# Open Source UCO Round 4

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#### Immigration will pass --- Debt ceiling collapse put republicans on the defensive and Obama’s made it top of the agenda

Eleanor Clift, 10-25-2013, “Obama, Congress Get Back to the Immigration Fight,” Daily Beast, http://www.thedailybeast.com/articles/2013/10/25/obama-congress-get-back-to-the-immigration-fight.html

But now with the shutdown behind them and Republicans on the defensive, Obama saw an opening to get back in the game. His message, says Sharry: “‘Hey, I’m flexible,’ which after the shutdown politics was important, and he implied ‘if you don’t do it, I’m coming after you.’” For Obama and the Democrats, immigration reform is a win-win issue. They want an overhaul for the country and their constituents. If they don’t get it, they will hammer Republicans in demographically changing districts in California, Nevada, and Florida, where they could likely pick up seats—not enough to win control of the House, but, paired with what Sharry calls “the shutdown narrative,” Democratic operatives are salivating at the prospect of waging that campaign. Some Republicans understand the stakes, and former vice-presidential candidate and budget maven Paul Ryan is at the center of a newly energized backroom effort to craft legislation that would deal with the thorniest aspect of immigration reform for Republicans: the disposition of 11 million people in the country illegally. Rep. Raul Labrador (R-ID), an early advocate of reform who abandoned the effort some months ago, argues that Obama’s tough bargaining during the shutdown means Republicans can’t trust him on immigration. “When have they ever trusted him?” asks Sharry. “Nobody is asking them to do this for Obama. They should do this for the country and for themselves.... We’re not talking about tax increases or gun violence. This is something the pillars of the Republican coalition are strongly in favor of.” Among those pillars is Chamber of Commerce President Tom Donahue, who on Monday noted the generally good feelings about immigration reform among disparate groups, among them business and labor. He expressed optimism that the House could pass something, go to conference and resolve differences with the Senate, get a bill and have the president sign it “and guess what, government works! Everybody is looking for something positive to take home.” The Wall Street Journal reported Thursday that GOP donors are withholding contributions to lawmakers blocking reform, and that Republicans for Immigration Reform, headed by former Bush Cabinet official, Carlos Gutierrez, is running an Internet ad urging action. Next week, evangelical Christians affiliated with the Evangelical Immigration Table will be in Washington to press Congress to act with charity toward people in the country without documentation, treating them as they would Jesus. The law-enforcement community has also stepped forward repeatedly to embrace an overhaul. House Speaker John Boehner says he wants legislation, but not the “massive” bill that the Senate passed and that Obama supports. The House seems inclined to act—if it acts at all—on a series of smaller bills starting with “Kids Out,” a form of the Dream Act that grants a path to citizenship for young people brought to the U.S. as children; then agriculture-worker and high-tech visas, accompanied by tougher border security. The sticking point is the 11 million people in the country illegally, and finding a compromise between Democrats’ insistence that reform include a path to citizenship, and Republicans’ belief that offering any kind of relief constitutes amnesty and would reward people for breaking the law. The details matter hugely, but what a handful of Republicans, led by Ryan, appear to be crafting is legalization for most of the 11 million but without any mention of citizenship. It wouldn’t create a new or direct or special path for people who came to the U.S. illegally or overstayed their visa. It would allow them to earn legal status through some yet-to-be-determined steps, and once they get it, they go to the end of a very long line that could have people waiting for decades. The Senate bill contains a 13-year wait. However daunting that sounds, the potential for meaningful reform is tantalizingly close with Republicans actively engaged in preparing their proposal, pressure building from the business community and religious leaders, and a short window before the end of the year to redeem the reputation of Congress and the Republican Party after a bruising takedown. The pieces are all there for long-sought immigration reform. We could be a few weeks away from an historic House vote, or headed for a midterm election where Republicans once again are on the wrong side of history and demography.

#### Plan guts capital--- link turns the aff

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 “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, pages 68-72, googlebooks

