# Round 7

## 1nc

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#### Restrictions are permanent and legally binding

Davis 2 (Todd S., Chief Executive Officer – Hemisphere Development, *Brownfields: A Comprehensive Guide to Redeveloping Contaminated Property*, p. 196)

A statutory restriction is utilized by many states in their model codes to ensure that the restriction is forever binding against the landowner and successors in interest." In the context of state voluntary cleanup programs, restrictions are often created between the private property owner and the state. In the belter state programs, the restriction will state that the appropriate state agency may enforce the restriction.1' The restriction should also be recorded or registered with the appropriate land records and authorities, to provide future landowners with notice.

#### This excludes consultation or notification requirements

Fisher 97 (Louis, Senior Specialist in Separation of Power – Congressional Research Service, “Presidential Independence and the Power of the Purse,” U.C. Davis Journal of International Law & Policy, Spring, 3 U.C. Davis J. Int'l L. &Pol'y 107, Lexis)

Members of Congress continue to use the power of the purse to direct the President in foreign affairs and war, but increasingly they exhibit a lack of institutional self-confidence. They do not function like a coequal branch. A greater number of legislators believe that the Constitution, whatever its original purpose, now gives the lion's share (if not the exclusive share) of foreign policy and the war power to the President. The result is statutory language and legislative histories that are conspicuously vague and contradictory. It is not unusual to see legislative principles expressed in non-binding form, merely announcing the "sense" of Congress on a matter of national urgency. Non-binding resolutions are not totally without effect. They at least can be cited as evidence that Congress has not completely acquiesced to presidential actions. n195But if members of Congress want to participate in questions of war and peace on a coequal basis and with maximum effectiveness, they must do so through explicit statutory commands,not sense-of-Congress resolutions. The framers did not create Congress -- the first branch of government -- to debate and release general, non-binding declarations. Nor is it consistent with the Constitution for executive officials to merely "consult" legislators before they act. The purpose of Congress is to authorize national policy, especially in military affairs.

#### Voting issue – for predictable limits and ground. Procedural limitations are minor hurdles that don’t reduce the scope of executive actions – it allows endless small affs that bypass the core literature controversies

### 1nc DA

#### 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.

#### 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

#### 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.

### 1nc CP

#### Plan: The United States Federal Government should require Congressional authorization prior to initiating offensive use of non-nuclear military force, unless to repel attacks on the United States and enforce this restriction, among other measures, by creating a point of order mechanism.

#### Congressional authorization for nuclear weapons erodes deterrence – causes nuclear war

Hansen 89 (Peter Raven-Hansen, Professor of Law, George Washington University National Law Center, “Special Issue: The United States Constitution In Its Third Century: Foreign Affairs: Distribution Of Constitutional Authority: Nuclear War Powers,” American Journal of International Law, October 1989, 83 A.J.I.L. 786)

The constitutionally most problematical, yet most likely, scenario for U.S. use of nuclear weapons is neither first nor second strike, but first use in deliberate escalation of a conventional war in Europe. Since a Warsaw Pact attack on our tripwire armed forces in Europe and our NATO allies would place us in a general war, n13 the President would assume the power as commander in chief to conduct that war as he chooses, and to use nuclear weapons first according to long-standing NATO plans, without the formality of congressional authorization. Defenders of this distribution of nuclear [\*789] war power find nothing in the Constitution that restricts the commander in chief's choice of weapons in a general war, and much in the preconstitutional experience of the Continental Congress that suggests the President has unfettered command of such tactical decisions. n14 The question, however, is less, what power does the President have to command the armed forces and make tactical decisions in war, than what war? Even if the President possesses inherent constitutional authority to fight a conventional war started by attack on our armed forces in Europe, does it necessarily follow that he has the authority to start and fight a nuclear war? A conventional war in Europe is a serious threat to our national security and would certainly cost thousands of American lives. But would it be the same war after the first use of nuclear weapons? A broad range of informed opinion, running across the political spectrum, agrees that nuclear escalation of a conventional European war would probably be uncontrollable, that "limited" nuclear war is a contradiction in terms. n15 As four of the deans of modern American national security policy have concluded: It is time to recognize that no one has ever succeeded in advancing any persuasive reason to believe that any use of nuclear weapons, even on the smallest scale, could reliably be expected to remain limited. . . . There is no way for anyone to have confidence that such a nuclear action will not lead to further and more devastating exchanges. Any use of nuclear weapons in Europe, by the Alliance or against it, carries with it a high and inescapable risk of escalation into the general nuclear war which would bring ruin to all and victory to none. n16 As grave as it is, the threat posed to U.S. national security by a conventional attack on NATO pales in significance beside the threat of general nuclear war. The Defense Department has justified the President's claims to nuclear war powers by reference to "emergency situations that would threaten the survival of the United States as a viable society." n17 But it is nuclear war that directly threatens the survival of the United States as a viable society, not, in the short run, a conventional war fought in Europe. Why should the President's conceded power to conduct a conventional war in Europe include the power to start, without congressional approval in any form, a nuclear war that carries a "high and inescapable risk" of destroying much of the American continent? The war clause of the Constitution vests in Congress alone the power to start a war that has not already been started by others, and a conventional attack in Europe does not start a nuclear war. Moreover, even if the commander in chief is conceded the choice of weapons and tactical alternatives, the nuclear weapon is hardly just another weapon. First use has political, not narrowly military, purposes; it is intended [\*790] to signal to the Warsaw Pact that continuation of the conventional attack will mean general nuclear war in which everyone loses. n18 In fact, NATO's threat of first use -- accurately characterized as a policy of "suicidal deterrence" n19 -- arguably rests on the probability that any first use will uncontrollably escalate into general nuclear war. The decision to "go nuclear" in a conventional war "is a political decision of the highest order," as President Lyndon Johnson said, n20 not a tactical choice of weapons. As such, it is not an inherent component of the commander in chief's command authority or a technical byproduct of military expertise, but precisely the ultimate national life-or-death decision that the Framers intended Congress to make when time permits. That time will not permit, however, is another argument for the current distribution of nuclear war power. It was partly to meet the exigencies of time that the Framers vested the power of command during war in a single commander in chief. If there are only minutes in which to decide to use nuclear weapons, Congress cannot possibly participate. In these circumstances, the President must be conceded inherent nuclear decision-making authority.

### 1nc CP

#### The United States federal government should pass a concurrent Congressional resolution expressing Congressional support for the statutory requirement of Congressional authorization prior to initiating offensive use of military force, unless to repel attacks on the United States and enforcement of this restriction, among other measures, by creation of a point of order mechanism. The resolution should express the intent to remove funding if the executive continues to initiate offense use of military force unless to repel attacks on the United States.

#### It competes – it’s non-statutory.

Swaine, 10 **-** Associate Professor, George Washington University Law School (Edward, “THE POLITICAL ECONOMY OF YOUNGSTOWN” <http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=1017&context=faculty_publications>)

Furthermore, Justice Jackson’s framework also suggested that congressional will

could be expressed non-statutorily – again, at least insofar as its negative was involved. Assessing Truman’s seizure, Jackson appeared to reason that the absence of circumstances qualifying for Category One or Category Two necessarily meant that Category Three applied; where “the President cannot claim that [his action was] necessitated or invited by failure of Congress to legislate,” he suggested, such an action must be incompatible with the implied will of Congress.104 That implied will might be expressed informally,105 as clarified by passages from the other concurrences to which Justice Jackson expressly subscribed.106 Justices Black and Frankfurter, in particular, each invoked congressional inaction – namely, the fact that Congress had refused amendments to the Taft-Hartley Act that would have clearly given President Truman seizure authority.107 If congressional will can be informally expressed, as by refusing to take action, it suggests the relevance of acts by a subset of Congress rather than Congress as a whole. Individual legislators, certainly, may rise in sufficient opposition to defeat a statutory initiative, and a committee may prevent a bill from making the requisite progress. Presumably other “soft law” measures – like simple resolutions passed by the majority of one house only, or concurrent resolutions passed by both houses but not presented to the President – would be even better indicia.108

#### The CP changes the allocation of authority without enforcing legal restrictions on it.

Gersen and Posner, 8 **-** Kirkland and Ellis Professor of Law, The University of Chicago (Jacob and Eric, “Soft Law: Lessons from Congressional Practice” 61 Stan. L. Rev. 573, lexis)

Soft statutes can also play an important role in the allocation of authority between Congress and the President. Consider the question of how the courts should evaluate executive action at the boundaries of Article II authority. In Youngstown Sheet & Tube Co. v. Sawyer, n113 Justice Jackson famously established a typology for understanding the borders of Article II power. "When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum ... ." n114 When Congress has said nothing or there is concurrent authority, there is a "zone of twilight" n115:

When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. n116

The President is on weakest ground when Congress has disapproved of the action: "When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter." n117

Justice Jackson's language is instructive. He does not say "when a formal statute grants or denies presidential authority." Instead, he refers to the express or implied will of Congress, suggesting that implicit acquiescence will be enough to justify executive action in the zone of ambiguous executive authority.

The soft statute should be the preferred mechanism for articulating congressional views in this setting n118 because it is a better indicator of legislative views than legislative inaction. There are dozens of reasons Congress fails to act, and negative inferences in the context of Article II powers are especially hazardous. In fact, the soft law analytic frame makes clear that Justice Jackson's typology is actually incomplete. Speaking of congressional agreement, disapproval, or silence is unnecessarily crude. The House might authorize the presidential action and the Senate might expressly disavow it (or vice versa), creating a twilight of the twilight category.

In fact, Congress does sometimes use resolutions for these purposes. For example, during 2007, a concurrent resolution was introduced, "expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress." n119 During the same Congress, Senate Resolutions were offered to censure the President, Vice-President, and Attorney General for conduct related to the war in Iraq, detainment of enemy combatants, and wiretapping practices undertaken without warrants. n120 Another proposed resolution expressed the sense of the Senate that the President has constitutional authority to veto individual items of appropriation without additional statutory authorization. n121 These potential soft [\*604] statutes were not passed by majorities, but they are precisely the sort of information on the scope of permissible executive authority that would inform Justice Jackson's analysis. n122

In this scenario, legislative sentiments, expressed in nonbinding mechanisms, are taken as inputs in the decision-making processes of other institutions - the courts - that themselves generate binding rules, that is, hard law. Even without judicial involvement, however, resolutions that assert congressional authority or limitations on presidential authority may influence the way that the two political branches share power with each other - either as moves in a game where each side must both cooperate and compete, or as appeals to public opinion. n123

#### It avoids politics

**Harvard Law Review, 11** (“A CHEVRON FOR THE HOUSE AND SENATE: DEFERRING TO POST-ENACTMENT CONGRESSIONAL RESOLUTIONS THAT INTERPRET AMBIGUOUS STATUTES” 124 Harv. L. Rev. 1507, April, lexis)

If Congress wishes to resolve a statutory ambiguity, it always has the option of passing a law via bicameralism and presentment. In reality, however, passing laws is extremely difficult, and often the legislative enactment costs are simply greater than the benefits of resolving the ambiguity correctly. n1 Indeed, these high legislative enactment costs are among the reasons that so many of our statutes set forth broad principles rather than specify concrete requirements: gaining consensus on concrete textual mandates imposes even more costs on the already difficult process of legislation. A future Congress may want to clarify these vague statutory mandates as societal, legal, or technological circumstances change, as the consequences of certain policy choices become more apparent, or as legislators simply resolve their differences of opinion. But the costs of legislating a fix are usually too high. n2

Some leading commentators argue that this problem of statutory ossification due to high legislative enactment costs requires judges to interpret statutes as living documents. Professor William Eskridge claims that a statute’s meaning changes over time, and thus judges should “dynamically” interpret statutes.3 Judge Calabresi argues that judges should “update” obsolete statutes by striking down or ignoring any statute that is “sufficiently out of phase with the whole [contemporary] legal framework so that, whatever its age, it can only stand if a current majoritarian or representative body reaffirms it.”4 However, most commentators have criticized such approaches as putting too much power in the hands of unelected and unaccountable judges.5

Instead, Congress has largely relied on administrative agencies to continually update the policies that implement various statutes. When charged with administering statutes, such agencies often have the authority to interpret the legislation's vague commands by translating them into more precise and concrete rules. n6 Moreover, courts have given great deference to agency interpretations of ambiguous statutes under Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc. n7 These agency interpretations, although the products of a more politically accountable process than judicial interpretations, nonetheless are not as publicly deliberative or as nationally representative as a congressional decision. Worse, many other statutes that are similarly indefinite are not administered by any particular agency, thus leaving courts with the primary responsibility to develop the law - and thus the policy - under these statutes, despite judges' lack of expertise and accountability. n8 But by prohibiting one house of Congress from vetoing agency actions, the Supreme Court, in INS v. Chadha, n9 limited Congress's role in administering statutes, despite its institutional advantages over courts - and, in some respects, over agencies - in developing policy.

In a recent article, Professors Jacob Gersen and Eric Posner suggest that courts should pay greater attention to post-enactment congressional resolutions when interpreting statutes. n10 This Note develops their idea by proposing more modest congressional involvement than the legislative veto invalidated in Chadha: courts should defer to a [\*1509] House or Senate resolution that adopts a reasonable interpretation of an ambiguous statute. n11 For statutes not administered by any agency with interpretive authority, such deference to a congressional resolution would improve lawmaking by bringing to bear the legislature's policy expertise and democratic accountability. But even for statutes administered by agencies, this proposal would increase accountability. Further, this proposal would help to restore checks and balances and the Constitution's original allocation of power by making the House and Senate coequal with executive agencies in interpreting ambiguous statutory provisions. Whenever these institutions disagree, courts should simply adopt their own best reading of the statute, de novo.

I. Statutes Without Agencies

Courts should give Chevron-like deference to any resolution passed by either the House or the Senate that reasonably interprets a statutory ambiguity. When deciding whether to defer to such a congressional resolution, courts should engage in both steps of the Chevron analysis, just as they do for agency interpretations of statutes: First, the statute must be "silent or ambiguous with respect to the specific issue" addressed by the congressional resolution. n12 Second, the resolution's interpretation must be "based on a permissible construction of the statute." n13

## Warfighting

### 1nc allies

#### No allies backlash – they support preemption

Tai-Heng Cheng∗ & Eduardas Valaitis∗∗ 2009

SHAPING AN OBAMA DOCTRINE OF

PREEMPTIVE FORCE

http://sites.temple.edu/lawreview/files/2012/02/82.3\_Cheng-Valaitis.pdf

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Some key U.S. allies have supported the extension of the right to self-defense to

include deterrence and strikes against potential aggressors. A military operations

manual of the Australian Air Force states that air strikes may be conducted

preemptively to “deter[] an aggressor before major conflict erupts,” and “demonstrate

national resolve.”110 The United Kingdom Strategic Defence Review of 2002 explained

that a preemptive attack by the United Kingdom against a potential aggressor was not

only “more effective than waiting to be attacked . . . but it can have a deterrent

effect.”111

#### Obama’s not Bush—no impact uniqueness

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

The Obama Doctrine’s first term has been a remarkable success. After the $3 trillion boondoggle in Iraq, a failed nation-building mission in Afghanistan, and the incessant saber-rattling of the previous Administration, President Obama was able to reorient U.S. foreign policy in a more restrained and realistic direction.

He did this in a number of ways. First, an end to large ground wars. As Defense Secretary Robert Gates put it in February 2011, anyone who advised future presidents to conduct massive ground operations ought “to have [their] head examined.” Second, a reliance on Secret Operations and drones to go after both members of al Qaeda and other terrorist outfits in Pakistan as well as East Africa. Third, a rebalancing of U.S. foreign policy towards the Asia-Pacific — a region neglected during George W. Bush's terms but one that possesses a majority of the world’s nuclear powers, half the world’s GDP, and tomorrow’s potential threats. Finally, under Obama's leadership, the United States has finally begun to ask allies to pick up the tab on some of their security costs. With the U.S. fiscal situation necessitating retrenchment, coupled with a lack of appetite on the part of the American public for foreign policy adventurism, Obama has begun the arduous process of burden-sharing necessary to maintain American strength at home and abroad.

What this amounted to over the past four years was a vigorous and unilateral pursuit of narrow national interests and a multilateral pursuit of interests only indirectly affecting the United States.

Turkey, a Western ally, is now leading the campaign against Bashar al-Assad’s regime in Syria. Japan, Korea, India, the Philippines, Myanmar, and Australia all now act as de facto balancers of an increasingly assertive China. With the withdrawal of two troop brigades from the continent, Europe is being asked to start looking after its own security. In other words, the days of free security and therefore, free riding, are now over.

The results of a more restrained foreign policy are plentiful. Obama was able to assemble a diverse coalition of states to execute regime-change in Libya where there is now a moderate democratic government in place. Libya remains a democracy in transition, but the possibilities of self-government are ripe. What’s more, the United States was able to do it on the cheap. Iran’s enrichment program has been hampered by the clandestine cyber program codenamed Olympic Games. While Mullah Omar remains at large, al Qaeda’s leadership in Afghanistan and Pakistan has been virtually decimated. With China, the United States has maintained a policy of engagement and explicitly rejected a containment strategy, though there is now something resembling a cool war — not yet a cold war — as Noah Feldman of Harvard Law School puts it, between the two economic giants.

