendez bill, Richard Blumenthal, indicated that the time wasn’t right for a vote. “I want to talk to some of my colleagues. I’m encouraged and heartened by the apparent progress and certainly the last thing I want to do is impede that progress,” he said on Monday.

Major newspapers condemned the bill, including theNew York Times, the Los Angeles Times, USA Today, and the Washington Post, whose editorial board often betrays a neoconservative streak. More than sixty organizations including J Street, the National Iranian Council, American Baptist Churches, and CREDO delivered a letter to the Senate on Tuesday stating that the law “sets insurmountable demands for a comprehensive nuclear deal” and would “critically endanger the possibility of a diplomatic resolution to the nuclear standoff with Iran, increasing the likelihood of a nuclear-armed Iran and an unnecessary and costly war.”

The Kirk-Menendez bill has 58 co-sponsors, and the very real chance that it would pass the Senate if given a vote remains concerning. But it’s important to note that rumors that the legislation has enough support to override a potential veto comes from its backers, and so warrant some skepticism. Although 16 Democratics co-sponsored the legislation, the sanctions push has grown increasingly partisan, with Republicans nearly unanimous in their support. Of the 25 senators who have signed on to the bill this year, only one is a Democrat.

#### Arguments about vote counts don’t account for White House pressure on veto overrides – which is more effective

**Zengerle, 1/13/14** (Patricia, “ Iran deal progress dampens push for new U.S. sanctions bill” Reuters, <http://www.reuters.com/article/2014/01/14/us-iran-nuclear-congress-idUSBREA0D02T20140114>)

Democratic Senator Robert Menendez of New Jersey and Republican Mark Kirk of Illinois, the measure's lead sponsors, are trying to attract more supporters, hoping to pressure Senate Majority Leader Harry Reid to allow a vote on the legislation.

Pro-Israel lobbying groups, convinced that Iran cannot be trusted, are also pushing lawmakers to sign on in the hope of increasing the pressure on Reid, a Nevada Democrat, to let the bill move ahead.

But there is no guarantee that all the senators who co-sponsored the sanctions move would actually vote for any final bill, and even less that Democrats would override a veto by a president from their own party.

### Link

#### Obama backlash to legislation triggers the link - 1nc Loomis evidence says that it makes him look weak, he’ll try to fight it, and when he loses, his Congressional allies will abandon him. Obama can’t backlash if there’s no legislation but if a bill gets put on his desk he’ll fight it

#### Capital is key to the effort – capital’s not just about bargaining – it’s about focus – the plan’s expenditure of capital prevents Obama from maintaining a consistent message on Iran and it means he’ll lose the ability to ask for favors

**Moore, 9/10/13 -** Guardian's US finance and economics editor.(Heidi, “Syria: the great distraction” The Guardian, <http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester>)

Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor. It's fair to say that congressional Republicans, particularly in the House, have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time.

**The plan makes Congress responsible for the War on Terror — they’re politically opposed to that**

**Devins, 9** --- Professor of Law and Professor of Government, College of William and Mary

(Spring 2009, Neal, Willamette Law Review, “PRESIDENTIAL UNILATERALISM AND POLITICAL POLARIZATION: WHY TODAY'S CONGRESS LACKS THE WILL AND THE WAY TO STOP PRESIDENTIAL INITIATIVES,” 45 Willamette L. Rev. 395))

The practices of the current Congress are to be expected. **Members of Congress hardly ever gain personal political advantage by embracing structural checks of presidential power**. Just as Congress has incentive to delegate to the executive (rather than absorb the costs of making a decision that disfavors identifiable participants in the political process), **Congress is more interested in responding to executive branch initiatives than in foreclosing particular types of initiatives.** n63 Sometimes, as was true with the 1974 budget act, structural reforms serve the personal interests of members of Congress. In that case, members had a personal political interest to protect their authority to enact budget bills that reward constituents. **Most of the time**, however, **Congress would rather respond to presidential initiatives than place restrictions on presidential authority** - **restrictions that shift the locus of decision making power to Congress (so that Congress bears the cost of decision).** For this very reason, lawmakers rarely advance their personal political interests by structurally constraining the President in ways that shift the decision back to Congress. Indeed, the War Powers Resolution - while ostensibly placing limits on the President - gave the President significant authority to launch unilateral military strikes. Congress's assent was not required until 60 days after the President's initiative [\*415] (and only if the President triggered the clock by making a formal report to Congress). n64 As such, Congress - while insisting it had a role to play - was content to play a reactive role. Long story short: Not only does political polarization stand as a roadblock to the modern Congress standing up for its institutional prerogatives, but **lawmakers typically do not gain personal political advantage by placing structural limits on presidential power**.