While congressional support leaves the president's reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president's foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president's political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in stales, districts, and counties that had suffered the highest casualty rates in the Iraq War."" In addition to boding ill for the president's perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson's dream of a Great Society also perished in the rice paddies of Vietnam. Lacking both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision. Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush's highest second-term domestic priorities, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena. Congress and the Military Costs of the Use of Force A growing game-theoretic literature within international relations suggests that these very same congressional actions can, however unintentionally, also raise or lower the military costs for the president of pursuing his preferred policy course. High-profile congressional support for or opposition to the presidents military policies does more than shape real and anticipated public opinion and affect the presidents levels of political capital in Washington. It also sends important signals of American resolve or disunity to foreign actors. Target state leaders conduct their own cost-benefit analyses when plotting their military policy courses, and they may incorporate congressional signals into these calculations. An extensive literature in international relations examines the importance of signal credibility for interstate crisis bargaining and the initiation of military action.43 In the international system, states are constantly sending signals about their expectations of and intentions toward other stale actors. When challenged by another country, a state’s leaders not only must weigh the costs and benefits of complying with their adversary's demand: but, perhaps even more critically, they must also evaluate the opposing slate's willingness to follow through on its threat to use force if necessary to achieve its objective. The decision of Congress to back or oppose the president's threat thus conveys important information about American resolve to the target state. Moreover, when the president decides whether or not to threaten a target state with military action, he may anticipate the effect of likely congressional reactions to his decision on the credibility of the signal he will send to the target. Thus, because they can affect signal credibility\* even anticipated congressional support or opposition can affect the cost-benefit calculations of both the president and the leader of the target state at the conflict initiation phase.\*\* Signals or American resolve or disunity may also affect the target slate's calculations and. in turn, the military costs to the president of staying the course throughout the conflict conduct phase. 64 Public displays of legislative support for the president’s conduct of military operations enhance the credibility of executive commitments to stay the course, and may deter the target state from escalating its resistance in the hope of outlasting American political will.65 Conversely, as presidents throughout American history have admonished would-be opponents in Congress, open legislative opposition to the president's military course sends visible signals of American ambivalence, which may steel the target state's resolve to continue to resist once a conflict has begun. For example, Vice President Dick Cheney was particularly aggressive in leveling this charge against Democratic opponents of the war in Iraq. In response to congressional efforts to set a timetable for phased withdrawal from Iraq in early 2007, Cheney minced few words: "When members of Congress pursue an antiwar strategy that's been called 'slow Bleeding. They are not supporting the troops, they are undermining them." Vocal opposition in Congress, he charged, was a prescription for certain defeat as it was tantamount to "telling the enemy simply to watch the clock and wait us out "66 A number of congressional Republicans echoed Cheney's rhetoric: for example. South Carolina Senator Jim Dc\* Mint asserted in 2007 that responsibility for American deaths in Iraq belonged not to President Bush, but to Democratic opponents of the war in Congress. "Al-Qaida knows that we've got a lot of wimps in Congress." DeMint said. "I believe a lot of the casualties can be laid at the feet of all the talk in Congress about how we've got to get out, we've got to cut and run."67 While such scathing rhetoric is obviously calculated to score political points, internal administration memoranda from the Reagan era show that, even far from the public eye, many in the executive branch fervently believe that the signals Congress sends through its actions can have real consequences on the ground. CIA and National Security Council evaluations of the situation in Lebanon in 1983 held that it deteriorated in large part because Syria believed that congressional opposition to the Marine mission was evidence that the United States had "short breath" and was unwilling to pay the costs of staying the course in Beirut.4\* The signals sent by congressional opposition increased the perceived military costs of continuing the Marine mission in Lebanon. Ultimately, this helped tilt the administration's cost-benefit calculation toward ending the venture. Theoretical Expectations Through these three mechanisms, the theory argues that real or anticipated congressional support or opposition can affect the cost-benefit calculations of the president and the target state's leader as well as, ultimately, both the initiation and conduct of major military ventures. Empirical testing of the theory proceeds in two stages. First, because assessing Congress's influence on actual policy outcomes is most amenable to large-n, empirical analysis, the models in the following two chapters test a series of hypotheses that arc derived from the theory and developed below. However, the posited theoretical mechanisms that link congressional actions with changes in policy outcomes are difficult to test statistically. For example, large-n analyses of hundreds of uses of force may show the predicted correlations between public congressional opposition to the president's policies and decreased conflict duration; however, such models offer little insight into the mechanisms linking cause and effect. Accordingly, to test the proposed theoretical mechanisms described previously more directly, the analysis continues in chapter 5 with a historical case study that draws on extensive archival evidence to trace the causal processes by which actions in Congress produced tangible changes in the conduct of American military policy. For the remainder of this chapter, however, the emphasis is on the ultimate consequences of congressional actions for policy outcomes.

#### **Capital is the deciding factor**

Shifter 12 Michael Shifter, President of Inter-American Dialogue, “Will Obama Kick the Can Down the Road?” December 27th, 2012, <http://www.thedialogue.org/page.cfm?pageID=32&pubID=3186>

Not surprisingly, Obama has been explicit that reforming the US’s shameful and broken immigration system will be a top priority in his second term. There is every indication that he intends to use some of his precious political capital – especially in the first year – to push for serious change. The biggest lesson of the last election was that the “Latino vote” was decisive. No one doubts that it will be even more so in future elections. During the campaign, many Republicans -- inexplicably -- frightened immigrants with offensive rhetoric. But the day after the election, there was talk, in both parties, of comprehensive immigration reform. ¶ Despite the sudden optimism about immigration reform, there is, of course, no guarantee that it will happen. It will require a lot of negotiation and deal-making. Obama will have to invest a lot of his time and political capital -- twisting some arms, even in his own party. Resistance will not disappear.

#### Economic data proves CIR solves economic collapse – jobs and deficit reduction

Abraham and Gutierrez 10/6. [Spencer Abraham, a former Republican U.S. senator from Michigan, served as U.S. secretary of energy. He is chairman and CEO of the Abraham Group, an international strategic consulting firm. Carlos Gutierrez, a former CEO of Kellogg, served as U.S. secretary of commerce. He is vice chairman of Albright Stonebridge Group. Abraham & Gutierrez: Immigration reform can power U.S. economy. October 6, 2013. Detroit Free Press. <http://www.freep.com/article/20131006/OPINION05/310060069/immigration-reform-citizenship-Abraham-Gutierrez>]