The phrase that best describes the Obama Doctrine is one that was used by an anonymous Administration official during the Libya campaign and then picked up by Republicans as a talking point: Leading From Behind. The origin of the term dates not to weak-kneed Democratic orthodoxy but to Nelson Mandela, who wrote in his autobiography that true leadership often required navigating and dictating aims ‘from behind.’ The term, when applied to U.S. foreign policy, has a degree of metaphorical verity to it: Obama has led from behind the scenes in pursuing terrorists and militants, is shifting some of the prodigious expenses of international security to others, and has begun the U.S. pivot to the Asia-Pacific region. The Iraq War may seem to be a distant memory to many in North America, but its after-effects in the Middle East and Asia tarnished the United States' image abroad and rendered claims to moral superiority risible. Leading From Behind is the final nail in the coffin of the neoconservatives' failed imperial policies.

#### They don’t solve allied frustration

**Scruton 9/7**/13 – BA Politics, Willamette University UK (Brett, 9/7/13, John Kerry Wants to Save America's Global Credibility When There is None,” http://www.policymic.com/articles/62051/john-kerry-wants-to-save-america-s-global-credibility-when-there-is-none)JCP

Amongst the debate over military intervention in Syria, numerous phrases, such as "human rights" and "humanity's red line" have been thrown around; none are as curious as "America's credibility," though. Secretary of State John Kerry claimed that this is at stake in the upcoming congressional vote. Kerry's not alone. What exactly is America's credibility that it factors as a legitimate reason for military action? If it's a case of backing up public statements like the "red line," and building up trust and credence, the Obama administration should drop it. In order to maintain credibility in foreign policy, the U.S. needs to have some credibility in foreign policy, and it largely doesn't. It's time to dismiss the criteria of "America's credibility."

By looking at credibility as a factor, you're practically looking at international relations through the lens of a neighborhood with street cred. Fine. Street cred can come in the form of being the Godfather of sorts, taking care of the general community. The key to all of this is having a record that gets you street cred in the first place. However, that's hard to do with a poor record.

Looking to the Obama administration alone, it's pretty difficult to expect complete trust, thanks to Edward Snowden. Wiretapping European allies, let alone gathering data from unsuspecting American citizens isn't a great, "Hey, you should trust U.S."

Even with open policies, there's a lack of success. There's the situation in Afghanistan, where Taliban influence is still prevalent after a decade of war. The Afghan president, Hamid Karzai has also publicly criticized Obama and acknowledged CIA bribes. There are numerous credibility problems there.

If there is an accepted level for America's credibility, it's probably pretty low. To the outside world, the overlap of Bush and Obama administration policies doesn't give the perception of a problem with one party, but rather with American politics in general. History doesn't help. Look to the declassification of CIA documents revealing the U.S. role in helping Saddam Hussein against Iran. Speaking of Saddam, the Iraq war might be the biggest deficit of American credibility in recent years.

Plus, there's a lot to debate about Syria that isn't American credibility. National security, and whether there's strategic value to intervention, is one debate that's far more important criteria. The moral obligation of enforcing human rights is another. Is the image of America more important than these debates?

There are those who say our allies and enemies are watching. Our allies are already speaking. Britain is out. France still supports Obama, and there hasn't been a congressional vote yet. Concerning our enemies, opinions are unlikely to change. North Korea's stance is unlikely to change due to Syria, and Al-Qaeda's definitely will not. Syria, while a growing problem, is not the cornerstone of the U.S. relationship with the rest of the world.

Whatever way you lean on Syria, American credibility probably isn't your top justification. That's because it's more of a myth and self-justification, rather than a valid criteria for military intervention.

### 1nc heg defense

#### Heg doesn’t solve conflict – resources

**Layne, Fellow in FoPo at Cato Institute, 2006**

**(**Christopher Layne, Visiting Fellow in Foreign Policy Studies at the Cato Institute, 10/2006, “The National Interest,” http://findarticles.com/p/articles/mi\_m2751/is\_85/ai\_n16832448/)

IRAQ AND Afghanistan are illustrative of an important reason that America's hegemonic power appears illusory: because it is often employed in the pursuit of objectives that are unattainable, such as nation-building and democracy promotion. Both neoconservatives and so-called liberal imperialists seem to believe that the world is like a piece of clay and that the United States can remake other nations--and cultures--in its own image. Although the United States has a long list of failure in such efforts, it keeps trying--most recently in Afghanistan and, of course, Iraq. Before the invasion, administration officials pretty much believed that the processes of democratization and nation-building in Iraq would be a piece of cake. They frequently invoked the examples of post-1945 Germany and Japan as "proof" that the United States could export democracy to Iraq without undue difficulty. For at least three reasons, they should have known better: the use of military force by outside powers to impose democracy rarely works; military occupations seldom are successful; and the preconditions for a successful democratic transformation did not exist in Iraq.   Those who have studied military occupations know that the odds of success are stacked against occupying powers. As David Edelstein observes: Military occupations usually succeed only if they are lengthy, but lengthy occupations elicit nationalist reactions that impede success.  Further, lengthy occupation produces anxiety in imperialist occupation powers that would rather withdraw than stay. To succeed, therefore, occupiers must both maintain their own interest in a long occupation, and convince an occupied population to accept extended control by a foreign power. More often than not, occupiers either fail to achieve those goals, or they achieve them only at a high cost. (2)   The United States has long been addicted to Wilsonian crusading to remake the world, but as realists long--and rightly--have argued, it lacks the material, psychological and spiritual resources to succeed in this effort. It is naive to imagine that America's democratic values can flourish in countries that have no indigenous democratic tradition, and that lack the social, cultural and economic foundations upon which the United States's own democratic institutions rest. America's inability to refashion other states does not mean it is not a hegemon. It does mean that it is not omnipotent: U.S. power is not infinite, but the United States is still positioned to have a preponderant effect on international politics. How long the United States can retain its hegemony, however, is an open--and important--question.

#### Status quo heg is a sinking ship that will facilitate a peaceful decline – but a drastic increase in attempts to maintain our hegemony incites conflicts.

**Quinn 11** – Adam, Lecturer in International Studies. Adam Quinn, University of Birmingham (July 1, 2011, “The Art of Declining Politely,” International Affairs Volume 87, Issue 4)

As noted in the opening passages of this article, the narratives of America’s decline and Obama’s restraint are distinct but also crucially connected. Facing this incipient period of decline, America’s leaders may walk one of two paths. Either the nation can come to terms with the reality of the process that is under way and seek to finesse it in the smoothest way possible. Or it can ‘rage against the dying of the light’, refusing to accept the waning of its primacy. President Obama’s approach, defined by restraint and awareness of limits, makes him ideologically and temperamentally well suited to the former course in a way that, to cite one example, his predecessor was not. He is, in short, a good president to inaugurate an era of managed decline. Those who vocally demand that the President act more boldly are not merely criticizing him; in suggesting that he is ‘weak’ and that a ‘tougher’ policy is needed, they implicitly suppose that the resources will be available to support such a course. In doing so they set their faces against the reality of the coming American decline. 97 If the United States can embrace the spirit of managed decline, then this will clear the way for a judicious retrenchment, trimming ambitions in line with the fact that the nation can no longer act on the global stage with the wide latitude once afforded by its superior power. As part of such a project, it can, as those who seek to qualify the decline thesis have suggested, use the significant resources still at its disposal to smooth the edges of its loss of relative power, preserving influence to the maximum extent possible through whatever legacy of norms and institutions is bequeathed by its primacy. **The alternative course involves the initiation or escalation of conflictual scenarios for which the United States increasingly lacks the resources to cater: provocation of a military conclusion to the impasse with Iran; deliberate escalation of strategic rivalry with China in East Asia; commitment to continuing the campaign in Afghanistan for another decade; a costly effort to consistently apply principles of military interventionism, regime change and democracy promotion in response to events in North Africa**. President Obama does not by any means represent a radical break with the traditions of American foreign policy in the modern era. Examination of his major foreign policy pronouncements reveals that he remains within the mainstream of the American discourse on foreign policy. In his Nobel Peace Prize acceptance speech in December 2009 he made it clear, not for the first time, that he is no pacifist, spelling out his view that ‘the instruments of war do have a role to play in preserving the peace’, and that ‘the United States of America has helped underwrite global security for more than six decades with the blood of our citizens and the strength of our arms’. 98 In his Cairo speech in June the same year, even as he sought distance from his predecessor with the proclamation that ‘no system of government can or should be imposed by one nation on any other’, he also endorsed with only slight qualification the liberal universalist view of civil liberties as transcendent human rights. ‘I … have an unyielding belief that all people yearn for certain things,’ he declared. ‘The ability to speak your mind and have a say in how you are governed; confidence in the rule of law and the equal administration of justice; government that is transparent and doesn’t steal from the people; the freedom to live as you choose. These are not just American ideas.’ 99 His Westminster speech repeated these sentiments. Evidently this is not a president who wishes to break signally with the mainstream, either by advocating a radical shrinking of America’s military strength as a good in itself or by disavowing liberal universalist global visions, as some genuine dissidents from the prevailing foreign policy discourse would wish. 100 No doubt sensibly, given the likely political reaction at home, it is inconceivable that he would explicitly declare his strategy to be one of managed American decline. Nevertheless, this is a president who, within the confines of the mainstream, embraces caution and restraint to the greatest extent that one could hope for without an epochal paradigm shift in the intellectual framework of American foreign policy-making. 101 In contemplating the diminished and diminishing weight of the United States upon the scales of global power, it is important not to conflate the question of what will be with that of what we might prefer. It may well be, as critics of the decline thesis sometimes observe, that the prospect of increased global power for a state such as China should not, on reflection, fill any westerner with glee, whatever reservations one may have held regarding US primacy. It is also important not to be unduly deterministic in projecting the consequences of American decline. It may be a process that unfolds gradually and peacefully, resulting in a new order that functions with peace and stability even in the absence of American primacy. Alternatively, it may result in conflict, if the United States clashes with rising powers as it refuses to relinquish the prerogatives of the hegemon, or continues to be drawn into wars with middle powers or on the periphery in spite of its shrinking capacity to afford them**. Which outcome occurs will depend on more than the choices of America alone**. But the likelihood that the United States can preserve its prosperity and influence and see its hegemony leave a positive legacy rather than go down thrashing its limbs about destructively will be greatly increased if it has political leaders disposed to minimize conflict and consider American power a scarce resource—in short, leaders who can master the art of declining politely. At present it seems it is fortunate enough to have a president who fits the bill.

#### No transition wars—liberal order and China proves

**I**k**enberry 8**

(John, Professor of Politics and International Affairs at Princeton University “The Rise of China and the Future of the West.” Foreign Affairs, 00157120, Jan/Feb2008, Vol. 87, Issue 1)

THE MOST important benefit of these features today is that they give the Western order a remarkable capacity to accommodate rising powers. New entrants into the system have ways of gaining status and authority and opportunities to play a role in governing the order. The fact that the United States, China, and other great powers have nuclear weapons also limits the ability of a rising power to overturn the existing order. In the age of nuclear deterrence, great-power war is, thankfully, no longer a mechanism of historical change. War-driven change has been abolished as a historical process. The Western order's strong framework of rules and institutions is already starting to facilitate Chinese integration. At first, China embraced certain rules and institutions for defensive purposes: protecting its sovereignty and economic interests while seeking to reassure other states of its peaceful intentions by getting involved in regional and global groupings. But as the scholar Marc Lanteigne argues, "What separates China from other states, and indeed previous global powers, is that not only is it 'growing up' within a milieu of international institutions far more developed than ever before, but more importantly, it is doing so while making active use of these institutions to promote the country's development of global power status." China, in short, is increasingly working within, rather than outside of, the Western order

### 1nc legitimacy/ikenberry

#### They don’t access broader legitimacy impacts:

#### A. Ikenberry is describing broader, enduring features of the US as a democracy—not the sort of thing that lives or dies with the plan—otherwise the last 60 years would take out the aff

#### B. Requires grand strategy overhaul—here’s the 1ac

Ikenberry 11 – G. John Ikenberry, Peter F. Krogh Professor of Global Justice at the School of Foreign Service at Georgetown University, “A World of Our Making”, Democracy: A Journal of Ideas, Issue #21, Summer, <http://www.democracyjournal.org/21/a-world-of-our-making-1.php?page=all>

Grand Strategy as Liberal Order Building

American dominance of the global system will eventually yield to the rise of other powerful states. The unipolar moment will pass. In facing this circumstance, American grand strategy should be informed by answers to this question: What sort of international order would we like to see in place in 2020 or 2030 when America is less powerful?

Grand strategy is a set of coordinated and sustained policies designed to address the long-term threats and opportunities that lie beyond the country’s shores. Given the great shifts in the global system and the crisis of liberal hegemonic order, how should the United States pursue grand strategy in the coming years? The answer is that the United States should work with others to rebuild and renew the institutional foundations of the liberal international order and along the way re-establish its own authority as a global leader. The United States is going to need to invest in alliances, partnerships, multilateral institutions, special relationships, great-power concerts, cooperative security pacts, and democratic security communities. That is, the United States will need to return to the great tasks of liberal order building.

It is useful to distinguish between two types of grand strategy: positional and milieu oriented. With a positional grand strategy, a great power seeks to diminish the power or threat embodied in a specific challenger state or group of states. Examples are Nazi Germany, Imperial Japan, the Soviet bloc, and perhaps—in the future—Greater China. With a milieu-oriented grand strategy, a great power does not target a specific state but seeks to structure its general international environment in ways that are congenial with its long-term security. This might entail building the infrastructure of international cooperation, promoting trade and democracy in various regions of the world, and establishing partnerships that might be useful for various contingencies. My point is that under conditions of unipolarity, in a world of diffuse threats, and with pervasive uncertainty over what the specific security challenges will be in the future, this milieu-based approach to grand strategy is necessary.

The United States does not face the sort of singular geopolitical threat that it did with the fascist and communist powers of the last century. Indeed, compared with the dark days of the 1930s or the Cold War, America lives in an extraordinarily benign security environment. Rather than a single overriding threat, the United States and other countries face a host of diffuse and evolving threats. Global warming, nuclear proliferation, jihadist terrorism, energy security, health pandemics—these and other dangers loom on the horizon. Any of these threats could endanger Americans’ lives and way of life either directly or indirectly by destabilizing the global system upon which American security and prosperity depends. What is more, these threats are interconnected—and it is their interactive effects that represent the most acute danger. And if several of these threats materialize at the same time and interact to generate greater violence and instability, then the global order itself, as well as the foundations of American national security, would be put at risk.

What unites these threats and challenges is that they are all manifestations of rising security interdependence. More and more of what goes on in other countries matters for the health and safety of the United States and the rest of the world. Many of the new dangers—such as health pandemics and transnational terrorist violence—stem from the weakness of states rather than their strength. At the same time, technologies of violence are evolving, providing opportunities for weak states or nonstate groups to threaten others at a greater distance. When states are in a situation of security interdependence, they cannot go it alone. They must negotiate and cooperate with other states and seek mutual restraints and protections. The United States can-not hide or protect itself from threats under conditions of rising security interdependence. It must get out in the world and work with other states to build frameworks of cooperation and leverage capacities for action against this unusually diverse, diffuse, and unpredictable array of threats and challenges.

This is why a milieu-based grand strategy is attractive. The objective is to shape the international environment to maximize your capacities to protect the nation from threats. To engage in liberal order building is to invest in international cooperative frameworks—that is, rules, institutions, partnerships, networks, standby capacities, social knowledge, etc.—in which the United States operates. To build international order is to increase the global stock of “social capital”—which is the term Pierre Bourdieu, Robert Putnam, and other social scientists have used to define the actual and potential resources and capacities within a political community, manifest in and through its networks of social relations, that are available for solving collective problems.

If American grand strategy is to be organized around liberal order building, what are the specific objectives and what is the policy agenda? There are five such objectives. First, the United States needs to lead in the building of an enhanced protective infrastructure that helps prevent the emergence of threats and limits the damage if they do materialize. Many of the threats mentioned above are manifest as socioeconomic backwardness and failure that cause regional and international instability and conflict. These are the sorts of threats that are likely to arise with the coming of global warming and epidemic disease. What is needed here is institutional cooperation to strengthen the capacity of governments and the international com-munity to prevent epidemics or food shortages or mass migrations that create global upheaval—and mitigate the effects of these upheavals if they occur. The international system already has a great deal of this protective infrastructure—institutions and networks that pro-mote cooperation over public health, refugees, and emergency aid. But as the scale and scope of potential problems grow in the twenty-first century, investments in these preventive and management capacities will also need to grow. Early warning systems, protocols for emergency operations, standby capacities, etc.—these safeguards are the stuff of a protective global infrastructure.

Second, the United States should recommit to and rebuild its security alliances. The idea is to update the old bargains that lie behind these security pacts. In NATO, but also in the East Asia bilateral partner-ships, the United States agrees to provide security protection to the other states and brings its partners into the process of decision-making over the use of force. In return, these partners agree to work with the United States—providing manpower, logistics, and other types of support—in wider theaters of action. The United States gives up some autonomy in strategic decision-making, although it is more an informal restraint than a legally binding one, and in exchange it gets cooperation and political support.