**And the partisan political climate magnifies all our links**

**Crook, 12** --- arbitrator in NAFTA and other investment disputes and served on the Eritrea-Ethiopia Claims Commission, teaches international arbitration at George Washington University Law School (Fall 2012, John R. Cook, Case Western Reserve Journal of International Law, “Presidential Powers and Foreign Affairs: The War Powers Resolution at 40: Still Controversial: The War Powers Resolution--A Dim and Fading Legacy,” 45 Case W. Res. J. Int'l L. 157))

IV. Conclusion

The War Powers Resolution has, at most, only influenced decisions involving the use of U.S. armed forces at the margins. It seems likely to have less impact going forward.

So as Lenin famously asked, "what is to be done?" I don't know the answer. **Today's political climate is harshly partisan. The political branches cannot come to reasonable accommodations on matters of far more immediate importance than revising the War Powers Resolution**. n69 **Even in less partisan times, it is difficult to envision mechanisms for effective congressional-executive interaction in use-of-force decisions that are both constitutionally appropriate and likely to stand up in the face of actual events. Past proposals for revision and reform have not made it past the starting line.** n70

Our current inability to have a sensible conversation about the appropriate interplay between Congress and the president in matters involving the use of force is troubling. As noted here, there has been a blurring of many of the traditional boundaries that determine how the United States identifies its enemies and uses force against them. At the same time, there has been a profound shift in the makeup of the U.S. armed forces. The Vietnam-era draft made that war a central fact in the lives of millions of young men and their families, giving issues of war or peace immediacy that they do not have today. The United States now relies upon highly professional armed forces. While bumper stickers on civilians' cars urge us to "support the troops," those "troops" make up a tiny percentage of the population, living [\*172] and performing their duties in a world separate and apart from most of us. n71

Together, these things may make it easier--perhaps too easy--for any president to decide to use force in doubtful circumstances. There is a need for an effective mechanism to better assure that such decisions are wise and will enjoy the support of the American people. Unfortunately, the War Powers Resolution is not that mechanism.

#### Obama will spend capital with Democrats to fight the plan

**Mitchell, 9** - Assistant Professor of Law, George Mason University School of Law (Jonathan, “LEGISLATING CLEAR-STATEMENT REGIMES IN NATIONAL-SECURITY LAW” 43 Ga. L. Rev. 1059, lexis)

Finally, the President's influence in the legislative process may account for the dearth of effective enforcement mechanisms in Congress's national-security legislation. The President can shape legislation not only with his veto power but also with his ability to influence legislators, especially those who belong to his political party. Any proposal to add meaningful enforcement mechanisms to the clear- statement requirements in Congress's national-security legislation would provoke resistance from the President and his allies in Congress. The President would be far less likely to oppose congressional efforts to establish point-of-order devices in the budgetary framework legislation. n205

### Heg K

#### Realism is true and inevitable – trying to shift away causes great power war

**Mearsheimer 1** [professor of political science at University of Chicago, The Tragedy of Great Power Politics, pg. 361]

The optimists' claim that security competition and war among the great powers has been burned out of the system is wrong. In fact, all of the major states around the globe still care deeply about the balance of power and are destined to compete for power among themselves for the foreseeable future. Consequently, realism will offer the most powerful explanations of international politics over the next century, and this will be true **even if the debates among academic** and policy **elites are dominated by non-realist theories**. In short, the real world remains a realist world. States still fear each other and seek to gain power at each other's expense, because international anarchy-the driving force behind greatpower behavior-did not change with the end of the Cold War, and there are few signs that such change is likely any time soon. States remain the principal actors in world politics and there is still no night watchman standing above them. For sure, the collapse of the Soviet Union caused a major shift in the global distribution of power. But it did not give rise to a change in the anarchic structure of the system, and without that kind of profound change, there is no reason to expect the great powers to behave much differently in the new century than they did in previous centuries.Indeed, considerable evidence from the 1990s indicates that power politics has not disappeared from Europe and Northeast Asia, the regions in which there are two or more great powers, as well as possible great powers such as Germany and Japan. There is no question, however, that the competition for power over the past decade has been low-key. Still, there is potential for intense security competion among the great powers that might lead to a major war. Probably the best evidence of that possibility is the fact that the United States maintains about one hundred thousand troops each in Europe and in Northeast Asia for the explicit purpose of keeping the major states in each region at peace.