Immigration reform is a secret weapon that can help unleash the full power of the U.S. economy.¶ Except that it’s not really much of a secret. Study after study has shown what revamping our outdated immigration system can do. The CATO Institute estimates that comprehensive immigration reform would increase U.S. gross domestic product by $1.5 trillion over 10 years. The nonpartisan Congressional Budget Office believes that it would trim the federal deficit by $135 billion over the same time period.¶ Analysis published by the U.S. Chamber of Commerce indicates that a pathway to citizenship for undocumented workers — which would unleash their full contribution to our economy — would create 123,000 new jobs for U.S. citizens in 2014, increasing to 594,000 jobs by 2018. Additionally, it would increase GDP by more than $10 billion the first year, and by almost $50 billion four years later.¶ In Michigan, one study found that the pathway to citizenship would increase the gross state product by more than $800 million in 2020, while adding almost 10,000 new jobsfor Michiganders. Just expanding the availability of H1B visas for high-skilled immigrants would create 5,600 new jobs in the first year, and increase the Michigan GSP by more than $500 million.¶ That is the potential. Here is what we have today.¶ Our broken immigration policies deny businesses — from farms to contractors to cutting edge high-tech companies — the employees they need to compete, expand and create more jobs for all American workers.¶ Current immigration statutes do not give law enforcement agencies a realistic method of dealing with the 11 million undocumented workers living among us.¶ The years of ineffective security strategies perpetuated by present day immigration laws have created a porous border that not only disrupts legitimate commerce and legal immigration, but also puts us at risk of increased criminal activity and possible acts of terrorism.¶ Visa policies also fail to welcome entrepreneurial immigrants who are eager to start new companies in the U.S. and force many would-be business founders to stay in jobs that constrain their ambitions for fear of losing the work visas they presently hold.¶ In short, the status quo is a mess, and failing to fix it will virtually guarantee limited economic progress, fewer jobs and gloomier prospects, not only for ourselves, but also for our children and grandchildren.¶ Immigration reform is not a political issue. It can be approached as one — as people at the extreme edges of both parties have proved — but doing so is a tragic error that ignores the basic problems and opportunities at stake. More than anything, immigration reform is an economic issue.¶ Failure to enact immigration reform will also leave in place a system that has completely failed to stem the tide of illegal immigration to the U.S., and that will mean millions more undocumented individuals entering the country in coming years.¶ The Senate was able to overcome its political differences and approve a comprehensive immigration reform package that addresses major issues, such as border security, bringing illegal immigrants back into the system and more realistic visa allocations. The U.S. House must make whatever effort is necessary to devise and pass its own constructive plan. Putting off the important task of immigration reform is no longer a viable option.

#### Reform key to the economy – decline in immigration spurs new recession.

Smith 12. [Gerry, technology reporter, "Brain Drain: Why We're Driving Immigration Talent Overseas" Huffington Post -- November 5 -- www.huffingtonpost.com/2012/11/09/immigrant-entrepreneur\_n\_2077183.html]

Stories like his are not unique. They’re also troubling for the U.S. economy, advocates say. For the first time, the number of immigrant-founded startups is in decline, as foreign-born entrepreneurs struggle to obtain a limited number of visas and green cards and decide to launch companies in other countries that offer perks to start businesses there. Losing founders like Darash, who launch startups that create jobs, means that America risks losing a source of employment and a competitive edge in the global economy as the country claws its way out of a recession, they say.¶ For years, immigrant entrepreneurs have propelled the growth of Silicon Valley, building some of the most successful tech companies in the world: Sergey Brin, co-founder of Google, was born in Russia; Elon Musk, co-founder of PayPal and Tesla, was born in South Africa; Vinod Khosla, co-founder of Sun Microsystems, was born in India. When they immigrated, it was likely easier for them because there was not a backlog that there is today, according to Vivek Wadhwa, a professor at the Pratt School of Engineering at Duke University who researches high-tech immigration. Immigrants are more than twice as likely to start a business as native-born Americans, according to a report earlier this year by the Partnership for a New American Economy. And their companies have produced sizable economic benefits. This year, engineering and technology companies founded in the United States employed about 560,000 workers and generated $63 billion in sales, according to Wadhwa. About a quarter of those companies had at least one foreign-born founder.¶ An estimated three out of every four startups fail, if not more. But by the conventional wisdom of Silicon Valley, Darash’s chances were even slimmer. For one, he does not have a co-founder. He insists he doesn’t need one. (Paul Graham, creator of the startup incubator Y Combinator, has said having a co-founder is critical because “a startup is too much for one person to bear.”) Darash also never worked for a major tech company before, so he did not have the network of contacts that help other entrepreneurs find engineers and meet investors.¶ But what he has lacked in support and connections he has made up for through a work ethic that borders on obsession.¶ “Asaf is a stubborn guy,” said Adam Gries, a childhood friend and founder of Smart Bites, a smartphone app that teaches people English. “He gets into his head that something is going to happen and he’s tenacious.”¶ Darash awakes every morning at 4:30 a.m., takes the BART train from his home in Berkeley to San Francisco, and arrives at the office by 6 a.m. He works for an hour, then walks across the street to the gym to swim and lift weights (A back injury he suffered while serving in the Israeli army requires him to stay physically strong). He typically does not go home until 9 p.m., after his children have gone to bed. Employees say he is a “total workaholic” who sends emails past midnight and sleeps just a few hours a night.¶ “I have a one-and-a-half year old who sees his Daddy maybe three hours a week,” Darash said. “It’s hard to explain how much sacrifice you make to bring a company from an idea to something real, especially if it’s a company with high-level technology.”¶ He is hands-on about all aspects of the company, from courting new clients to writing code. But lately, Darash has been distracted, spending valuable hours gathering documents and talking to lawyers, instead of running his company. His wife recently flew back to Israel to find housing and a school for their kids in case they have to leave the United States. He describes feeling a range of emotions: anger, fear, frustration. Mostly, though, he is confused. In his homeland of Israel, politicians fight over who can attract more foreign entrepreneurs. The United States, he says, should be rolling out the welcome mat for him, not ushering him out the door.¶ “I could not even comprehend this would become a problem,” he said. “I’m creating a company. I’m creating jobs. There’s nothing bad in what I’m doing and there’s nothing I’m taking away from someone else. The only thing I’m doing is creating more!”¶ “SERIOUS ALARM”¶ Since 2005, the number of immigrant-founded startups in Silicon Valley has declined from 52 percent to 44 percent, according to Wadhwa, who argues this drop is cause for “serious alarm” because America needs to attract immigrant entrepreneurs for its economy to recover.¶ “The United States risks losing a key growth engine right at the moment when it’s economy is stuck in a deep ditch, growing slowly and struggling to create jobs,” Wadhwa wrote in his new book, The Immigrant Exodus.¶ Their recent decline could be linked to entrepreneurs finding better business prospects abroad, especially in countries with growing economies like India and China. But advocates say a major reason why immigrants are launching fewer startups in the United States is because they are struggling to secure visas to remain in the country.