Third, the United States should reform and create encompassing global institutions that foster and legitimate collective action. The first move here should be to reform the United Nations, starting with the expansion of the permanent membership on the Security Council. Several plans have been proposed. All of them entail adding new members—such as Germany, Japan, India, Brazil, South Africa, and others—and reforming the voting procedures. Almost all of the candidates for permanent membership are mature or rising democracies. The goal, of course, is to make them stakeholders in the United Nations and thereby strengthen the primacy of the UN as a vehicle for global collective action. There really is no substitute for the legitimacy that the United Nations can offer to emergency actions—humanitarian interventions, economic sanctions, uses of force against terrorists, and so forth. Public support in advanced democracies grows rapidly when their governments can stand behind a UN-sanctioned action.

Fourth, the United States should accommodate and institution-ally engage China. China will most likely be a dominant state, and the United States will need to yield to it in various ways. The United States should respond to the rise of China by strengthening the rules and institutions of the liberal international order—deepening their roots, integrating rising capitalist democracies, sharing authority and functional roles. The United States should also intensify cooperation with Europe and renew joint commitments to alliances and multilateral global governance. The more that China faces not just the United States but the entire world of capitalist democracies, the better. This is not to argue that China must face a grand counterbalancing alliance against it. Rather, it should face a complex and highly integrated global system—one that is so encompassing and deeply entrenched that it essentially has no choice but to join it and seek to prosper within it.

The United States should also be seeking to construct a regional security order in East Asia that can provide a framework for managing the coming shifts. The idea is not to block China’s entry into the regional order but to help shape its terms, looking for opportunities to strike strategic bargains at various moments along the shifting power trajectories and encroaching geopolitical spheres. The big bargain that the United States will want to strike is this: to accommodate a rising China by offering it status and position within the regional order in return for Beijing’s acceptance and accommodation of Washington’s core strategic interests, which include remaining a dominant security provider within East Asia. In striking this strategic bargain, the United States will also want to try to build multilateral institutional arrangements in East Asia that will tie China to the wider region.

Fifth, the United States should reclaim a liberal internationalist public philosophy. When American officials after World War II championed the building of a rule-based postwar order, they articulated a distinctive internationalist vision of order that has faded in recent decades. It was a vision that entailed a synthesis of liberal and realist ideas about economic and national security, and the sources of stable and peaceful order. These ideas—drawn from the experiences with the New Deal and the previous decades of war and depression—led American leaders to associate the national interest with the building of a managed and institutionalized global system. What is needed today is a renewed public philosophy of liberal internationalism—a shift away from neoliberal-ism—that can inform American elites as they make trade-offs between sovereignty and institutional cooperation.

Under this philosophy, the restraint and the commitment of American power went hand in hand. Global rules and institutions advanced America’s national interest rather than threatened it. The alternative public philosophies that have circulated in recent years—philosophies that champion American unilateralism and disentanglement from global rules and institutions—did not meet with great success. So an opening exists for America’s postwar vision of internationalism to be updated and rearticulated today.

The United States should embrace the tenets of this liberal public philosophy: Lead with rules rather than dominate with power; provide public goods and connect their provision to cooperative and accommodative policies of others; build and renew international rules and institutions that work to reinforce the capacities of states to govern and achieve security and economic success; keep the other liberal democracies close; and let the global system itself do the deep work of liberal modernization.

As it navigates this brave new world, the United States will find itself needing to share power and rely in part on others to ensure its security. It will not be able to depend on unipolar power or airtight borders. It will need, above all else, authority and respect as a global leader. The United States has lost some of that authority and respect in recent years. In committing itself to a grand strategy of liberal order building, it can begin the process of gaining it back.

#### Their impact is bogus

Azar **Gat**, July/August **2009**, is a researcher and author on military history, he was the Chair of the Department of Political Science at Tel Aviv University, Foreign Affairs, “Which Way Is History Marching?,”<http://www.foreignaffairs.com/articles/65162/azar-gat-daniel-deudney-and-g-john-ikenberry-and-ronald-inglehar/which-way-is-history-marching?page=show>

UNDILUTED OPTIMISM to the sweeping, blind forces of globalization. A message need not be formulated in universalistic terms to have a broader appea When it comes to the question of how to deal with a nondemocratic superpower China in the international arena, Deudney and Ikenberry, as well as Inglehart and Welzel, exhibit undiluted liberal internationalist optimism. China's free access to the global economy is fueling its massive growth, thereby strengthening the country as a potential rival to the United States -- a problem for the United States not unlike that encountered by the free-trading British Empire when it faced other industrializing great powers in the late nineteenth century. According to Inglehart and Welzel, there is little to worry about, because rapid development will only quicken China's democratization. But it was the United Kingdom's great fortune -- and liberal democracy's -- that its hegemonic status fell into the hands of another liberal democracy, the United States, rather than into those of nondemocratic Germany and Japan, whose future trajectories remained uncertain at best. The liberal democratic countries could have made China's access to the global economy conditional on democratization, but it is doubtful that such a linkage would have been feasible or desirable. After all, China's economic growth has benefited other nations and has made the developed countries -- and the United States in particular -- as dependent on China as China is dependent on them. Furthermore, economic development and interdependence in themselves -- in addition to democracy -- are a major force for peace. Democracies' ability to promote internal democratization in countries much smaller and weaker than China has been very limited, and putting pressure on China could backfire, souring relations with China and diverting its development to a more militant and hostile path. Deudney and Ikenberry suggest that China's admission into the institutions of the liberal international order established after World War II and the Cold War will oblige the country to transform and conform to that order. But large players are unlikely to accept the existing order as it is, and their entrance into the system is as likely to change it as to change them. The Universal Declaration of Human Rights provides a case in point. It was adopted by the United Nations in 1948, in the aftermath of the Nazi horrors and at the high point of liberal hegemony. Yet the UN Commission on Human Rights, and the Human Rights Council that replaced it, has long been dominated by China, Cuba, and Saudi Arabia and has a clear illiberal majority and record. Today, more countries vote with China than with the United States and Europe on human rights issues in the General Assembly of the United Nations. Critics argue that unlike liberalism, nondemocratic capitalist systems have no universal message to offer the world, nothing attractive to sell that people can aspire to, and hence no "soft power" for winning over hearts and minds. But there is a flip side to the universalist coin: many find liberal universalism dogmatic, intrusive, and even oppressive. Resistance to the unipolar world is a reaction not just to the power of the United States but also to the dominance of human rights liberalism. There is a deep and widespread resentment in non-Western societies of being lectured to by the West and of the need to justify themselves according to the standards of a hegemonic liberal morality that preaches individualism to societies that value community as a greater good. Compared to other historical regimes, the global liberal order is in many ways benign, welcoming, and based on mutual prosperity.

## China

### 1nc Flex DA

#### **Flex turn - the WPR is being circumvented now, leading to a robust military response rate, but Congressional authorizations will hamper our ability to respond in a crisis, especially in the South China Sea; they say extinction.**

The Diplomat 13 “Does the President Have the Power to Protect US Allies? Obama going to Congress on Syria raises questions about America’s commitments to allies in Asia.” The Diplomat. September 05, 2013. <http://thediplomat.com/2013/09/does-the-president-have-the-power-to-protect-us-allies/> /Chappell//Red

President Obama’s decision to seek Congressional authorization for military action against Syria has renewed discussion over the meaning and impact of the War Powers Resolution. Some commentators, including Peter Spiro, have argued that President Obama’s decision to seek authorization places executive foreign policy prerogatives in serious jeopardy. Given that part of the purpose of the War Powers Act was to prevent the executive from undertaking conflicts like the Korean War and the Vietnam War, it makes sense to wonder what potential effects the decision to seek authorization for the use of force against Syria might have on U.S. commitments in Asia.

What does the War Powers Resolution require? The most well-known elements include the requirement that the President consult with Congress shortly after using force, and the executive being limited to 60 (extendable to 90) days of hostilities without gaining Congressional approval. However, section 2c (under the “Purpose and Policy” heading) while probably not enforceable in any meaningful sense, does describe the intent of the law as ensuring that the President only go to war when:

“The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.”

Again, the chances that this clause would be enforced in any meaningful way under any imaginable circumstances approach zero. However, it is conceivable that a President might share an expansive view of the War Powers Resolution (some have argued that Obama’s decision to seek prior authorization from Congress implies this). How might this affect some extant U.S. commitments?

With regards to either South Korea or Japan, there would be little legal difficulty in using U.S. forces without immediate Congressional authorization. An attack by China or North Korea would clearly place U.S. armed forces in imminent jeopardy of attack, triggering any authority the President might need in order to conduct those conflicts (although the conduct would presumably need to be pursuant to the other elements of the WPR, such as notification, consultation, and time-frame). Moreover, the wide range of bilateral agreements between the U.S. and Seoul and Tokyo would likely suffice to satisfy the statutory authorization requirement, as well.

The ability of the U.S. to intervene in a cross-straits conflict with China over Taiwan is more hazy. With no deployed units in Taiwan, U.S. troops would only be placed in jeopardy after intervention. Given the speed at which the modern PLA might defeat Taiwanese resistance, the delay required for Congressional authorization (to the extent, for example, of the current debate on Syria) could make it impossible for the United States to meaningfully intervene. The Taiwan Relations Act specifies some responsibilities on the part of the United States towards Taiwan, but it would be hard to argue that this constitutes specific authorization. Although the stakes are lower, a similar logic applies to U.S. intervention in conflict between China, Vietnam, and the Philippines over the South China Sea.

That said, given the amorphous nature of the WPR and the practical unenforceability of its most significant requirements, any decisions about intervening in a war between China and Taiwan or between China and one of the South China Sea disputants would likely treat legal considerations only as an afterthought. Indeed, the Obama administration worked around the WPR in the Libya context by arguing that its military actions did not, below a certain level, constitute hostilities. Given the difficulties of enforcing any robust conception of the WPR on a recalcitrant administration (including the general unwillingness of Congress to assert foreign policy preferences, and the reluctance of the judiciary to intervene on national security questions), the WPR will likely only restrict future administrations insofar as they choose to be restricted

### 1nc meddling

#### Active congressional leadership is bad – wrecks foreign policy coherence

**Lindsay, 11/19/13** ­- senior vice president, director of studies and Maurice R. Greenberg Chair at the Council on Foreign Relations (James, “Backseat Driving: The Role of Congress in American Diplomacy”

<http://www.worldpoliticsreview.com/articles/13379/backseat-driving-the-role-of-congress-in-american-diplomacy>)

Although diplomacy is a well-established executive function, individual members of Congress may become involved, whether properly or improperly, in diplomatic negotiations. Members may occasionally pursue their own Lone Ranger diplomacy to circumvent the president’s. Months before Lodge released his letter, he privately urged Allied leaders to oppose Wilson’s proposal to incorporate a league of nations into any peace treaty. Lodge’s successor as chair of the Foreign Relations Committee, Sen. William E. Borah, opened his own talks on oil exploration with the president of Mexico in direct contradiction of U.S. policy. A half-century later, House Speaker Jim Wright sought to torpedo Reagan’s Nicaragua policy by meeting secretly over three days with the Nicaraguan president and opposition leaders.

Despite its long lineage, Lone Ranger diplomacy seldom pays off. The prohibition against private diplomacy is deeply ingrained in American politics. So when such efforts become public, they attract considerable criticism. Wright’s Nicaragua foray, for instance, prompted calls for his prosecution under the Logan Act, a 1799 law that bars American citizens from negotiating with foreign officials without the permission of the U.S. government. Suddenly the discussion shifted from the merits of the speaker’s ends to the propriety of his means.

Lone Ranger diplomacy involves lawmakers acting independently of the White House. But members often observe or even participate in negotiations at the president’s invitation, a practice that dates back to the War of 1812. Members of Congress may also act as unofficial emissaries for the White House. Then-Sen. John Kerry performed that task repeatedly during Obama’s first term. In 2009, for instance, Kerry visited Kabul in a bid to persuade Afghan President Hamid Karzai to hold a run-off election. In 2011, he visited Pakistan to help smooth relations after the killing of Osama bin Laden. In these and similar trips, Kerry closely coordinated his travels and talking points with the White House and State Department, and he typically sent them lengthy memos summarizing what he learned. And presidents may solicit diplomatic advice from trusted voices on Capitol Hill.

How much influence invited participation gives lawmakers over U.S. diplomacy is debatable. William McKinley’s decision to invite senators to serve on the team negotiating the end to the Spanish-American War is frequently credited with securing Senate consent to the resulting Treaty of Paris, the first significant treaty to pass the Senate in four decades. Conversely, Wilson’s refusal to ask any senator to join him in Paris may have contributed to the Senate’s rejection of the Treaty of Versailles. But the White House likely invites lawmakers to participate in negotiations or to offer advice less because it wants to adopt contrarian views and more because it hopes to co-opt opponents. Lawmakers may be less likely to criticize agreements in which they have had a hand, however small it may be. Likewise, when the White House encourages a member to act as an unofficial envoy, it is typically using the lawmaker’s connections and credibility to make its case to foreign leaders rather than to outsource diplomatic decision-making.

Even if the White House doesn’t ask lawmakers to act as envoys, many of them have direct contact with foreign leaders and diplomats. Until the 1970s, such communications were uncommon; the executive branch dominated foreign policy and foreign governments saw few benefits in appealing directly to Congress. But that changed as Congress reasserted its foreign policy prerogatives in reaction to Vietnam. Today, foreign leaders routinely schedule meetings with members of Congress when they visit Washington; foreign embassy personnel cultivate contacts on Capitol Hill, especially when legislation affecting their country is being considered; and members with foreign policy interests regularly travel abroad to conduct fact-finding missions.

Direct communications with foreign officials can be critical when a significant portion of Capitol Hill believes that the White House is treating a close ally unfairly. In the 1950s and 1960s, for example, the so-called China Lobby in Congress often advised Nationalist Chinese leader Chiang Kai-shek on how to navigate his disputes with the White House. More recently, Israeli Prime Minister Benjamin Netanyahu’s many meetings with pro-Israel lawmakers on Capitol Hill likely reinforced his calculation that he could contest Obama’s policies on Israeli settlements and other issues. Conversely, in situations in which Congress favors White House policy, direct communications between lawmakers and foreign diplomats are likely to strengthen the president’s diplomatic hand.

In the Eye of the Beholder

Congress takes a back seat to the president on diplomatic matters. It cannot match the president’s constitutional authority as the nation’s sole representative abroad, and much of the time its members have no desire to contest what the administration is doing overseas. When lawmakers are interested in charting a different course, however, Congress’s constitutional authorities, combined with practical politics, give lawmakers tools to put their mark on American diplomacy. They typically do so by blocking presidential initiatives, either by withholding the legislative cooperation needed to make an initiative work or by making the policy the White House favors too politically costly to pursue.

Congressional efforts to shape what the United States says and does abroad clearly complicate presidential diplomacy. Foreign governments seeing a Washington divided may doubt that the White House can deliver on its promises—or its threats. Assessments of whether that is good or bad for U.S. interests in any particular instance invariably turn on judgments about the wisdom of the president’s preferred policy. White House supporters prefer a compliant Congress, while White House critics favor an assertive one. Given the lack of consensus in the United States on America’s role in the world and the deep polarization of politics in Washington, the two sides will have plenty to argue about in the years to come.

#### Congressional treaty power is incoherent and expanding the it causes a shift to sole executive agreements

**Lindsay, 11/19/13** ­- senior vice president, director of studies and Maurice R. Greenberg Chair at the Council on Foreign Relations (James, “Backseat Driving: The Role of Congress in American Diplomacy”

<http://www.worldpoliticsreview.com/articles/13379/backseat-driving-the-role-of-congress-in-american-diplomacy>)

The problem for presidents is that senators sometimes refuse to consent. How willing the Senate is to reject, revise or ignore treaties has varied over U.S. history as the consensus about America’s interests overseas has waxed and waned and partisan divisions have flared and subsided. In the second half of the 19th century the Senate refused to approve every major treaty submitted to it, leading the young Woodrow Wilson to lament that the treaty-making power had become “the treaty-marring power.” By contrast, in the 1950s and 1960s senators were often “stumbling over each other to see who can say ‘yea’ the quickest and the loudest,” as one of their number described it. Senatorial assertiveness resurfaced during Vietnam and escalated after the Cold War ended. Over the past two decades, the Senate has rejected the Comprehensive Test Ban Treaty, sidelined the Kyoto Protocol and forced President Barack Obama into a protracted fight to win passage of the modest New Start Treaty.

Presidents can bypass a reluctant Senate to an extent by signing executive agreements. These constitute a binding commitment by the United States, enjoy the same constitutional status as treaties and do not require approval of two-thirds of the Senate (and in many cases require no congressional approval at all). These advantages help explain why executive agreements have been the preferred method for striking international deals since World War II, outnumbering treaties by more than nine-to-one. Nonetheless, in many instances tradition and politics prevent the president from using executive agreements to negate the Senate’s treaty power.