#### C/A Kemp 10 – econ collapse = extinction

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#### Congressional restrictions cause adversaries to doubt the credibility of our threats --- causes crisis escalation

Matthew Waxman 8/25/13, Professor of Law @ Columbia and Adjunct Senior Fellow for Law and Foreign Policy @ CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN

A claim previously advanced from a presidentialist perspective is that stronger legislative checks on war powers is harmful to coercive and deterrent strategies, because it establishes easily-visible impediments to the President’s authority to follow through on threats. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that any serious restrictions on presidential use of force would mean in practice that “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off explosive confrontations.”178 He continued:¶ In the tense and cautious diplomacy of our present relations with the Soviet Union, as they have developed over the last twenty-five years, the authority of the President to set clear and silent limits in advance is perhaps the most important of all the powers in our constitutional armory to prevent confrontations that could carry nuclear implications. … [I]t is the diplomatic power the President needs most under the circumstance of modern life—the power to make a credible threat to use force in order to prevent a confrontation which might escalate.179

#### OCOs give the US coercive leverage to deescalate North Korean nuclear brinksmanship --- speed is key

Martin C. Libicki 13, Senior Management Scientist @ RAND and adjunct fellow @ Georgetown’s Center for Security Studies, “Brandishing Cyberattack Capabilities,” RAND, <http://www.rand.org/pub> s/research\_reports/RR175.html

Our inquiry is therefore more humble. Could a U.S. threat that it might interfere with a rogue state’s nuclear weapon delivery help shape a nuclear confrontation? For this question, assume a rogue nuclear power with a handful of weapons capable of hitting nearby countries (but generally incapable of hitting the continental United States). The United States has a robust cyberattack capability (in general terms), from which the rogue state’s nuclear arsenal is not provably immune. Although the United States enjoys escalation dominance, the rogue state is far more willing to go to the nuclear brink than the United States is. The rogue state (thinks it) has more at stake (i.e., regime survival). Furthermore, it may act in ways that are irrational by Western perspectives.¶ We first model a two-state confrontation, then later introduce a friendly state on whose behalf the United States has intervened. The United States enters this scenario facing the choice of acting when doing so risks the rogue state releasing a nuclear weapon. Whether the threat is explicit or implicit is secondary. The usual calculus applies. The rogue state is better off if its threat leads the United States to stop. The United States is better off ignoring the threat and going ahead with what it would have done in the absence of the threat if the threat can be nullified but cannot know that it will be for certain. The rogue state understands that if it does use nuclear weapons, it could face great retaliation.1¶ If the United States acts (successfully) in the face of warning and if the rogue state does not use nuclear weapons, the United States achieves its objectives and wins the overall confrontation.2 If the United States flinches, the rogue state wins. If the rogue state uses its nuclear weapons and if, as is likely, the United States responds likewise, the rogue state loses greatly, but the United States is also far worse off.3¶ Two-Party Confrontations¶ In a confrontation in which disaster would result from both sides carrying out their threats, each must ask: Are such threats credible? If one side thinks the other will yield, it pays to stand firm. If it thinks, however, that the other is implacable, it may have no good choice but to yield itself. The projection of implacability is beneficial, but the reality of implacability is frequently suicidal.¶ Note that the basis for the implacability can also be entirely subjective, which is to say, unfounded on the facts of the matter. If one party is convinced that it will never pay a high price for being implacable, communicates as much, and acts as if it were so, the other cannot take any comfort from the fact that the first has no technical basis for the belief. The only consideration is whether the first party actually believes as much, is willing to act accordingly, and can ignore the logic that whispers that no one can possibly be completely confident on the basis of iffy information. To one party, the willingness to act on the basis of the impossible seems like cheating. To use an analogy, imagine a game of “chicken” in which the driver of one of the two oncoming cars throws the steering wheel out the window. This cheat forces the opponent to choose between a certain crash or veering away (and thus losing). However, when the consequences of a crash are far greater than the benefits of winning, this strategy is irrational if there is a nontrivial likelihood that the other side will be intent on punishing cheaters at the cost of all other values. In the analogy, the second driver might rather crash than lose to a cheater.4 But in general, a strategy of implacability, can, if credible, do well, as long as the other side is not equally implacable.¶ So, the United States creates the belief (whether by saying so, hinting, or letting others draw their own conclusion) that the rogue state cannot carry out its nuclear threat. That is, the United States acts as though a flaw somewhere in the nuclear command-and-control cycle, probably an induced flaw, prevents immediate nuclear use. A lesser case is that the command and control is less certain, the weapon is weaker, and/or the delivery system is far less accurate than feared.5 Although permanently disabling a nuclear command-and-control system is quite a stretch for cyberwar, it is less fantastic to imagine that the United States could delay a weapon’s use. A temporary advantage, though, may still give the United States time to cross the red line and thereby attain a fait accompli.¶ So posturing, the United States prepares to cross the red line, while communicating its confidence that the rogue state will not retaliate. This confidence stems from a combination of its own nuclear deterrence capability plus its ability to confound the rogue state’s nuclear capability: The rogue nuclear state probably will not decide to retaliate, and if it did decide to, probably cannot retaliate. The combination, in this case, is what reduces the odds of a nuclear response to a sufficiently low level, if the rogue state is at all rational. Even if it later assures itself and others that its nuclear capacity is intact, but the United States has already acted, the onus then falls on the rogue nuclear state to respond to what could well be a done deal. If the rogue state understands the logic before brandishing its own nuclear weapons, it may choose not to ratchet up tensions in advance of the U.S. crossing red lines.

#### Nuclear war

Chol 11 Kim Myong Chol is author of a number of books and papers in Korean, Japanese and English on North Korea, including Kim Jong-il's Strategy for Reunification. He has a PhD from the Democratic People's Republic of Korea's Academy of Social Sciences "Dangerous games" Aug 20 www.atimes.com/atimes/Korea/MH20Dg01.html

The divided and heavily armed Korean Peninsula remains the most inflammable global flashpoint, with any conflict sparked there likely to become a full-blown thermonuclear war involving the world's fourth-most powerful nuclear weapons state and its most powerful. ¶ Any incident in Korea by design, accident, or miscalculation could erupt into a devastating DPRK-US war, with the Metropolitan US serving as a main war theater. ¶ Rodong Sinmun warned on August 16: "The Korean Peninsula is faced with the worst crisis ever. An all-out war can be triggered by any accident." ¶ Recent incidents illustrate the real danger of miscalculation leading to a total shooting war, given the volatile situation on the Land of Morning Calm. ¶ 1. The most recent case in point is the August 10 shelling of North Korea by the South. Frightened South Korea marines on Yeonpyeong Island mistook three noises from a North Korean construction site across the narrow channel for artillery rounds, taking an hour to respond with three to five artillery rounds. ¶ The episode serves as a potent reminder to the world that the slightest incident can lead to war. A reportedly malfunctioning firefinder counter-artillery radar system seems to partly account for the panicky South Korean reaction. ¶ South Korean conservative newspaper the Joong Ang Daily reported August 17: ¶ "A military source said that radar installed to detect hostile fire did not work last week when North Korea fired five shots toward the Northern Limit Line (NLL), the disputed maritime border, on Aug 10. ¶ "'We must confirm the location of the source of the firing through the ARTHUR (Artillery Hunting Radar) and HALO (hostile artillery location) systems, but ARTHUR failed to operate, resulting in a failure to determine the source of the fire,' said the source." ¶ BBC reported on November 25 last year the aggressive nature of troops on the South Korea-held five islands in North Korean waters. ¶ "Seen in this sense, they (five islands including Yeonpyeong Island) could provide staging bases for flanking amphibious attacks into North Korea if South Korea ever takes the offensive." ¶ 2. An almost catastrophic incident took place at dawn on June 17 near Inchon. South Korean marines stationed on Gyodong Island near Inchon Airport fired rifles at a civilian South Korean jetliner Airbus A320 with 119 people aboard as it was descending to land, after mistaking it for a North Korean military aircraft. ¶ The Asiana Airlines flight was carrying 119 people from the Chinese city of Chengdu. ¶ About 600 civilian aircraft fly near the island every day, including those flying across the NLL, but they face a perennial risk of being misidentified as a hostile warplane. ¶ It is nothing short of a miracle that the Airbus A320 was not hit and nobody harmed. ¶ 3. On March 26, 2010, the high-tech South Korean corvette Sokcho fired 130 rounds at flocks of birds, mistaking them for a hostile flying object. The innocent birds looked like a North Korean warplane just at a time when an alleged North Korean midget submarine had managed to escape with impunity after torpedoing the hapless Cheonan deep inside security-tight South Korean waters. ¶ The South Korean military's habit of firing at the wrong target increases the risk of an incident running out of control. ¶ CNN aired a story December 16, headlined: "General: South Korea Drill Could Cause Chain Reaction." ¶ F/A-18 pilot-turned Marine Corp General James Cartwright told the press in the Pentagon, "What we worry about, obviously, is if that it [the drill] is misunderstood or if it's taken advantage of as an opportunity. ¶ "If North Korea were to react to that in a negative way and fire back at those firing positions on the islands, that would start potentially a chain reaction of firing and counter-firing. ¶ "What you don't want to have happen out of that is ... for us to lose control of the escalation. That's the concern." ¶ Agence France-Presse on December 11 quoted former chief of US intelligence retired admiral Dennis Blair as saying that South Korea "will be taking military action against North Korea". ¶ New Korean war differs from other wars¶ Obama and the Americans seem to be incapable of realizing that North Korea is the wrong enemy, much less that a new Korean War would be fundamentally different from all other wars including the two world wars. ¶ Two things will distinguish a likely American Conflict or DPRK-US War from previous wars. ¶ The first essential difference is that the US mainland will become the main theater of war for the first time since the US Civil War (1861-1865), giving the Americans an opportunity to know what it is like to have war fought on their own land, not on faraway soil. ¶ The US previously prospered by waging aggressive wars on other countries. Thus far, the Americans could afford to feel safe and comfortable while watching TV footage of war scenes from Afghanistan, Iraq, Pakistan and Libya as if they were fires raging across the river. ¶ The utmost collateral damage has been that some American veterans were killed or returned home as amputees, with post traumatic stress disorder, only to be left unemployed and homeless. ¶ However, this will no longer be the case. ¶ At long last, it is Americans' turn to have see their homeland ravaged.¶ An young North Korea in 1950-53 was unable to carry the war all the way across the Pacific Ocean to strike back, but the present-day North Korea stands out as a fortress nuclear weapons state that can withstand massive American ICBM (Intercontinental ballistic missile) attacks and launch direct retaliatory transpacific strikes on the Metropolitan USA. ¶ The second essential difference is that the next war in Korea, that is, the American Conflict or the DPRK-USA War would be the first actual full-fledged nuclear, thermonuclear war that mankind has ever seen, in no way similar to the type of nuclear warfare described in science fiction novels or films. ¶ North Korea is unique among the nuclear powers in two respects: One is that the Far Eastern country, founded by legendary peerless hero Kim Il-sung, is the first country to engage and badly maul the world's only superpower in three years of modern warfare when it was most powerful, after vanquishing Nazi Germany and Imperial Japan. ¶ The other is that North Korea is fully ready to go the length of fighting [hu]mankind's first and last nuclear exchange with the US. ¶ The DPRK led by two Kim Il-sungs - the ever-victorious iron-willed brilliant commander Kim Jong-il and his heir designate Kim Jong-eun - is different from Russia under Nikita Khrushchev which backed down in the 1962 Cuban missile crisis. ¶ Khrushchev and his company never fought the Americans in war. As a rule, most countries are afraid to engage the Americans. As the case is with them, North Korea is the last to favor war with the Americans. ¶ However, it is no exaggeration to say that the two North Korean leaders are just one click away from ordering a retaliatory nuclear strike on the US military forces in Guam, Hawaii and metropolitan centers on the US mainland. ¶ On behalf of Supreme Leader Kim Jong-il, Kim Jong-eun will fire highly destructive weapons of like Americans have never heard of or imagined to evaporate the US. ¶ The North Koreans are too proud of being descendents of the ancient civilizations of Koguryo 2,000 years ago and Dankun Korea 5,000 years ago, to leave the Land of morning Calm divided forever with the southern half under the control of the trigger-happy, predatory US. The North Koreans prefer to fight and die in honor rather than kowtow to the arrogant Americans. ¶ At the expense of comforts of a better life, North Koreans have devoted more than half a century to preparing for nuclear war with the Americans. All available resources have been used to convert the whole country into a fortress, including arming the entire population and indigenously turning out all types of nuclear thermonuclear weapons, and developing long-range delivery capabilities and digital warfare assets. ¶ An apocalyptic Day After Tommorow-like scenario will unfold throughout the US, with the skyscrapers of major cities consumed in a sea of thermonuclear conflagration. The nuclear exchange will begin with retaliatory North Korean ICBMs detonating hydrogen bombs in outer space far above the US mainland, leaving most of the country powerless. ¶ New York, Washington, Chicago, San Francisco and major cities should be torched by ICBMs streaking from North Korea with scores of nuclear power stations exploding, each spewing as much radioactive fallout as 150-180 H-bombs.