#### Weakening treaty clause is good, it shifts to Congressional-Executive agreements which bolster international engagement

Oona A. Hathaway 8, Associate Professor of Law at Yale, Treaties' End: The Past, Present, and Future of International Lawmaking in the United States, The Yale Law Journal, Vol. 117, No. 7 (May, 2008), pp. 1236-1372

A B S T R A C T. Nearly every international agreement that is made through the Treaty Clause ¶ should be approved by both houses of Congress as a congressional-executive agreement instead. ¶ In making this case, this Article examines U.S. international lawmaking through empirical, ¶ comparative, historical, and policy lenses. U.S. international lawmaking is currently haphazardly ¶ carved up between two tracks of international lawmaking, with some areas assigned to the ¶ Treaty Clause route, others to the congressional-executive agreement route, and many ¶ uncomfortably straddling the two. Moreover, the process for making international law that is ¶ outlined in the U.S. Constitution is close to unique in cross-national perspective. To explain how ¶ the United States came to have such a haphazard and unusual system, this Article traces the ¶ history of U.S. international lawmaking back to the Founding. The rules and patterns of practice ¶ that now govern were developed in response to specific contingent events that for the most part ¶ have little or no continuing significance. The Treaty Clause process is demonstrably inferior to ¶ the congressional-executive agreement process as a matter of public policy on nearly all crucial ¶ dimensions: ease of use, democratic legitimacy, and strength of the international legal ¶ commitments that are created. Thus, this Article concludes by charting a course toward ending ¶ the Treaty Clause for all but a handful of international agreements. By gradually replacing most ¶ Article II treaties with ex post congressional-executive agreements, policymakers can make ¶ America's domestic engagement with international law more sensible, effective, and democratic.

#### Solves problems with withdrawal and enhances US credibility.

Oona A. Hathaway 8, Associate Professor of Law at Yale, Treaties' End: The Past, Present, and Future of International Lawmaking in the United States, The Yale Law Journal, Vol. 117, No. 7 (May, 2008), pp. 1236-1372

This Article makes the case for a new direction: nearly everything that is ¶ done through the Treaty Clause can and should be done through ¶ congressional-executive agreements approved by both houses of Congress. The ¶ congressional-executive agreement includes the House of Representatives in ¶ the lawmaking process, is less subject than is a treaty to stonewalling by an ¶ extreme minority, and rarely requires the passage of separate implementing ¶ legislation to enter into effect. Moreover, the agreement is often easier to enforce and can be subject to more stringent rules regarding unilateral withdrawal, thus allowing the United States to make stronger and more ¶ consistent international commitments. A congressional-executive agreement ¶ might seem to lack the "'dignity' of a treaty."8 But in fact a congressional ¶ executive agreement that is expressly approved by Congress is more legitimate ¶ and more reliable than a treaty, and it can and should be used for even the most ¶ important international commitments.9

### 1nc china relations

#### No impact—cooperation’s impossible but so is hostility

**Blackwill 2009** – former US ambassador to India and US National Security Council Deputy for Iraq, former dean of the Kennedy School of Government at Harvard (Robert D., RAND, “The Geopolitical Consequences of the World Economic Recession—A Caution”, http://www.rand.org/pubs/occasional\_papers/2009/RAND\_OP275.pdf, WEA)

Alternatively, will the current world economic crisis change relations between China and the United States in a much more positive and intimate direction, producing what some are calling a transcendent G-2? This seems improbable for seven reasons. First, the United States and China **have profoundly different visions** of Asian security. For Washington, maintaining U.S. alliances in Asia is the hub of its concept of Asian security, whereas, for Beijing, America’s alliance system is a destabilizing factor in Asian security and over time should wither away. These opposing concepts will be an **enduring source** of tension between the two sides. Second, these two countries systematically prepare for war against one another, which is reflected in their military doctrines, their weapons procurement and force modernization, and their deployments and military exercises. As long as this is the case, it will provide a formidable psychological and material barrier to much closer bilateral relations. Third, the United States is critical of China’s external resource acquisition policy, which Washington believes could threaten both American economic and security interests in the developing world. Fourth, despite their deep economic dependence on each other, U.S.-China economic relations are **inherently** fragile. China sells too much to the United States and buys too little, and the United States saves too little and borrows too much from China. This will inevitably lead to a backlash in the United States and a Chinese preoccupation with the value of its American investments. Fifth, Chinese environmental policy will be an increasing problem, both for U.S. policymakers who are committed to bringing China fully into global efforts to reduce climate degradation and for Chinese leaders who are just as determined to emphasize domestic economic growth over international climate regimes. Sixth, China and the United States have wholly different **domestic political arrangements** that make a sustained entente difficult to manage. Americans continue to care about human rights in China, and Beijing resents what it regards as U.S. interference in its domestic affairs. This will be a drag on the bilateral relationship for the foreseeable future. And seventh, any extended application by Washington of “Chimerica,” as Moritz Schularick of Berlin’s Free University has called it,23 would so alarm America’s Asian allies, beginning with Japan, that the United States would soon retreat from the concept.24

**Nevertheless**, these factors are unlikely to lead to a substantial downturn in U.S.-China bilateral ties. In addition to their economic interdependence, both nations have important reasons to keep their interaction more or less stable. As Washington wants to concentrate on its many problems elsewhere in the world, especially in the Greater Middle East, Beijing prefers to keep its focus on its domestic economic development and political stability. Neither wants the bilateral relationship to getout of hand. In sum, a positive strategic breakthrough in the U.S.-China relationship or a serious deterioration in bilateral interaction both seem doubtful in the period ahead. And the current economic downturn will not essentially affect the abiding primary and constraining factors on the two sides. Therefore, the U.S.-China relationship in five years will probably look pretty much as it does today—part cooperation, part competition, part suspicion—unaffected by today’s economic time of troubles, except in the increasing unlikely event of a cross-strait crisis and confrontation.

#### Relations are resilient

**Rosecrance and Qingguo 2010** – \*political science professor at Cal and senior fellow at Harvard’s Belfer Center for Science and International Affairs, former director of the Burkle Center for International Relations at UCLA, \*\*PhD from Cornell, Professor and Associate Dean of the School of International Studies of Peking University (Jia Qingguo and Richard Rosecrance, Global Asia, 4.4, “Delicately Poised: Are China and the US Heading for Conflict?”, <http://www.globalasia.org/l.php?c=e251>, WEA)

Sustained Cooperation?
The fact that the rise of China is unlikely to lead to armed conflict with the US does not necessarily mean that the two countries can achieve a wholly cooperative relationship in the long term. For that to happen, the two need to have shared interests, aspirations, and mutually acceptable approaches to promoting their national goals. It appears that these conditions are increasingly becoming a reality.
To begin with, after years of interaction, China and the US have developed a **shared stake** in cooperation. Their relationship has deepened to the point where their economic futures have become closely interlinked. Western demand, principally from the US, sustains a whole range of Chinese industries. Chinese investments support America’s deficit financing, with China holding more than $1 trillion of US government debt. The US, meanwhile, contributes greatly to China’s foreign trade surplus. If America stopped buying Chinese goods, it would put a serious crimp in Chinese economic growth. Chinese sovereign wealth funds are also moving into the US financial market to rebalance the amount of foreign direct investment on each side.
The Emergence of Shared Values
Chinese-American ties now range well beyond economics. As major beneficiaries of existing international arrangements, both China and the US have an important stake in many areas, including defending a free trade system, maintaining international peace and stability, opposing proliferation of weapons of mass destruction, fighting terrorism, ensuring secure energy supplies and reversing global warming. In addition, as a result of changes within China, the two countries increasingly find themselves sharing similar aspirations in the world. Among other things, China has replaced its centrally-planned economy with a market-oriented one. It has attached increasing importance to the rule of law. It has publicly advocated protection of human rights and has adopted many measures to improve its human rights situation. It has also tried to introduce democratic reforms such as nationwide village-level elections and measures to broaden participation in the selection of leaders at various levels of the Chinese government and in the policy making process. Recently, Chinese Premier Wen Jiabao said that China wants democracy and will make more efforts in this regard. These and other changes on the part of China have narrowed the value differences between the two countries and provided an expanding political basis for China-US cooperation.
Finally, leaders of the two countries have learned how to cooperate after years of interaction. With the scope and depth of contacts increasing, China and the US find themselves with **greater understanding** and appreciation of each other’s legitimate interests and political sensitivities than ever before. Policy makers in the two countries not only know each other as counterparts, but also increasingly as personal friends. Many become acquainted long before they become important in their respective policy making institutions. Previous misunderstandings at the policy level are **no longer serious**. This has made miscalculation between the two countries less likely and facilitated cooperation.

#### Relations fail—different interests

Elizabeth **Economy**, C.V. Starr senior fellow and director of Asia studies **and** Adam **Segal**, Ira A. Lipman senior fellow for counterterrorism and national security studies at the Council on Foreign Relations, 5-24-**2010**, “Time to Defriend China,” Foreign Policy, http://www.foreignpolicy.com/articles/2010/05/24/time\_to\_defriend\_china?page=0,1

That hope was short-lived. It has become painfully clear during the first year of Barack Obama's administration that mismatched interests, values, and capabilities make it difficult for Washington and Beijing to work together to address global challenges. China's unwillingness to sit down with the United States and its maneuverings with India, Brazil, and South Africa to undermine a larger agreement at Copenhagen were clear signs that building a special relationship would not be easy. America's approval of arms sales to Taiwan in January and the Dalai Lama's visit with Obama in February returned both sides to old suspicions and sensitivities. But while we now have a more realistic assessment of what the U.S.-China relationship is not, we still lack a positive formulation of what it is -- or should realistically become. Next week's U.S.-China Strategic and Economic Dialogue (S&ED), the annual high-level dialogue on economic and political issues led by Clinton and Treasury Secretary Tim Geithner on the U. S side and Vice Premier Wang Qishan and State Councilor Dai Bingguo on the Chinese, is unlikely to address this lack of a larger framework. In fact it will compound the problem. In the run-up to next week's meetings, U.S. officials have been all over the map in framing the topics for discussion. State Department officials have identified at least 20 issues of strategic importance to discuss in Beijing. The Treasury Department has laid out an equally broad agenda that includes trade and investment barriers, balanced growth, financial reform, and strengthening the international economic and financial architecture. Meanwhile, some White House officials have mentioned specific goals, such as RMB revaluation; others have said the goal is the development of a larger framework to address strategic issues; still others have said they hope that by putting controversial issues like local content requirements on the agenda, they can get the most senior Chinese officials to make decisions on topics that would typically disappear within the bureaucracy. These are all worthy objectives and outcomes, but the lackluster history of similar dialogues suggests there are better ways to spend our time and effort. Past such dialogues have achieved only modest success delivering on specific goals. Yes, it's true that the last S&ED yielded agreements on EcoPartnerships, collaboration on electric vehicle standards, and development of smart grids. Yet such small-scale cooperation and capacity-building have been a staple of U.S. energy and environmental talks for decades. These narrow goals would hardly seem to merit flying more than a dozen U.S. cabinet members and agency heads crossing the Pacific. Let's be realistic: Progress on core U.S. strategic interests largely emanates from outside such talks. For instance, at Copenhagen, China reversed its stance on two core issues related to its climate change negotiation position, establishing voluntary emission reduction targets and offering to move to the back of the line for international funding assistance. Both of these moves, however, were a response to concerns in the developing world, not U.S. pressure. Similarly, Beijing's apparent willingness to rescind the most controversial portions of a proposed government procurement strategy that would have closed off a large portion of the Chinese market to foreign technologies arose from widescale global protest, not simply U.S. objections. And China's recent decision to support the U.S.-led sanctions against Iran depended largely on Russia folding first and leaving China without political cover to maintain its opposition.

### 1nc south china seas

#### Chinese leaders won’t let it escalate

**Carlson 13** – Associate Professor in the Government Department of Cornell University [(Allan, “China Keeps the Peace at Sea” http://www.foreignaffairs.com/articles/139024/allen-carlson/china-keeps-the-peace-at-sea](file:///C%3A%5CUsers%5CMarc%5CAppData%5CRoaming%5CMicrosoft%5CWord%5C%28Allan%2C)) Jacome

The nuclear test, though, is a red herring in terms of the conflict over the disputed islands. In truth, the roots of the conflict -- and the reasons it has not yet exploded -- are much deeper. Put simply, China cannot afford military conflict with any of its Asian neighbors.

It is not that China believes it would lose such a spat; the country increasingly enjoys strategic superiority over the entire region, and it is difficult to imagine that its forces would be beaten in a direct engagement over the islands, in the South China Sea or in the disputed regions along the Sino-Indian border. However, Chinese officials see that even the most pronounced victory would be outweighed by the collateral damage that such a use of force would cause to Beijing's two most fundamental national interests -- economic growth and preventing the escalation of radical nationalist sentiment at home. These constraints, rather than any external deterrent, will keep Xi Jinping, China's new leader, from authorizing the use of deadly force in the Diaoyu Islands theater.

For over three decades, Beijing has promoted peace and stability in Asia to facilitate conditions amenable to China's economic development. The origins of the policy can be traced back to the late 1970s, when Deng Xiaoping repeatedly contended that to move beyond the economically debilitating Maoist period, China would have to seek a common ground with its neighbors. Promoting cooperation in the region would allow China to spend less on military preparedness, focus on making the country a more welcoming destination for foreign investment, and foster better trade relations. All of this would strengthen the Chinese economy. Deng was right. Today, China's economy is second only to that of the United States.

#### Nationalism is the root cause—no solvency

**Park** Min-hee, Beijing correspondent for Hankyoreh, **9/28/2012**

<http://english.hani.co.kr/arti/english_edition/e_editorial/553832.html>

Maoism may indeed be the single most powerful religion in China today. As rage against widespread corruption, income inequality, and injustice combines with anxieties over an economy that is losing steam by the day, people in China have been turning to their old leader. In his book "China in Ten Words," Yu Hua writes that the many problems that emerged after development may be "precisely why Mao keeps being brought back to life." A dangerous combination, fed by discontent with reality, is taking shape between China's left wing and patriots, who are presenting nostalgia for the Mao days as some kind of alternative.

In Japan, we can also find shadows reminiscent of this growing Sinocentrism. **The latest round of friction was touched off by Japan's far right**, **which irresponsibly exploited a territorial issue in the hopes of winning political points**. Having lost their way amid a Fukushima nuclear crisis, an economy mired in quicksand, an aging society, and the disgruntlement of young people robbed of opportunity, these right-wingers have derided the Peace Constitution and any kind of reflection on history, and are working to promote a sense of nostalgia for the glories of the militarist [imperial] era.

Japan's right-winger par excellence may be Tokyo Gov. Shintaro Ishihara, whose declaration of the Senkaku Islands' nationalization back in April hinted at the conflict to come. History shows that Japan's acquisition of Okinawa and the Senkaku Islands in 1885 was the result of expansionist incursions. The Cold War order that the US built in Northeast Asia after the Second World War is what left the potential for territorial disputes over Dokdo and the Senkaku Islands. Even after this latest development, it is difficult to find any words of reflection in Japan - anyone willing to say that **the claims of dominion over Senkaku are tied to a history of invasion**, or that the situation worsened because of the breaking of an implicit agreement at the time Tokyo and Beijing established relations.

Meanwhile, far right-leaning former Prime Minister Shinzo Abe, a man who denies that comfort women were forcibly mobilized, is considered likely to win reelection. East Asia is now under threat from the Chinese left and the Japanese right, both of whom are turning to nostalgia rather than tackling their real issues. **The Senkaku conflict is just a symptom of a deeply rooted problem of multiple contradictions and political confusion in both countries**.

## SOP

### 1nc sop

#### SOP resilient

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

Of course, the other branches also shove at the boundaries of branch power--FDR's Court-packing plan being one notable example of this practice. Sometimes the law of unintended consequences grabs hold. Perhaps the Court-packing plan concentrated the Justices' minds on finding ways to hold New Deal legislation constitutional, but it also blew up in FDR's face politically.

At least for the last two hundred years, however, no branch has managed to expand its power to the point of delivering an obvious knock-out blow to another branch. Seen from this broader perspective, cases such as Morrison,(33) Bowsher v. Synar,(34) and Mistretta v. United States(35) surely alter the balance of branch power at a given historical moment, but do not change the fundamental and brute fact that the Constitution puts three institutional heavyweights into a ring where they are free to bash each other.

Judicialocentrism tends to obscure this obvious point because it causes people to dwell on the hard cases that reach the Supreme Court. The power of separation of powers, however, largely resides in its ability to keep the easy cases from ever occurring. For instance, Congress, although it tries to weaken the President from time to time, has not tried to reduce the President to a ceremonial figurehead a la the Queen of England. Similarly, Congress does not make a habit of trying cases that have been heard by the courts. This list could be continued indefinitely.

The Supreme Court has had two hundred years to muck about with separation-of-powers doctrine. Over that time, scores of Justices--each with his or her own somewhat idiosyncratic view of the law--have sat on the bench. Scholars have denounced separation-of-powers jurisprudence as a mess. But the Republic endures, at least more or less. These historical facts tend to indicate that the Court need not rush to change its approach to separation of powers to prevent a slide into tyranny.