### 1NC

#### By executive order, the President of the United States should commit the Solicitor General & White House Counsel’s Office to advance consultation with the Office of Legal Counsel and require written publication of Office of Legal Counsel opinions over current law regarding banning the authorization of preemptive strikes by the president.

#### The President should publicly pledge to act consistent with these opinions.

#### The Office of Legal Counsel should opine that the best interpretation of current law requires banning the authorization of preemptive strikes by the president.

#### CP competes on ‘authority’ but solves – OLC rulings are binding as settled law, but crafting reduces links to net benefits

Trevor W. Morrison, October 2010 Columbia Law Professor

“STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the [\*1462] legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to OLC, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that value depends on OLC maintaining its reputation for serious, evenhanded analysis, not mere advocacy. n53 The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is [\*1463] at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC. Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients. But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although the Executive Branch at large has an interest in OLC's credibility and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether OLC honors its oft-asserted commitment to legal advice based on its best view of the law depends largely on its own self-restraint. 2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, OLC has developed practices and policies that help maintain its independence and credibility. First, before it provides a written opinion, n55 OLC typically requires that the request be in writing from the head or general counsel of the requesting agency, that the request be as specific and concrete as possible, and that the agency provide its own written [\*1464] views on the issue as part of its request. n56 These requirements help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, makes it more difficult for the agency to press extreme positions. Second, as noted in the Introduction, n57 OLC's legal advice is treated as binding within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because by longstanding tradition the advice is treated as binding. n60 OLC protects that tradition today by generally refusing to provide advice if there is any doubt about whether the requesting entity will follow it. n61 This guards against "advice-shopping by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might [\*1465] construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But the settled practice of treating OLC's advice as binding ensures it is not simply ignored. In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, legal advice obtained from an office other than OLC - especially an agency's own general counsel - is unlikely to command the same respect as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality. OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "when OLC concludes that an administration proposal is impermissible, it is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC should stand ready to work with the administration to craft lawful alternatives." n67 This is a critical component of OLC's work, and distinguishes it sharply from the courts. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69 [\*1466] To be sure, OLC's opinions are treated as binding only to the extent they are not displaced by a higher authority. A subsequent judicial decision directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such reversals are rare, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So the President needs at least a plausible legal basis for [\*1467] disagreeing with OLC's advice, which itself would likely require some other source of legal advice for him to rely upon. The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 it continues to be virtually unheard of for the White House to reverse OLC's legal analysis. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for [\*1468] providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76 Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that the prospect of literal reversal by the White House is remote and does not meaningfully threaten the effective bindingness of OLC's decisions.

### 1NC

#### Disorder is inevitable, the drive to secure culminates in endless violence.

Der Derian 98 – Prof Political Science at University of Mass. [James, Political Science Professor, University of Massachusetts, 1998. On Security, ed: Lipschitz, The Value of Security: Hobbes, Marx, Nietzsche, and Baudrillard, Decentering Security.]

**The will to power,** then**, should not be confused with** a Hobbesian perpetual **desire for power. It can,** in its negative form, **produce a reactive and resentful longing for only power, leading**, in Nietzsche's view, **to a triumph of nihilism. But Nietzsche refers to a positive will to power, an active and affective force of becoming, from which values and meanings—including self-preservation—are produced which affirm life. Conventions of security act to suppress rather than confront the fears endemic to life, for "... life itself is essentially appropriation, injury, overpowering of what is alien and weaker; suppression, hardness, imposition of ones own forms, incorporation and at least, at its mildest, exploitation—but why should one always use those words in which slanderous intent has been imprinted for ages."**35 Elsewhere Nietzsche establishes the pervasiveness of agonism in life: **"life is a consequence of war, society itself a means to war.” But the denial of this permanent condition, the effort to disguise it with a con-sensual rationality or to hide from it with a fictional sovereignty, are all effects of this suppression of fear. The desire for security is manifested as a collective resentment of difference—that which is not us, not certain, not predictable. Complicit with a negative will to power is the fear-driven desire for protection from the unknown. Unlike the positive will to power, which produces an aesthetic affirmation of difference, the search for truth produces a truncated life which conforms to the rationally knowable, to the causally sustainable.** In The Gay Science, Nietzsche asks of the reader "Look, isn't our need for knowledge precisely this need for the familiar, the will to uncover everything strange, unusual, and questionable, something that no longer disturbs us? Is it not the instinct of fear that bids us to know? And is the jubi lation of those who obtain knowledge not the jubilation over the restora-tion of a sense of security?\*\*37 **The fear of the unknown and the desire for certainty combine to produce a domesticated life, in which causality and rationality become the highest sign of a sovereign self, the surest protection against contingent forces. The fear of fate assures a belief that everything reasonable is true, and everything true, reasonable. In short, the security imperative pro-duces, and is sustained by, the strategies of knowledge which seek to explain it.** Nietzsche elucidates the nature of this generative relationship in The Twilight of the Idols-. **The causal instinct is thus conditional upon, and excited by, the feeling of fear. The "why?\*1 shall, if at all possible, not give the cause for its own sake so much as for a particular kind of cause**—a cause (hat is comforting, liber-ating and relieving. . . . That which is new and strange and has not been experienced before, is excluded as a cause. **Thus one not only searches for some kind of explanation, to serve as a cause, but for a particularly selected and preferred kind of explanation—that which most quickly and frequently abolished the feeling of the strange, new and hitherto unexperienced: the most habitual explanations.38 A safe life requires safe truths. The strange and the alien remain unexamined, the unknown becomes identified as evil, and evil provokes hostility—recycling the desire for security.** The "influence of **timidity,**" as Nietzsche puts it, **creates a people who are willing to subordinate affirmative values to the "necessities" of security:** "they fear change, transitoriness: this expresses a straitened soul, full of mistrust and evil experiences."39

#### Reducing humanity as something that needs to be saved makes its extinction desirable

Nietzsche 86 [friedrich, “beyond good and evil”, aph # 225, pg. 342]

**“Whether hedonism,** or **pessimism,** or **utilitarianism, or eudaimonianism (6)—all these ways of thinking, which measure the value of things according to pleasure and pain, that is, according to contingent circumstances and secondary issues, are ways of thinking in the foreground and naïveté, which** everyone who knows about creative forces and **an artistic conscience will look down on, not without ridicule and not without compassion. Compassion for yourself**—that is, of course**, not compassion the way you mean the term: it's not pity for social "needs," for "society" and its sick and unlucky people, with those depraved and broken down from the start, and with the way they lie on the ground all around us—even less is it compassion for the grumbling oppressed, the rebellious slave classes, who strive for mastery—they call it "Freedom." Our compassion is a higher compassion which sees further—we see how man is making himself smaller, how you make him smaller—and there are moments when we look at your compassion with an indescribable anxiety, where we defend ourselves against this compassion—where we find your seriousness more dangerous than any carelessness. You want, if possible**—and there is no wilder "if possible"—**to do away with suffering. What about us? It does seem that we would prefer it to be higher and worse than it ever was! Well being**, the way you understand it, that's no goal. To us that **looks like an end, a condition which immediately makes human beings laughable and contemptible, something which makes their destruction desirable! The culture of suffering, of great suffering, don't you realize that up to this point it is only this suffering which has created all the things which raise man up?”**

#### The alternative is to vote neg to “Do nothing in the instance of the plan.”

#### Voting negative symbolizes a Dionysian relationship with existence, accepting the “imperfections” of the status quo as products of chaos that are beautiful. This allows us to understand pain positively.\*\*\*