#### Can’t implement SOP norms

Jeremy Rabkin 13, Professor of Law at the George Mason School of Law. Model, Resource, or Outlier? What Effect Has the U.S. Constitution Had on the Recently Adopted Constitutions of Other Nations?, 29 May 2013, www.heritage.org/research/lecture/2013/05/model-resource-or-outlier-what-effect-has-the-us-constitution-had-on-the-recently-adopted-constitutions-of-other-nations

Even when people are not ambivalent in their desire to embrace American practices, they may not have the wherewithal to do so, given their own resources. That is true even for constitutional arrangements. You might think it is enviable to have an old, well-established constitution, but that doesn’t mean you can just grab it off the shelf and enjoy it in your new democracy. You might think it is enviable to have a broad respect for free debate and tolerance of difference, but that doesn’t mean you can wave a wand and supply it to your own population. We can’t think of most constitutional practices as techniques or technologies which can be imported into different cultures as easily as cell phones or Internet connections.

**Can't solve SOP:**

**A. Drones**

**Noonan 13** (Raymond, “Law School prof addresses drone legality”, 2/22, http://yaledailynews.com/blog/2013/02/22/law-school-prof-addresses-drone-legality/)

Hathaway, who directs the Center for Global Legal Challenges at Yale Law School, said drone strikes are **difficult to defend legally**, though she added that some uses of drones by the American military could be justified under international law. She said the drone strikes in Pakistan could be one such example because Pakistan has probably consented to the strikes, although the country has denied such allegations. Hathaway also warned that the **U**nited **S**tates’ drone strike policy **compromises** the **government’s separation of powers.** “[Drone strikes] make it easier for the president to exercise war-making power **without any checks**,” she said. “[Drone strikes] **threaten to very much upset** traditional powers over use of military force.”

**B. NSA Surveillance**

**Brito 13** (Jenny, “NSA Scandal: How Leaks Advance Liberty and Resist Tyranny”, 7/18, http://reason.com/archives/2013/06/18/nsa-scandal-how-leaks-advance-liberty-an)

If the secret surveillance itself is any indication, then the **separation of powers is not up to the task**. According to President Obama, domestic surveillance programs are “under very strict supervision by all three branches of government.” Yet **it doesn’t seem very strict** when more than half of the Senate couldn’t be bothered to show up last week for a major briefing by the government’s top intelligence officials. “Strict supervision” also doesn’t seem very meaningful when you consider that the FISA Court is a hand-picked non-adversarial specialist court that approved every surveillance request it got last year. Experience suggests that specialist courts tend to get captured by their bar, and in the case of the FISA Court, that means just the government. More to the point, a secret court issuing secret orders based on secret interpretations of the law makes any debate or commentary impossible. Even when there is a will on the part of some lawmakers to carry out oversight, executive branch officials will apparently lie under oath. So if not on the Constitution and its institutions, on what can we rely to keep government power in check?

#### C. Detention

**Siegel 12** (Ashley – J.D., Boston University School of Law, “SOME HOLDS BARRED: EXTENDING EXECUTIVE DETENTION HABEAS LAW BEYOND GUANTANAMO BAY”, 2012, 92 B.U.L. Rev. 1405, lexis)

The Supreme Court created a vastly different landscape for alien detainees' rights and habeas petitions through the Boumediene line of cases. **Starting with Hamdi, the Supreme Court has demonstrated an unwillingness to place a stamp of approval on the Executive's actions,** despite the broad powers traditionally reserved for the Executive with regard to the military. n206 Instead, the **Court has recognized the important separation-of-powers issues implicated by** the Executive's **indefinite detention of prisoners captured in the war on terror** and the Court's own important role in preventing the Executive from assuming too much power. n207 The Court embraced its role as protector of the fundamental right of habeas review, recognizing that **the Executive could not sidestep compliance with the law by reinventing categories of prisoners or locating them in offshore facilities**. n208

### 1nc human rights impact

#### US norms don’t solve and aren’t key

John O. McGinnis 7, Professor of Law, Northwestern University School of Law. \*\* Ilya Somin \*\* Assistant Professor of Law, George Mason University School of Law. GLOBAL CONSTITUTIONALISM: GLOBAL INFLUENCE ON U.S. JURISPRUDENCE: Should International Law Be Part of Our Law? 59 Stan. L. Rev. 1175

The second benefit to foreigners of distinctive U.S. legal norms is information. The costs and benefits of our norms will be visible for all to see. n268 Particularly in an era of increased empirical social science testing, over time we will be able to analyze and identify the effects of differences in norms between the United States and other nations. n269 Such diversity benefits foreigners as foreign nations can decide to adopt our good norms and avoid our bad ones.

The only noteworthy counterargument is the claim that U.S. norms will have more harmful effects than those of raw international law, yet other nations will still copy them. But both parts of this proposition seem doubtful. First, U.S. law emerges from a democratic process that creates a likelihood that it will cause less harm than rules that emerge from the nondemocratic processes [\*1235] that create international law. Second, other democratic nations can use their own political processes to screen out American norms that might cause harm if copied.

Of course, many nations remain authoritarian. n270 But our norms are not likely to have much influence on their choice of norms. Authoritarian states are likely to select norms that serve the interests of those in power, regardless of the norms we adopt. It is true that sometimes they might cite our norms as cover for their decisions. But the crucial word here is "cover." They would have adopted the same rules, anyway. The cover may bamboozle some and thus be counted a cost. But this would seem marginal compared to the harm of allowing raw international law to trump domestic law.

#### No risk of Burke-White—they don’t solve abuses in places like Tibet or Russia—anyone down to violate rights on that scale would laugh at their solvency claim.

#### And, empirically denied—civilians have been abused by governments for centuries—never leads to those global wars.

#### Everything about this advantage is long-term and vague

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

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

### 1nc Taiwan

#### Relations will stabilize over time—resolution not key

**Bush, 10** [Richard C Bush III, Director, Center for Northeast Asian Policy Studies at the Brookings Institution, “China-Taiwan: Recent Economic, Political, and Military Developments Across the Strait, and Implications for the United States,” 3/18/10, Brookings, http://www.brookings.edu/testimony/2010/0318\_china\_economy\_bush.aspx]

What is the trajectory of the current process? Conceptually, there are at least two possibilities. On the one hand, and more consequential, what we are watching might reflect movement toward the resolution of the fundamental dispute between the two sides. One type of resolution would be unification according to the PRC’s one-county, two-systems formula, but there are others. On the other hand, what we are seeing could be the stabilization of cross-Strait relations. That term implies several things: increasing two-way contact, reducing mutual fear, increasing mutual trust and predictability, expanding areas of cooperation, institutionalizing interaction, and so on. It constitutes a shift from the conflicted coexistence of the 1995-2008 period to a more relaxed coexistence. Examples of this process at work are the array of economic agreements that the two sides have concluded, removing obstacles to closer interchange; China’s approval for Taiwan to attend the 2009 meeting of the World Health Assembly; and the two sides’ tacit agreement that neither will steal the other’s diplomatic partners.¶ In and of itself, stabilization does not lead ineluctably to a resolution of the China-Taiwan dispute—however much Beijing prefers inevitability and however much some in Taiwan fear it. President Ma has been quite explicit that unification will not be discussed during his term of office, whether that is four or eight years. The Chinese leadership at least realizes that the current situation is better than the previous one and understands that resolution will be a long-term process.¶ Certainly, however, stabilization can create a better climate for resolution. It’s easier to address the tough conceptual issues that are at the heart of this dispute in an environment of greater mutual trust. But I don’t see that happening anytime soon. Stabilization can also evolve very incrementally toward resolution, either through better mutual understanding or because one side, knowingly or unknowingly, makes concessions to the other. How stabilization might migrate to resolution brings me to the Commission’s questions.¶ China’s Initiatives¶ Since 2005, and in contrast to past periods, China’s approach to Taiwan has been rather skillful. President Hu Jintao shifted the priority from achieving unification in the near or medium term to opposing Taiwan independence (unification remains the long-term goal). Although he speaks about the need for the two sides to “scrupulously abide by the one-China principle,” he has been prepared, for the sake of achieving substantive progress, to tolerate so far the Ma administration’s quite ambiguous approach to that issue. The Beijing leadership recognizes the importance of building mutual trust through dialogue and exchanges after a decade-plus of mutual fear. It is emphasizing what the two sides have in common—economic cooperation and Chinese culture—and agreed to reduce somewhat the zero-sum competition in the international arena. Through its policies and interactions, it is trying to build up support for a PRC-friendly public on Taiwan. It sees the value of institutionalizing a more stable cross-Strait relationship.¶ The exception to this trend is the continuation of the People’s Liberation Army’s acquisition of capabilities that are relevant to a Taiwan contingency. Why this build-up continues, in spite of the decline in tensions since President Ma took office, is puzzling. After all, Ma’s policies reduce significantly what Beijing regarded as a serious national security problem. China is more secure today than two years ago, yet it continues to make Taiwan more vulnerable. Possible explanations are rigid procurement schedules; the inability of civilian leaders to impose a change even when it makes policy sense; and a decision to fill out its capacity to coerce and intimidate Taiwan, in case a future Taiwan government challenges China’s fundamental interests. The answer is not clear. I am inclined to believe that it is a combination of the second and third reasons.¶ What is clear is that this trend is in no one's interests – Taiwan's, China's or the United States'. Taiwan's leaders are unlikely to negotiate seriously on the issues on Beijing's agenda under a darkening cloud of possible coercion and intimidation. The Taiwanese people will not continue to support pro-engagement leaders if they conclude that this policy has made Taiwan less secure. The U.S. will not benefit if mutual fear again pervades the Taiwan Strait.¶ Where do Current Trends Lead?¶ To be honest, I do not know. I cannot rule out the possibility that gradually and over time the Taiwan public and political leaders will abandon decades of opposition to one-country, two systems and choose to let Taiwan become a special administrative region of the PRC. But I doubt it. Despite the consciousness on the island of China’s growing power and leverage, there is still a broad consensus that the Republic of China (or Taiwan) is a sovereign state, a position that is inconsistent with China’s formula. Moreover, because of the provisions of the ROC constitution, fundamental change of the sort that Beijing wants would require constitutional amendments and therefore a broad and strong political consensus, which does not exist at this time.¶ So if political integration is to occur in the next couple of decades, it will occur not because of the cumulative impact of economic integration but because Beijing has decided to make Taiwan an offer that is better than one-country, two systems. So far, I see no sign it will do so.¶ The more likely future is the continued creation and consolidation of a stabilized order, one in which economic interdependence deepens, social and cultural interaction grows, competition in the international community is muted, and all these arrangements will be institutionalized to one degree or another. But none of this will be automatic. Issues relevant to the resolution of the dispute (e.g. whether Taiwan is a sovereign entity) may come up in the process of stabilization and dealt with in ways that do not hurt either side’s interests And the issue of China’s growing military power—and what it reflects about PLA intentions—remains.

#### Won’t go nuclear

**Pike 11** – last modified 5/7/2011(John, manager, Global Security, China’s Options in the Taiwan Confrontation, http://www.globalsecurity.org/military/ops/taiwan-prc.htm)

China would almost certainly not contemplate a nuclear strike against Taiwan, nor would Beijing embark on a course of action that posed significant risks of the use of nuclear weapons. The mainland's long term goal is to liberate Taiwan, not to obliterate it, and any use of nuclear weapons by China would run a substantial risk of the use of nuclear weapons by the United States. An inability to control escalation beyond "demonstrative" detonations would cause utterly disproportionate destruction.

### 1nc indo-pak war

#### No war—mutual interest and pressure for restraint

**Mutti 9** – over a decade of expertise covering on South Asia geopolitics, Contributing Editor to Demockracy journal (James, 1/5, Mumbai Misperceptions: War is Not Imminent, http://demockracy.com/four-reasons-why-the-mumbai-attacks-wont-result-in-a-nuclear-war/)

Writer Amitav Ghosh divined a crucial connection between the two messages. “When commentators repeat the metaphor of 9/11, they are in effect pushing the Indian government to mount a comparable response.” Indeed, India’s opposition Hindu nationalist BJP has blustered, “Our response must be close to what the American response was.” Fearful of imminent war, the media has indulged in **frantic hand wringing** about Indian and Pakistani nuclear arsenals and renewed fears about the Indian subcontinent being “the most dangerous place on earth.”

As an observer of the subcontinent for over a decade, I am optimistic that war will not be the end result of this event. As horrifying as the Mumbai attacks were, they are not likely to drive India and Pakistan into an armed international conflict. The media frenzy over an imminent nuclear war seems the result of the media being superficially knowledgeable about the history of Indian-Pakistani relations, of feeling compelled to follow the most sensationalistic story, and being recently brainwashed into thinking that the only way to respond to a major terrorist attack was the American way – a war.

Here are four reasons why the Mumbai attacks will not result in a war:

1. For both countries, a war would be a disaster. India has been successfully building stronger relations with the rest of the world over the last decade. It has occasionally engaged in military muscle-flexing (abetted by a Bush administration eager to promote India as a counterweight to China and Pakistan), but it has much more aggressively promoted itself as an emerging economic powerhouse and a moral, democratic alternative to less savory authoritarian regimes. Attacking a fledgling democratic Pakistan would not improve India’s reputation in anybody’s eyes.

The restraint Manmohan Singh’s government has exercised following the attacks indicates a desire to avoid rash and potentially regrettable actions. It is also perhaps a recognition that military attacks will never end terrorism. Pakistan, on the other hand, couldn’t possibly win a war against India, and Pakistan’s military defeat would surely lead to the downfall of the new democratic government. The military would regain control, and Islamic militants would surely make a grab for power – an outcome neither India nor Pakistan want. Pakistani president Asif Ali Zardari has shown that this is not the path he wants his country to go down. He has forcefully spoken out against terrorist groups operating in Pakistan and has ordered military attacks against LeT camps. Key members of LeT and other terrorist groups have been arrested. One can hope that this is only the beginning, despite the unenviable military and political difficulties in doing so.

2. Since the last major India-Pakistan clash in 1999, both countries have made concrete efforts to create people-to-people connections and to improve economic relations.

Bus and train services between the countries have resumed for the first time in decades along with an easing of the issuing of visas to cross the border. India-Pakistan cricket matches have resumed, and India has granted Pakistan “most favored nation” trading status. The Mumbai attacks will undoubtedly strain relations, yet it is hard to believe that both sides would throw away this recent progress. With the removal of Pervez Musharraf and the election of a democratic government (though a shaky, relatively weak one), both the Indian government and the Pakistani government have political motivations to ease tensions and to proceed with efforts to improve relations. There are also growing efforts to recognize and build upon the many cultural ties between the populations of India and Pakistan and a decreasing sense of animosity between the countries.

3. Both countries also face difficult internal problems that present more of a threat to their stability and security than does the opposite country. If they are wise, the governments of both countries will work more towards addressing these internal threats than the less dangerous external ones. The most significant problems facing Pakistan today do not revolve around the unresolved situation in Kashmir or a military threat posed by India. The more significant threat to Pakistan comes from within. While LeT has focused its firepower on India instead of the Pakistani state, other militant Islamic outfits have not.

Groups based in the tribal regions bordering Afghanistan have orchestrated frequent deadly suicide bombings and clashes with the Pakistani military, including the attack that killed ex-Prime Minister Benazir Bhutto in 2007. The battle that the Pakistani government faces now is not against its traditional enemy India, but against militants bent on destroying the Pakistani state and creating a Taliban-style regime in Pakistan. In order to deal with this threat, it must strengthen the structures of a democratic, inclusive political system that can also address domestic problems and inequalities. On the other hand, the threat of Pakistani based terrorists to India is significant. However, suicide bombings and attacks are also carried out by Indian Islamic militants, and vast swaths of rural India are under the de facto control of the Maoist guerrillas known as the Naxalites. Hindu fundamentalists pose a serious threat to the safety of many Muslim and Christian Indians and to the idea of India as a diverse, secular, democratic society. Separatist insurgencies in Kashmir and in parts of the northeast have dragged on for years. And like Pakistan, India faces significant challenges in addressing sharp social and economic inequalities. Additionally, Indian political parties, especially the ruling Congress Party and others that rely on the support of India’s massive Muslim population to win elections, are certainly wary about inflaming public opinion against Pakistan (and Muslims). This fear could lead the investigation into the Mumbai attacks to fizzle out with no resolution, as many other such inquiries have.

4. The international attention to this attack – somewhat difficult to explain in my opinion given the general complacency and utter apathy in much of the western world about previous terrorist attacks in places like India, Pakistan, and Indonesia – is a final obstacle to an armed conflict. Not only does it put both countries under a microscope in terms of how they respond to the terrible events, it also means that they will feel international pressure to resolve the situation without resorting to war. India and Pakistan have been warned by the US, Russia, and others not to let the situation end in war. India has been actively recruiting Pakistan’s closest allies – China and Saudi Arabia – to pressure Pakistan to act against militants, and the US has been in the forefront of pressing Pakistan for action. Iran too has expressed solidarity with India in the face of the attacks and is using its regional influence to bring more diplomatic pressure on Pakistan.

#### No chance it goes nuclear

**Enders 2** (Jan 30, David, Michigan Daily, “Experts say nuclear war still unlikely,” http://www.michigandaily.com/content/experts-say-nuclear-war-still-unlikely, mrs)

\* Ashutosh Varshney – Professor of Political Science and South Asia expert at the University of Michigan

\* Paul Huth – Professor of International Conflict and Security Affairs at the University of Maryland

\* Kenneth Lieberthal – Professor of Political Science at the University of Michigan. Former special assistant to President Clinton at the National Security Council

University political science Prof. Ashutosh Varshney becomes animated when asked about the likelihood of nuclear war between India and Pakistan.

"Odds are close to zero," Varshney said forcefully, standing up to pace a little bit in his office. "The assumption that India and Pakistan cannot manage their nuclear arsenals as well as the U.S.S.R. and U.S. or Russia and China concedes less to the intellect of leaders in both India and Pakistan than would be warranted."

The worlds two youngest nuclear powers first tested weapons in 1998, sparking fear of subcontinental nuclear war a fear Varshney finds ridiculous.

"The decision makers are aware of what nuclear weapons are, even if the masses are not," he said.

"Watching the evening news, CNN, I think they have vastly overstated the threat of nuclear war," political science Prof. Paul Huth said.

Varshney added that there are numerous factors working against the possibility of nuclear war.

"India is committed to a no-first-strike policy," Varshney said. "It is virtually impossible for Pakistan to go for a first strike, because the retaliation would be gravely dangerous."

Political science Prof. Kenneth Lieberthal, a former special assistant to President Clinton at the National Security Council, agreed. "Usually a country that is in the position that Pakistan is in would not shift to a level that would ensure their total destruction," Lieberthal said, making note of India"s considerably larger nuclear arsenal.

"American intervention is another reason not to expect nuclear war," Varshney said. "If anything has happened since September 11, it is that the command control system has strengthened. The trigger is in very safe hands."

#### Alt cause—water

**Ali, 2010**, advisor to the prime minister of Pakistan on education, Sardar Seff Ali, “Unresolved water issues could trigger Indo-Pak war, says Gilani’s advisor,” 1/3/2010, http://www.thaindian.com/newsportal/south-asia/unresolved-water-issue-could-trigger-indo-pak-war-says-gilanis-advisor\_100298147.html

Lahore, Jan.3 (ANI): The impending issues over sharing river water between India and Pakistan could trigger a war between the two countries, Advisor to Pakistan Prime Minister Yousuf Raza Gilani on education, Sardar Aseff Ali has said.

Talking to media persons on the sidelines of a seminar here, Ali said Pakistan could pull out of the Indus Water Treaty with India, if the latter does not stop violating the treaty by constructing new dams on the Indus River, a move which could greatly affect Pakistan’s water share.

## 2nc

### 2nc – solvency o/v

#### The CP induces voluntary executive compliance to forestall the threat of binding restrictions

**Gersen and Posner, 8 -** Kirkland and Ellis Professor of Law, The University of Chicago (Jacob and Eric, “Soft Law: Lessons from Congressional Practice” 61 Stan. L. Rev. 573, lexis)

II. How Does Soft Law Affect Behavior?

We propose two main theories for the use of soft statutes in particular and soft law in general. First, Congress or another lawmaking body uses soft law to convey information about future intentions to enact hard law, allowing people to adjust their behavior in advance of binding statutes and in some cases avoiding constitutional requirements that apply to hard law. As we will show, soft law can be useful in this way even when the anticipated hard-law successor never materializes: if people adjust their behavior in anticipation of hard law, hard-law enactment might not be necessary. n63

 [\*587] Second, Congress uses soft law to convey information about its beliefs about the state of the world - both factual and normative. The Armenian Genocide resolution, for example, expressed the factual belief that the Armenian Genocide actually occurred - a historical event that is officially denied in Turkey - and the normative belief that the Armenian Genocide was wrong, rather than (as Turkey sometimes argues in the alternative) a series of massacres that were an excusable incident to war. Congress's beliefs about states of the world may influence the beliefs of other people.

In both settings, soft law is a signal that provides information. Like other signals, soft law can convey information more or less accurately and more or less efficiently. Soft law is preferable to hard law when the signal conveys information more reliably or more cheaply than hard law does. This Part surveys the relevant variables that affect the direction and magnitude of these tradeoffs.

#### Err negative on solvency questions – there’s no practical difference between legal rules and non-binding rules because the executive has the power to ignore legal constraints. Everything that affects the President is political – and the CP has the same political effect as the plan.

**Posner and Vermeule, 10** - \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 61)

CONCLUSION

American government in the period 2001 to 2008 bears little resemblance to the constitutional framework erected, or wished for, by liberal legalism. In the liberal-legalist view, legislatures are said or at least hoped to be the primary actors, with executive and judicial power following suit—through law-execution and law-interpretation respectively. Both legislatures and courts are supposed to check and monitor the executive, keeping its power tightly cabined. In these episodes, however, executive officials take center stage, setting the agenda and determining the main lines of the government’s response, with legislatures and courts offering second-decimal modifications. Legislative and judicial monitoring and checking is largely hopeless, in part because of the necessarily ad hoc character of the

government’s initial reaction (“regulation by deal”).88 in part because legislatures and courts come too late to the scene. The overall impression is that the constitutional framework of liberal legalism has collapsed under the pressure of fact, especially the brute fact that the rate of change in the policy environment is too great for traditional modes of lawmaking and policymaking to keep pace. Although crises demonstrate the problem with particular clarity, it is embedded in the structure of the administrative state.

None of this means that the president is all-powerful; that is not our claim. As political science assessments of executive power show,89 the president does face some checks even from a generally supine Congress and even in the domains of war and foreign affairs where presidential power reaches its zenith.90 However, these checks are not primarily legal. Even Congress’s main weapon for affecting presidential behavior is not the cumbersome and costly legal mechanism of legislation. Rather legislators appeal to the court of public opinion, which in turn constrains the president. Oversight and various forms of “soft law”91—congressional statements and resolutions short of legally binding legislation—affect public support for presidential action in the realm of foreign policy, and in many other domains as well. There are real constraints on executive government, but formal constitutional procedures are not their source.

#### It also creates a political climate that causes enactment of the plan down the road

**Harvard Law Review, 11** (“A CHEVRON FOR THE HOUSE AND SENATE: DEFERRING TO POST-ENACTMENT CONGRESSIONAL RESOLUTIONS THAT INTERPRET AMBIGUOUS STATUTES” 124 Harv. L. Rev. 1507, April, lexis)

A. Why a Congressional Resolution Deserves Deference Even for Agency-Administered Statutes

As explained in section I.A, a house of Congress brings its significant expertise and political accountability to bear when interpreting a statute. Therefore, when an agency charged with administering a statute has not issued an interpretation of an ambiguous provision, courts should defer to a congressional resolution that resolves the ambiguity. But the issue becomes complicated when both an agency and the House or Senate offer conflicting interpretations. As a normative matter, courts should defer to whichever political branch has greater accountability and expertise. Generally, the House and Senate might be assumed to be more democratically accountable than agencies, while agencies might possess greater expertise than Congress does. Policy decisions, however, nearly always require a combination of both expertise and value judgments, and the relative importance of these two elements varies depending on the particular decision. Moreover, the extent of each branch's comparative advantage on either of these variables differs from case to case. Courts therefore should refrain from [\*1516] adopting a categorical rule that favors one political branch over another. n43 Rather, judges should engage in a careful de novo or Skidmore analysis of the particular statute and the interpretations that have been offered before resolving the statutory ambiguity.

Allowing the political branches essentially to veto each other's interpretations of ambiguous statutes by adopting their own conflicting interpretations would increase transparency. Disagreements over the best interpretation would be formalized and public, and each political branch would present its argument for why its interpretation was better - not just as litigants trying to convince the courts, which would have the power to decide between conflicting interpretations, but as elected or accountable officials who are responsible to their constituencies. And by lowering the legislative costs necessary to alter the law, this Note's proposal might promote an investment of resources in developing interpretations that would turn out to be more broadly popular (or where a compromise might be more easily reached) than congressmen initially imagined - thus spurring actual legislation, not just interpretations of existing statutes.

### 2nc politics net benefit

#### And 4 more warrants—they cost *docket time, energy* and *capital* and *focus* on the rest of the agenda.

**Harvard Law Review, 11** (“A CHEVRON FOR THE HOUSE AND SENATE: DEFERRING TO POST-ENACTMENT CONGRESSIONAL RESOLUTIONS THAT INTERPRET AMBIGUOUS STATUTES” 124 Harv. L. Rev. 1507, April, lexis)

One impediment to this outcome is that the costs of legislative enactment are frequently too high to make it worth Congress's limited time and energy to overturn a judicial interpretation. The Senate, for example, might prefer the House and the President's interpretation of a statute if it had the time to consider the question and vote on it, but might simply have other business that consumes all of its time. In that case, any bill on the issue introduced by the House or urged by the President would likely fail (or, more likely, would never be initiated). More fundamentally, even where the costs of legislation are less than the benefits gained by legislating, Congress incurs the opportunity [\*1519] costs of forgoing other legislative work. And although in the abstract it may seem that all three political institutions would only infrequently agree on a different interpretation from the one adopted by the judiciary, such a situation is particularly likely to arise when judges interpret open-ended statutes that require technical determinations or value judgments; because judges lack expertise and are not accountable to the public, their interpretations may frequently diverge from what the political branches would adopt.

#### And the signaling function of the CP means Obama will exercise *restraint* in response so he can *preserve Democratic unity*

Silverstone 4—Assistant Professor of Political Science at the United States Military Academy

(Scott, *Divided Union: The Politics of War in the Early American Republic* pg 61-62, dml)

\*note: federal asymmetry = conflict between executive and legislative policy preferences

Federal asymmetry will also increase the likelihood of presidential self-restraint (see Table 2.1). First, the president may choose to avoid the use of force if he anticipates that Congress will withhold its approval for his preferred policy options. Second, the president may avoid the use of force or the pursuit of certain objectives if he believes that opposition to these policies within certain regions of the federal republic will produce electoral penalties that undermine his ability to attract a winning electoral coalition from across the national political system.1°° The president might exercise self-restraint even if the ex- pected electoral penalties would undermine his political party, and not necessarily his own tenure in office. The president might choose to avoid the kinds of issues or actions that would penalize loyal members of his party in particular regions and thus undermine the party's aggregate national strength. Finally, the president might exercise self-restraint to avoid splitting the party along territorial lines. The president has a strong interest in party unity, which will have a direct impact on his ability to inﬂuence legislative outcomes. Yet the latent internal party tension caused by federal asymmetry on particular is- sues may come to the surface if the president initiates policies that party members from particular regions find objectionable. To avoid the repercussions of dividing the party this way, the president might choose to avoid the types of policies that would have this effect.'°°

### 2nc uncertainty

#### --Legislative checks enhance the credibility of threats but don’t rely on formal binding restrictions

**Waxman, 13** ­- Professor of Law, Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations (Matthew, “The Constitutional Power To Threaten War” Yale Law Journal, SSRN)

The importance of credibility to strategies of threatened force adds important new dimensions to this debate. On the one hand, one might intuitively expect that robust democratic checks would generally be ill-suited for coercive threats and negotiations – that institutional centralization and secrecy of decision-making might better equip nondemocracies to wield threats of force. As Quincy Wright speculated in 1944, autocracies “can use war efficiently and threats of war even more efficiently” than democracies,157 especially the American democracy in which vocal public and congressional opposition may undermine threats.158 Moreover, proponents of democratic checks on war powers usually assume that careful deliberation is a virtue in preventing unnecessary wars, but strategists of deterrence and coercion observe that perceived irrationality is sometimes important in conveying threats: “don’t test me, because I might just be crazy enough to do it!”159

On the other hand, some political scientists have recently called into question this view and concluded that the institutionalization of political contestation and some diffusion of decision-making power in democracies of the kind described in the previous section make threats to use force rare but especially credible and effective in resolving international crises without actual resort to armed conflict. In other words, recent arguments in effect turn some old claims about the strategic disabilities of democracies on their heads: whereas it used to be generally thought that democracies were ineffective in wielding threats because they are poor at keeping secrets and their decision-making is constrained by internal political pressures, a current wave of political science accepts this basic description but argues that these democratic features are really strategic virtues.160

Rationalist models of crisis bargaining between states assume that because war is risky and costly, states will be better off if they can resolve their disputes through bargaining rather than by enduring the costs and uncertainties of armed conflict.161 Effective bargaining during such disputes – that which resolves the crisis without a resort to force – depends largely on states’ perceptions of their adversary’s capacity to wage an effective military campaign and its willingness to resort to force to obtain a favorable outcome. A state targeted with a threat of force, for example, will be less willing to resist the adversary’s demands if it believes that the adversary intends to wage and is capable of waging an effective military campaign to achieve its ends. In other words, if a state perceives that the threat from the adversary is credible, that state has less incentive to resist such demands if doing so will escalate into armed conflict.

The accuracy of such perceptions, however, is often compromised by informational asymmetries that arise from private information about an adversary’s relative military capabilities and resolve that prevents other states from correctly assessing another states’ intentions, as well as by the incentives states have to misrepresent their willingness to fight – that is, to bluff.162 Informational asymmetries increase the potential for misperception and thereby make war more likely; war, consequentially, can be thought of in these cases as a “bargaining failure.”163

Some political scientists have argued in recent decades – contrary to previously common wisdom – that features and constraints of democracies make them better suited than non-democracies to credibly signal their resolve when they threaten force. To bolster their bargaining position, states will seek to generate credible signals of their resolve by taking actions that can enhance the credibility of such threats, such as mobilizing military forces or making “hand-tying” commitments from which leaders cannot back down without suffering considerable political costs domestically.164 These domestic audience costs, according to some political scientists, are especially high for leaders in democratic states, where they may bear these costs at the polls.165 Given the potentially high domestic political and electoral repercussions democratic leaders face from backing down from a public threat, they have considerable incentives to refrain from bluffing. An adversary that understands these political vulnerabilities is thereby more likely to perceive the threats a democratic leader does issue as highly credible, in turn making it more likely that the adversary will yield.166

Other scholars have recently pointed to the special role of legislative bodies in signaling with regard to threatened force. This is especially interesting from the perspective of constitutional powers debates, because it posits a distinct role for Congress – and, again, one that does not necessarily rely on Congress’s ability to pass binding legislation that formally confines the President.

Kenneth Schultz, for instance, argues that the open nature of competition within democratic societies ensures that the interplay of opposing parties in legislative bodies over the use of force is observable not just to their domestic publics but to foreign actors; this inherent transparency within democracies – magnified by legislative processes – provides more information to adversaries regarding the unity of domestic opponents around a government’s military and foreign policy decisions.167 Political opposition parties can undermine the credibility of some threats by the President to use force if they publicly voice their opposition in committee hearings, public statements, or through other institutional mechanisms. Furthermore, legislative processes – such as debates and hearings – make it difficult to conceal or misrepresent preferences about war and peace.

Faced with such institutional constraints, Presidents will incline to be more selective about making such threats and avoid being undermined in that way.168 This restraining effect on the ability of governments to issue threats simultaneously makes those threats that the government issues more credible, if an observer assumes that the President would not be issuing it if he anticipated strong political opposition. Especially when members of the opposition party publicly support an executive’s threat to use force during a crisis, their visible support lends additional credibility to the government’s threat by demonstrating that political conditions domestically favor the use of force should it be necessary.169

In some cases, Congress may communicate *greater* willingness than the president to use force, for instance through non-binding resolutions.170 Such powerful signals of resolve should in theory make adversaries more likely to back down.

### at: CP theory

#### The CP is a vital tool in the literature and is key to policymaking

**Bradley and Morrison, 12** - \* William Van Alstyne Professor of Law, Duke Law School AND \*\* Isidor and Seville Sulzbacher Professor of Law, Columbia Law School (Curtis and Trevor, “ Historical Gloss and the Separation of Powers” 126 Harv. L. Rev. 411, lexis)

The case studies especially highlight the difficulties associated with grounding a practice-based argument in a claim that the affected institution has acquiesced. It is often unclear what should count as acquiescence, and treating apparent institutional silence as acquiescence might overlook certain expressions of institutional nonacquiescence. That risk is especially acute with Congress, and the case studies confirm the importance of looking to various forms of soft law when assessing congressional responses to executive action. Greater attention to the more informal, nonbinding ways members of Congress articulate their views will likely narrow the range of executive actions to which Congress can be said to have acquiesced. In contrast, differences in institutional structure and capacity suggest that inaction or apparent concessions by the Executive should more readily be treated as acquiescence, especially if repeated across multiple presidential administrations.

### 2nc preemption

#### Preemption is good - solves global war

Steven Westphal, Lt. Col. 2003, Counterterrorism: Policy of Preemptive Action, http://www.au.af.mil/au/awc/awcgate/army-usawc/westphal.pdf

Preemptive strikes risk causing potential crisis to escalate quickly. However, the risk of inaction is far greater than the risk of action. Weapons of mass destruction could enable our adversaries to inflict massive harm **on the United States,** our military forces at home and abroad **and our allies** and friends. Some states**, including several that** have supported and **continue to support terrorism, already possess** weapons of mass destruction and are seeking even greater capabilities, as tools of coercion and intimidation. For them, these are not weapons of last resort, but militarily useful weapons of choice intended to overcome our nation’s advantages in conventional forces and to deter us from responding to aggression against our friends and allies in regions of vital interest. In addition, terrorist groups are seeking to acquire weapons of mass destruction with the stated purpose of killing large numbers of our people and those friends and allies – without compunction and without warning.29 It is against these **adversaries,** rogue states and terrorist groups that preemptive strikes are ideally intended and suited. Preemptive strikes are not intended for the illegitimate use of the strong to further their own imperialistic agendas. Preemptive strikes are intended to be used as a preventive deterrent against an enemy, initiated on the basis of incontrovertible evidence, to prevent an enemy attack that is imminent or to prevent an attack that will occur at a later time. The underlying emphasis is that preemptive strikes are a deterrent and preventive measure used to forestall, preclude and stop anticipated or feared attacks by an enemy based on incontrovertible evidence.

Because deterrence may not succeed, and because of the potentially devasting consequences **of weapons of mass destruction use against our forces and civilian** population, U.S. military forces and appropriate civilian agencies must have the capability to defend against WMD – armed adversaries, including in appropriate cases through preemptive measures.30

The United States’ policy on Counter-Terrorism and its acknowledgement and use of preemptive strikes; is good, pragmatic, rational and just. The nature of the enemy has changed; the nature of the threat has changed, so the response to the new enemy and new threats must change. Given the goals of rogue states and terrorist, the U.S. can not solely rely on a reactive posture as we have in the past. Preemptive strikes may be our best or only option **to avert a catastrophic attack.** Prudence dictates that the United States must act preemptively, and it must act alone if necessary, to stop rogue states, terrorism and terrorists before they have the opportunity to inflict potentially catastrophic attacks **upon our country and the world.** The economies, environments, freedoms, interest, liberties, lives and values of millions of peoples and countries around the world depend upon our ability to act preemptively to stop terrorist and rogue states before they can attack. The stated policy, written policy and justifiable use of Preemptive Strikes by the United States, is a necessary response and a necessary method to deter and eventually stop the scourge of terrorism**.**

#### Preemption solves laundry list of impacts - Iran, Korea, Terrorism

Jonas 12 [George Jonas (staffwriter for Natl Post; contributer to WSJ and others; prolific author) “What's wrong with 'pre-emptive' war?”; January 11, 2012; http://fullcomment.nationalpost.com/2012/01/11/george-jonas-the-case-for-pre-emptive-war/]

**What justifies preemptive war**? Presidential hopeful Ron Paul may think he alone worries about this. In fact, it's hard to find anyone who doesn't. Last time I raised the question was more than a decade ago, after Osama bin Laden told Pakistani journalist Hamid Mir that he had nuclear weapons. The lie fooled no one, but it invited the question of **why was it necessary to wait until it became the truth?**

I wrote at the time that no month passes without a police officer being investigated for having an itchy trigger finger. The facts are usually identical. **A suspect appears to reach for what the officer thinks is a gun, to which the officer responds by shooting first.**

B**y definition, pre-emptive action is always "too early." If it's not too early, it isn't preemptive, and if it's not preemptive,** it's often too late. No month passes without a police officer being shot, either, for choosing to wait for a suspect to pull the trigger first.

**The dilemma becomes** infinitely greater **when it goes beyond police officers and guns to sovereign nations and** nuclear weapons. U.S. president George W. Bush had to face it, just as Barack Obama is facing it today.

Eleven years ago, in a speech beamed by satellite to the Warsaw meeting of East European leaders, Bush raised the specter of bin Laden's alQaeda network going after nuclear weapons. Though he spoke before bin Laden made his claim (Bush's speech may have given him the idea) the president's reference was quite specific. By then, Pakistan had nuclear weapons. While General Pervez Musharraf 's government was America's ally (sort of) in the war against terror, Pakistan itself had been instrumental in setting up the Taliban regime in Afghanistan. There was always a substantial and militant minority in Pakistan - among the general population as well as in the governing elite, such as the powerful Inter-Service Intelligence or ISI - that supported the Taliban's fanatical Islamists who hosted and protected al-Qaeda before and since 9/11.

**It was evident** 10 years ago **that if** General **Musharraf 's government, which was by no means secure, were to be toppled,** there was at least a chance that **bin Laden might gain access to nuclear weapons**. As The Daily Telegraph reported at the time, two Pakistani nuclear scientists admitted - boasted might be a better word - of having met bin Laden earlier in 2001, and Pakistan moved its nuclear weapons "to ensure their safety in the event of an Islamic coup." **The scenario**, though not likely, **was viewed as having a 5% probability. A small chance - but with** colossal consequences.

No responsible government would accept a 5% chance of a catastrophe of such magnitude in an area of public hygiene. The authorities would unquestionably take the position that an ounce of pre-emption is worth a pound of cure. But what would "preemption" entail in a case of armed fanatics? On a minor scale, consider the 1993 tragedy at Waco.

Though the FBI may have stormed David Koresh's compound as an act of administrative vengeance, the authorities also wanted to pre-empt a fanatical cult that had an arsenal of illegal firearms from harming others. The ensuing mayhem, particularly the fiery deaths of children, rightly shocked the conscience of a nation.

The mayhem at Waco would be a boy scout jamboree compared to the results of a pre-emptive strike (let alone a pre-emptive nuclear strike) on a country. How would the mere possession of nuclear capability justify such an attack?

After all, no one loses any sleep over, say, France's nuclear capabilities. If France can have weapons of mass destruction without the world feeling endangered, why should Pakistan, or even Iran, be judged by a different yardstick? What's wrong with a "Muslim bomb"? If the West can possess nuclear weapons, why can't Islam?

"Because the West is more civilized than Islam," blurted out Italian Prime Minister Silvio Berlusconi 10 years ago, before quickly apologizing for his remark. But Berlusconi aside, the difference between storing a case of dynamite at the Army Corps of Engineers or in the chimp enclosure at the zoo is self-evident.

We let chimps store dynamite to teach them responsible behaviour. **If North Korea and Pakistan have nuclear weapons today; if Iran is on the verge of acquiring them, it's because, having no stomach for hard choices,** we reduced our choices to zero. Paradoxically, if the world blows up tomorrow, our humanitarian scruples will share the blame.

After Waco, the authorities pleaded that they had a duty to force their way into the compound because of the threat Koresh and his armed disciples represented to the larger community. The courts agreed. But if guns in the hands of Koresh & company's justified the incineration of children, **it's hard to think of collateral damage that keeping w**eapons of **m**ass **d**estruction **from** Mahmoud **Ahmadinejad or Kim Jong-un wouldn't justify.**

**Iran's rulers are pressing on.** They're now threatening to close international sea lanes to shipping in the Persian Gulf. They don't yet have the bomb. **What will they threaten to do when they do? We shall all soon know.**

### 2nc sop

#### Can’t implement SOP norms

Jeremy Rabkin 13, Professor of Law at the George Mason School of Law. Model, Resource, or Outlier? What Effect Has the U.S. Constitution Had on the Recently Adopted Constitutions of Other Nations?, 29 May 2013, www.heritage.org/research/lecture/2013/05/model-resource-or-outlier-what-effect-has-the-us-constitution-had-on-the-recently-adopted-constitutions-of-other-nations

Even when people are not ambivalent in their desire to embrace American practices, they may not have the wherewithal to do so, given their own resources. That is true even for constitutional arrangements. You might think it is enviable to have an old, well-established constitution, but that doesn’t mean you can just grab it off the shelf and enjoy it in your new democracy. You might think it is enviable to have a broad respect for free debate and tolerance of difference, but that doesn’t mean you can wave a wand and supply it to your own population. We can’t think of most constitutional practices as techniques or technologies which can be imported into different cultures as easily as cell phones or Internet connections.

### 2nc china relations

#### Relations are resilient

**Rosecrance and Qingguo 2010** – \*political science professor at Cal and senior fellow at Harvard’s Belfer Center for Science and International Affairs, former director of the Burkle Center for International Relations at UCLA, \*\*PhD from Cornell, Professor and Associate Dean of the School of International Studies of Peking University (Jia Qingguo and Richard Rosecrance, Global Asia, 4.4, “Delicately Poised: Are China and the US Heading for Conflict?”, <http://www.globalasia.org/l.php?c=e251>, WEA)

Sustained Cooperation?
The fact that the rise of China is unlikely to lead to armed conflict with the US does not necessarily mean that the two countries can achieve a wholly cooperative relationship in the long term. For that to happen, the two need to have shared interests, aspirations, and mutually acceptable approaches to promoting their national goals. It appears that these conditions are increasingly becoming a reality.
To begin with, after years of interaction, China and the US have developed a **shared stake** in cooperation. Their relationship has deepened to the point where their economic futures have become closely interlinked. Western demand, principally from the US, sustains a whole range of Chinese industries. Chinese investments support America’s deficit financing, with China holding more than $1 trillion of US government debt. The US, meanwhile, contributes greatly to China’s foreign trade surplus. If America stopped buying Chinese goods, it would put a serious crimp in Chinese economic growth. Chinese sovereign wealth funds are also moving into the US financial market to rebalance the amount of foreign direct investment on each side.
The Emergence of Shared Values
Chinese-American ties now range well beyond economics. As major beneficiaries of existing international arrangements, both China and the US have an important stake in many areas, including defending a free trade system, maintaining international peace and stability, opposing proliferation of weapons of mass destruction, fighting terrorism, ensuring secure energy supplies and reversing global warming. In addition, as a result of changes within China, the two countries increasingly find themselves sharing similar aspirations in the world. Among other things, China has replaced its centrally-planned economy with a market-oriented one. It has attached increasing importance to the rule of law. It has publicly advocated protection of human rights and has adopted many measures to improve its human rights situation. It has also tried to introduce democratic reforms such as nationwide village-level elections and measures to broaden participation in the selection of leaders at various levels of the Chinese government and in the policy making process. Recently, Chinese Premier Wen Jiabao said that China wants democracy and will make more efforts in this regard. These and other changes on the part of China have narrowed the value differences between the two countries and provided an expanding political basis for China-US cooperation.
Finally, leaders of the two countries have learned how to cooperate after years of interaction. With the scope and depth of contacts increasing, China and the US find themselves with **greater understanding** and appreciation of each other’s legitimate interests and political sensitivities than ever before. Policy makers in the two countries not only know each other as counterparts, but also increasingly as personal friends. Many become acquainted long before they become important in their respective policy making institutions. Previous misunderstandings at the policy level are **no longer serious**. This has made miscalculation between the two countries less likely and facilitated cooperation.

## 1nr

### Un

#### The UN is worthless

**Nossel, 2/15/13** – Suzanne, former U.S. deputy assistant secretary for international organizations (“The Incredible Shrinking United Nations,” Foreign Policy, http://www.foreignpolicy.com/articles/2013/02/15/the\_incredible\_shrinking\_united\_nations\_gun\_control\_gay\_rights?page=0,1)Red

In early 2011, the United Nations seemed poised for a renaissance. After playing a marginal role in global conflicts in Iraq and Afghanistan, the U.N. Security Council was the epicenter for rapid-fire deliberations that yielded a historic resolution calling for "all necessary measures" to protect the Libyan people from President Muammar Qaddafi's onslaught. The decision elevated the nascent global principle of an international "responsibility to protect" innocent civilians, warming the hearts of human rights activists who had for years sought to promote this new international norm. The Security Council's action was decisive, timely, cutting-edge and backed by a wide consensus of world powers, established and emerging. **But the momentum dissipated almost as quickly as it had built.** China, Russia and South Africa complained of having been hoodwinked into backing a resolution used to justify military intervention culminating in Qaddafi's ouster. That ire stiffened Moscow's spine for nearly two years of unbending resistance to any Security Council action on Syria. Two successive U.N. mediators for Syria, former Secretary General Kofi Annan and Algerian diplomat Lakhdar Brahimi, have been mostly ignored by both Syrian President Bashar al-Assad and the Security Council. The result has been to marginalize the U.N. as a force in the Arab transformations, relegating it to the sidelines of the world's most volatile and pivotal region. The U.N.'s **paralysis over Syria is symptomatic of a wider malaise.** As with the U.S. Congress, what happens or doesn't at the U.N. is a function not of the institution itself, but of its members. While it's fun to blame the bureaucrats at Turtle Bay, its problems originate not in New York but **in capitals around the world.** Despite a flurry of activity after September 11, the U.N. membership has for 12 years been unable to even agree on a definition of terrorism, leaving this manifestly global fight mostly to unregulated national efforts. Despite a series of large-scale summit meetings, the U.N. has failed to forge agreement on how to curb climate change. Successive rounds of stiffening U.N. sanctions have not broken the will of either Iran or North Korea to gain nuclear weapons. Although the U.N. is nominally part of the "Quartet" charged with addressing the Israel-Palestinian conflict, it was Egypt and the United States that mediated the latest flare-up in Gaza. In the backseat on so many of the major issues of the day, the U.N. doesn't trend on Twitter or make top news, at least not in the United States. Indeed, of the more than 200 journalists listed as members of the U.N. press association, only about two dozen are affiliated with U.S. media outlets. The U.N.'s drift comes as a disappointment to those who hoped that after the standoff of the George W. Bush years -- which reached its zenith when Washington went to war on Iraq after trying and failing to win Security Council approval -- the election of Barack Obama would mark a multilateral awakening. But multilateral progress depends largely on bilateral power relations. A surging China, a defiant Russia, and a rising Brazil, South Africa, and India have made for a **fractious Security Council.** With the exception of Libya, the Obama administration's other significant Security Council achievements, principally sanctions resolutions, have been heavy diplomatic lifts, requiring months of high-level calls and carrots. This low political and public profile does not necessarily reflect limited activity or impact. On Syria, for example, the U.N. has played a pivotal role despite -- and partly because of -- the political impasse. The U.N.'s World Food Program feeds more than 1.5 million people each month and assists 5,000 new refugees every day. After France's swift intervention to help oust the Islamic militants in Mali, the U.N. looks to be on clean-up duty, gearing up for a potential peacekeeping operation there. The U.N. has also done vital humanitarian, human rights and development work in Afghanistan and Iraq, and has tended to neglected conflicts in Congo and the Sudanese border areas. This all happens alongside a dizzying array of norm development, standard setting, and reporting functions, many of them vital to the smooth flow of things we take for granted -- for example, air traffic - and which the U.N. and its technical agencies carry out daily, almost entirely outside of public view. But it's undeniable that the U.N.'s importance as a forum for high-stakes geopolitical decision-making has waned, giving way to a focus on humanitarian and technical matters. What's more, new developments have continued to deny the spotlight to U.N. activities. After the 2008 financial crash, the organization was put in a fiscal straitjacket, and its regular budget has been essentially flat ever since. While the organization operates 15 peacekeeping operations, with the exception of new missions in South Sudan and its border region with the north, the others have been ongoing for at least five years and, in some cases, many decades. Most are low-profile, silently keeping tensions from boiling over in places like Cote d'Ivoire, Liberia, and Haiti. Another factor keeping the U.N.'s profile low is Secretary General Ban Ki-moon himself. He is low-key, still not fully at ease with the English language, and lacks the telegenic charisma of his immediate predecessor Kofi Annan or other memorable secretary generals like Dag Hammarskjold. In an era of 24-hour cable coverage, viral videos, and quotes that boomerang through social media, Ban's flat demeanor almost never breaks through. Moreover, substance has followed his style. When foreign policymakers cannot solve the most difficult regional and country-specific conflicts they face, they revert to focusing on themes -- women's rights, development, health, and many others -- that can be addressed more incrementally, are less susceptible to outright failure, and offer lower risk and lower visibility. A look at Ban's website proves the point. Of nine searchable topics for Ban's speeches, only one -- "African Issues" -- is regional rather than thematic. The secretary general, however, is just one among several potential personalities that could drive greater attention. The U.N.'s visibility to the U.S. media and public hinges heavily on the the U.S. ambassador. While incumbent Susan Rice is a high-profile foreign policy force, her prominence has not rubbed off on the U.N. itself. During his time as ambassador, Rice's predecessor during the end of the Clinton administration, Richard Holbrooke, focused relentlessly on the U.N. itself. He rammed through reforms, aggressively cultivated his fellow ambassadors, and worked to repair relations between the world body and the U.S. Congress. Holbrooke's U.N. focus was a choice and a necessity: he wanted to notch accomplishments and the U.N. was the only place for him to do it. With Washington foreign policymaking then dominated by Secretary of State Madeleine Albright and National Security Adviser Sandy Berger, Holbrooke was not a pivotal player. But he drew the spotlight to where he was, which allowed the U.N. to share it with him. During the U.S.-U.N. Cold War years of the Bush administration, U.S. ambassadors ranged from the relatively reserved John Negroponte and John Danforth to the fiery John Bolton, before finally settling on the genial Zalmay Khalilzad. But regardless of who sat behind the U.S. placard, media coverage tended to center on Washington's open disdain for the world body. Rice is in a very different position from Holbrooke, her most recent predecessor representing an administration interested in a stronger U.N. A member of the president's inner circle of advisers, she may spend as much time in the White House Situation Room as she does in the Security Council. Through her, the U.N. has the benefit of being plugged into the inner circle of U.S. decision-making, a clear plus, but it is rarely the focus of those deliberations. The controversy over her potential nomination as secretary of state was grounded in a critique of the State Department, intelligence agencies, and White House's handling of the Benghazi incident; it had nothing to do with her record at the U.N. Perhaps partly because of the U.N.'s torpor, during her four-year tenure she has continued to be a player in Washington, earning front-runner status for a top foreign policy role. While Rice will continue to command the spotlight, it's not clear the U.N. will shine along with her. While personalities unquestionably drive coverage, the U.N.'s conflicts are also to blame. The center of gravity has always been the Security Council, where top powers meet, supposedly to tackle the world's most pressing conflicts. But major powers **don't want the U.N. meddling** in the most sensitive disputes -- India/Pakistan, Afghanistan, or East Asian territorial matters -- relegating it to managing neglected conflicts, most of which are in Africa. The council's divisions have bred a reputation for fecklessness that may be self-reinforcing. This week, the North Korean government brazenly swore it would never "bow" to a U.N. resolution and continues to defy Security Council attempts at coercion. Just this week, Iran again spurned the U.N.'s nuclear inspectors, denying them access to key sites. These governments have come to rely on the fact that its **difficult for the council's members to agree on anything**, and even more so to back words with actions. The U.N.'s diminishing profile hurts the organization, much as it would a non-profit organization or a political candidate. It makes it harder to argue for increased financial support, and it lessens the punch of pronouncements by Ban, visits by his envoys, and even negotiated resolutions. People pay attention to what the media covers and what others talk about, and right now the U.N. isn't making the cut. The problem is self-reinforcing; the less the U.N. is mentioned, the less attention is paid, and so on. While Ban is undoubtedly relieved not to be in the news for sex or corruption scandals these days, for an organization trying to summon global influence, no news isn't good news.

### 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

#### 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

#### 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.

#### **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.

**They say congress likes the plan but 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.

### A2 deal fails

#### The deal is working – Iran gave more than it got, and has strong economic incentives to seek a final agreement

**Matthews, 1/22/14 –** president of the Carnegie Endowment for International Peace (Jessica, “Iran: A Good Deal Now in Danger” <http://carnegieendowment.org/2014/01/21/iran-good-deal-now-in-danger/gz10>)

The essential elements of a bargain acceptable to the P5+1 negotiators were well defined in advance. To prevent Iran from once again using the negotiations to buy time to advance its program, Tehran would have to agree to halt production of 20 percent highly enriched uranium. It would have to keep its capacity for enrichment stable by stopping the operation or the installation of additional advanced centrifuges. It would have to halt progress on the reactor under construction at Arak that is designed to produce plutonium, also a weapons fuel. Specifically that reactor could not be fueled or turned on so that, if the agreement were ever violated, it could be bombed without spreading radiation.

The actual agreement goes far beyond this. Most important, and perhaps most unexpected, Iran agreed to eliminate its existing stockpile of 20 percent enriched uranium either by diluting it down to low enrichment or converting it to an oxide form that is not adaptable for further enrichment. Netanyahu had famously held up a cartoon poster of a bomb before the General Assembly with a red line drawn across it at the threshold level of 90 percent enriched uranium. The agreement takes Iran’s less enriched stockpile to zero.

The terms also provide that Iran can build no additional centrifuges except to replace broken ones. While existing centrifuges may continue to spin, the product must be converted to oxide so that Iran’s stock of low-enriched uranium does not grow. The agreement bans the testing or production of fuel and new components for Arak and requires Iran to turn over important design information that will help the IAEA safeguard the reactor there.

To strengthen the assurance that all this will happen, the agreement requires daily access for inspectors as well as downloads from cameras used for surveillance, including at the Fordow underground enrichment plant. To reduce the possibility that Iran could be running covert, hidden fuel cycles, it extends monitoring for the first time to uranium mines and mills and to centrifuge production and assembly facilities. These inspections are unprecedented in both frequency and extent.

In return, the P5+1 agree to lift about $7 billion worth of sanctions, though leaving the most important oil and financial sanctions in place. Further, the US and its allies pledge not to impose any new nuclear-related sanctions while the agreement is in effect.

There is much left to be dealt with in the permanent agreement. In the view of the P5+1 negotiators, Iran must permanently cap enrichment at 5 percent and reduce the size of its stockpile, which holds far more low-enriched uranium than it needs for any foreseeable peaceful purpose. Similarly, the total number of centrifuges needs to be proportional to civilian needs. The Arak reactor must be defanged—most likely converted to a different design. And the final agreement must deal with Parchin and perhaps other facilities where research and development directly related to making weapons are believed to have taken place.

What remains to be done does not diminish the historic dimension of what has been achieved. After more than a decade of failed negotiations and, for the US and Iran, three decades of unproductive silence, diplomacy is working. As of January 20, 2014, the short-term agreement is in full effect. Twenty percent enrichment is suspended. If the agreement is sustained by both sides, Iran’s enrichment progress will be halted and in important respects rolled back. The time it would take to break out and dash for a nuclear weapon is lengthened by perhaps two months and the new inspection requirements mean earlier warning of danger and more time to respond. In return, the P5+1 gave remarkably little. Indeed, this deal only becomes attractive for Tehran if it is followed by a permanent agreement that brings major relief from sanctions.

Nevertheless, Prime Minister Netanyahu greeted the agreement with a barrage of criticism. Even before it was completed he called it a “Christmas present” for Iran; later, “a historic mistake.” His too attentive audience on Capitol Hill followed suit. Many of the criticisms suggest that the critics haven’t appreciated the terms of the agreement. Senator Charles Schumer dismissed it as “disproportionate.” The observation is correct, but upside down, for Iran gave far more than it got.

Others vaguely suggest that Iran will inevitably cheat. To oppose the deal on this ground, one would have to be able to explain why Rouhani, if his intention were to cheat, would sign a deal that focuses the world’s attention on Iran’s nuclear behavior and imposes unprecedented inspections and monitoring. What would be the logic in that? Iran has inched forward successfully for years. Why invite severe retribution by making an explicit deal with the world’s major powers and then violating it?

#### Current IAEA reports prove compliance

**Reuters, 1/20/14** (“Iran halts nuke activity after IAEA nod”

<http://www.news24.com/World/News/Iran-halts-nuke-activity-after-IAEA-nod-20140120>

Vienna/Brussels - Iran has halted its most sensitive nuclear activity under a ground-breaking deal with world powers, a confidential UN atomic agency report reviewed by Reuters on Monday showed, paving the way for the easing of some Western sanctions.

Western states were expected to ease sanctions later on Monday after the United Nations nuclear watchdog confirmed Iran is meeting its end of the bargain under a 24 November interim accord to resolve a decade-old dispute over its nuclear programme.

European Union foreign ministers, meeting in Brussels, were due to take a decision on EU measures later in the day. The US State Department and European Union confirmed receiving a report from the International Atomic Energy Agency but neither commented on its content.

The mutual concessions are scheduled to last six months, during which time six powers - the United States, Russia, China, France, Britain and Germany - aim to negotiate a final accord defining the permissible scope of Iran's nuclear activity.

Western governments want such an agreement to lay to rest their concerns that Iran could produce an atomic weapon and ease the risk of new war in the Middle East. Tehran is seeking an end to painful US and EU sanctions that have severely damaged the Opec producer's economy.

Suspend enrichment

The interim accord, struck on 24 November after years of on-off diplomacy, marks the first time in a decade that Tehran has limited its nuclear work, which it says has no military goals, and the first time the West has eased economic pressure on Iran.

"We are looking forward to confirmation from the IAEA that Iran is implementing its side of the deal," British Foreign Secretary William Hague told reporters before meeting his counterparts in Brussels.

"We will be fulfilling our side of the deal."

The EU's foreign policy chief Catherine Ashton, who co-ordinates diplomatic contacts with Iran on behalf of the six powers, said she expected talks on the final settlement to start within the next few weeks.

Under the interim deal, Iran agreed to suspend enrichment of uranium to a fissile concentration of 20%, a short technical step away from the level needed for nuclear weapons.

It also has to dilute or convert its stockpile of this higher-grade uranium, and cease work on the Arak heavy water reactor, which could provide plutonium, an alternative to uranium for bombs.

IAEA reporting progress

The IAEA said Tehran had begun the dilution process and that enrichment of uranium to 20% had been stopped at the two facilities where such work is done.

"The Agency confirms that, as of 20 January 2014, Iran ... has ceased enriching uranium above 5% U-235 at the two cascades at the Pilot Fuel Enrichment Plant (PFEP) and four cascades at the Fordow Fuel Enrichment Plant (FFEP) previously used for this purpose," its report to member states said.

### AT: No Israel strike

their evidence is based off the current deal, which is failing—outcarding tem on this

#### Both the US and Israel will strike if talks collapse

**Kearn, 1/19/14** - Assistant Professor, St. John’s University (David, Huffington Post, “The Folly of New Iran Sanctions,” <http://www.huffingtonpost.com/david-w-kearn/the-folly-of-new-iran-san_b_4619522.html>)

Nonetheless, this debate has effectively been made moot by official U.S. and Israeli policies. The clear commitment of the Obama administration to thwart Tehran from acquiring a nuclear weapon has been in place for some time. Containment is not an option, and military force will ostensibly be used to prevent an Iranian nuclear weapon from becoming operational. Despite this commitment, the Israeli government has consistently expressed its willingness to act alone to stop an Iranian bomb even without U.S. support. While hardliners in Tel Aviv and Washington may not agree, these are both credible threats that the regime in Tehran must take seriously. Thus, the situation confronting Iran and the world is either the peaceful negotiated solution to the nuclear question, or the high likelihood of another destructive, costly war in a region already torn apart by conflict.

The current sanctions bill in the Senate is not about providing President Obama and Secretary Kerry with greater leverage in the negotiations. The Iranian delegation has made clear that it views any such sanctions as an indication of bad faith that will wreck the process and undo any progress made to this point. With the interim agreement set to go into effect next week, this is clearly not the time for the Senate to usurp the authority of the commander-in-chief and his chief diplomat. Taking their respective rationales at face value, the Democratic members of the Senate supporting the sanctions legislation may have good intentions to provide a stronger "bad cop" to Secretary Kerry's "good cop" in Geneva. This is short-sighted. New sanctions will not only play into the narrative of hard-liners in Iran who don't want agreement, it will also isolate the United States from its negotiating partners and likely cripple the cohesive united front that has seemingly emerged throughout the talks. In doing so, it is most likely to fulfill the wishes of hardliners in Israel and the United States that simply don't want an agreement and refuse to take any "yes" for an answer. However, with a failure of negotiations, military conflict is much more likely.

#### Many reasons exist for Israel kicking the can down the road – but they’re at the point where they’d seriously consider it now – this responds to Keck

**Ottolenghi, 14 -** Senior Fellow, Foundation for Defense of Democracies (Emaneule, “How A Weak Iran Deal Makes Us All Less Safe and War More Likely” The Tower Magazine, January,

http://www.thetower.org/article/how-a-weak-iran-deal-makes-us-all-less-safe-and-war-more-likely/

Keck’s first claim is that if Israel were going to attack, it would have done so already—and probably long ago. Looking to the precedents of Israel’s attacks on the Osirak nuclear reactor in Iraq in 1981, and Deir al-Zour, Syria, in 2007, Keck argues that Israel launches its strikes very early in the game. “It would be completely at odds with how Israel operates,” Keck writes, “for it to standby until the last minute when faced with what it views as an existential threat.”

While it sounds like a reasonable claim, Keck, like many who have argued the same point recently, depends on three flawed critical assumptions: First, that an attack on Iran’s facilities poses similar challenges to Osirak in Iraq and Deir al-Zour in Syria; Second, that, having missed the opportunity early in the game, it is now too late; and finally, that Israel’s threats are a giant and ongoing bluff.

The difficulty and complexity of launching a pre-emptive strike on Iran is not a trivial matter. The operational difficulty of the mission, the existence of alternatives, and the expectation that, if all else fails, the United States may do it, are all possible explanations for why Israel kicked the can down the road. But on the critical issue of timing, Israel still has room. The Arak heavy water reactor is not operational yet, and the other targets in Iran, unlike Osirak and Deir Al-Zour, are not reactors that must be struck before the nuclear core is hot to avoid a massive radioactive fallout.

The third assumption—that Israeli leaders who say “all options are on the table” must be lying—is the most perplexing. Keck appears to believe that because a strike is unlikely, Israeli leaders have been lying for years about their country’s readiness to launch a strike. And his strongest evidence is that high-profile former members of the security establishment have over time repeatedly criticized Israel’s prime minister about his public posture on Iran.

#### Israel is counting on the US being drawn in to a war to make up for the Israeli lack of capability

**Ottolenghi, 14 -** Senior Fellow, Foundation for Defense of Democracies (Emaneule, “How A Weak Iran Deal Makes Us All Less Safe and War More Likely” The Tower Magazine, January,

http://www.thetower.org/article/how-a-weak-iran-deal-makes-us-all-less-safe-and-war-more-likely/

Keck believes that the consequences will be disastrous because, among other things, Iran may try to draw the U.S. into the conflict. Yet, that is exactly the type of development that would sway things Israel’s way. The United States would respond forcefully to an attack—and it may end up destroying what Israel cannot reach with its limited military capability. After that, any chance of an Iran-U.S. rapprochement of the type Keck describes would be truly unlikely. It is just as possible, therefore, that Iran’s response would be significantly more circumspect, limited to unleashing Hezbollah, launching terrorism against Israeli and Jewish soft targets overseas, and playing victim to the world audience. It will not be Israeli public diplomacy’s finest hour, but if it comes to a preventative strike, Israel will probably conclude it can live with more bad publicity.

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#### They say TPA but Obama won’t actually pressure Democrats over it

**Hadar, 1/22/14** - global affairs analyst, journalist, blogger and a former research fellow with the Cato Institute (Leon, The Business Times Singapore, “Democrats steal oomph from Obama” factiva)

Sounds good. And one would have expected President Obama to take advantage of the progress on the TPA on Capitol Hill and come out enthusiastically in support of the TPP and the TTIP. But instead, his press secretary responded by noting that winning a TPA was a "priority" for the White House and that "when there's progress on that front, it's a good thing". Not a lot of political oomph there.

And without political oomph on the part of the White House, there is the danger not only that the two accords would fail to win congressional support - if and when they are concluded - but that Congress would not provide President Obama with the TPA that he needs in order to reach these agreements.

Ironically, much of the opposition to President Obama's trade agenda comes not from the Republicans but from the other side of the aisle, where progressive Democrats are leading the fight against trade liberalisation policies that were backed in the past by a large number of centrist Democratic lawmakers.

In fact, not even one Democrat lawmaker in the House was willing to join Mr Camp in backing the TPA bill - the top Democrat on the House Ways and Means Committee, Sander Levin of Michigan, opposes the TPA legislation. That, and the fact that Senator Baucus - the leading Democrat in the Senate who supports the bill - is retiring reflects the legislative hurdles that President Obama is facing among members of his own political base when it comes to his global trade policies.

In a way, the election of the left-leaning Democrat Bill de Blasio as the new Mayor of New York is just the latest demonstration of the growing influence of the progressive wing of the Democratic Party - these members express scepticism of, if not hostility towards, the kind of free trade policies pursued by the Democratic administration of President Bill Clinton as part of a wider centrist economic agenda ("Clintonism"). They also argue that trade deals like the North American Free Trade Agreement (Nafta) provided incentives for American companies to relocate their operations to low-wage economies and were responsible in part for the decline of the US manufacturing sector and the high unemployment.

"Our constituents did not send us to Washington to ship their jobs overseas, and Congress will not be a rubber stamp for another flawed trade deal that will hang the middle class out to dry," said three leading progressive Democrats on Capitol Hill, Representatives George Miller of California, Louise Slaughter of New York and Rosa DeLauro of Connecticut after their Democratic colleagues reached the deal on the TPA bill with the Republicans. They enjoy the backing of key Democratic Party constituencies, including the leaders of the labour unions and the environmental movement who also happen to be two of President Obama's leading backers.

Countering the influence of these and other mostly Democratic lawmakers and groups who do not want to see the TPA approved by Congress is a large coalition of business groups, led by the US Chamber of Commerce and the National Association of Manufacturers. But while the members of this pro-free trade coalition exert enormous financial and political power, they may have only scant influence on the anti-free trade Democrats who could in theory mobilise enough support in Congress to derail the proposed TPA bill.

Which explains why Republicans and centrist Democrats express dismay over what seems to be a lack of energetic efforts on the part of President Obama to press his Democratic allies in Congress to move in his direction on trade.

#### Obama is controlling the spin on Obamacare now

**Dionne, 1/20/14 –** senior fellow at Brookings (EJ, “Year Six of Hope and Change” <http://www.realclearpolitics.com/articles/2014/01/20/year_six_of_hope_and_change_121282.html>)

It's true that the last several weeks have allowed Obama to stage something of a comeback from the low point he reached after the collapse of the website that was supposed to ease the way to health insurance coverage for millions of Americans.

Obamacare is now working more smoothly than those who wrongly predicted its inevitable demise thought possible. Some Republicans are even proposing fixing the law rather than killing it.

In the absence of health care horror stories, the president has been able to put some of his own concerns back on the public agenda with his moving event last Thursday on those college access plans and his unveiling of modest initiatives on behalf of manufacturing. Republicans seem to have pulled away from strategies that produced chaos in the budgeting process, and Congress even passed a normal spending bill. On Friday, the president announced reforms of how the National Security Agency collects and uses telephone records.

And the nation's political conversation has been shifting toward issues Obama has always wanted to highlight. Even conservatives are now acknowledging declining social mobility, rising inequality and the persistence of poverty. And, yes, immigration reform is still a possibility.