Nietzsche, ‘78 The anti-christ Human, All too Human. Aphorism #284 1878

The means to real peace.- **No government admits any more that it keeps an army to satisfy occasionally the desire for conquest. Rather the army is supposed to serve for defense, and one invokes the morality that approves of self-defense. But this implies one’s own morality and the neighbor’s morality; for the neighbor must be thought of as eager to attack and conquer if our state must think of means of self-defense. Moreover, the reasons we give for requiring an army imply that our neighbor, who denies the desire for conquest just as much as does our own state**, and who, for his part, also keeps an army only for reasons of self-defense, **is a hypocrite and a cunning criminal who would like nothing better than to *overpower* a harmless and awkward victim without any fight. Thus all states are now ranged against each other: they presuppose their neighbor’s bad disposition and their own good disposition. This presupposition, however, is *inhumane*, as bad as war and worse.** At bottom, indeed, **it is itself the challenge and the cause of wars, because**, as I have said**, it attributes immorality to the neighbor and thus provokes a hostile disposition and act. We must abjure the doctrine of the army as a means of self-defense just as completely as the series for conquests. And perhaps the great day will come when people, distinguished by wars and victories and by the highest development of a military order** and intelligence, and accustomed to make the heaviest sacrifices for these things, **will exclaim of its own free will, “We break the sword.” And will smash its entire military establishment down to its lowest foundations. Rendering oneself unarmed when one had been the best-armed, out of a height of feeling- this the means to real peace; which must always rest on a peace of mind; whereas the so-called armed peace, as it no exists in all countries, is the absence of peace of mind. One trust neither oneself nor one’s neighbor and, half from hatred, half from fear, does not lay down arms. Rather perish than hate and fear, and twice rather perish than make oneself hated and feared- this must someday become the highest maxim for every single commonwealth. Our liberal representative,** as is well known, lack the time for reflecting on the nature of man: else they would know that they **work in vain when they work for a “gradual decrease of the military burden.**” Rather, **only when this kind of need has become greatest will the kind of god be nearest who alone can help here. The tree of war-glory can only be destroyed at once, by a stroke of lighting: but lightning, as indeed you know, comes from a cloud- and from up high.**

### 1NC

#### Israel nervous about US Iran policy, but relations intact

Yochi Dreazen Tuesday, October 10/22, 2013

http://thecable.foreignpolicy.com/posts/2013/10/22/top\_israeli\_minister\_keep\_the\_boot\_on\_irans\_neck Israeli Intel Minister: Keep the Boot on Iran's Neck

The prospect of Iran gaining access to those funds has triggered alarm bells in Israel, which worries that it would give Tehran a much-needed influx of cash and soften the economic pressures facing the regime. In the interview, Steinitz said that the U.S. and its allies have all of the leverage in the current talks and shouldn’t give up any of it unless Iran agreed to entirely abandon its nuclear push. "The pressure on the regime is enormous. You can get a very serious agreement for this. Don't give it up so easily,” he told The Cable. “And don't give them extra oxygen while you're negotiating with them. On the contrary, increase the pressure." At least for now, the Obama administration seems to prefer a different approach. Wendy Sherman, the State Department’s chief nuclear negotiator, has won over Iran hawks like Democratic Rep. Eliot Engel of New York by promising that the administration would support legislation imposing hard-hitting new restrictions on Iran's mining and construction sectors if Tehran didn’t appear willing to make significant concessions during the current talks. At the same time, she has asked Congress to hold off on imposing new sanctions on Iran while the negotiations continue. That’s a significant departure from Israel’s call for the imposition of new sanctions while the talks are still taking place. Washington’s early optimism about the current talks with Iran has been deeply unsettling to both Israel and many of the Sunni monarchies of the Persian Gulf. Steinitz will use this week’s visit to convey those concerns to the administration and push it to keep the current measures in place. It won’t have been the first time that a senior Israeli official has made that case, and it won’t be the last.

#### Israel perceives cyber operations a unique Iranian risk (blue)

Simson 13 Elizabeth Simson, currently a member of the Young Leaders Program at The Heritage Foundation, “Iran’s Covert Cyber War”, Heritage Foundation, August 7th, 2013 http://blog.heritage.org/2013/08/07/irans-covert-cyber-war/

Over the weekend, Hassan Rowhani, a former top nuclear negotiator, was officially sworn in as Iran’s new president. Unfortunately, there are no indications that he will curtail Iran’s nuclear or cyber activities.¶ While most are concerned with the military implications of Tehran’s expanding nuclear program, there is little focus on the covert cyber war already underway in the region, Tehran is credited with a massive cyber attack on Saudi Arabia’s ARAMCO computer system that knocked out and destroyed over 30,000 computers and was the largest, most devastating attack on the business sector to date. More recently, Israel’s prime minister accused Iran of directing a relentless cyber campaign on Israeli infrastructure, government agencies, and other vital national systems.¶ Additionally, Tehran has used cyber attacks to retaliate against U.S. banks for economic sanctions. In September 2012, Bank of America, JP Morgan Chase, and Wells Fargo were among the major banks whose websites were targeted for massive “distributed denial of service” attacks. According to security experts, Iran continues to expand its hacking operations with the goal of potentially launching a cyber attack on the U.S. power grid, water system, or other vital infrastructure.

#### Israel anticipates Iran will miscalculate in reaction to plan

Israel: Daily Alert, pub. date: 4-29-2011, “The Arab Spring and U.S. Policy: The View from Jerusalem,” <http://blog.dailyalert.org/2011/04/29/the-arab-spring-and-u-s-policy-the-view-from-jerusalem/>

The canary in the coal mine on the degree to which America’s allies can trust U.S. foreign policy is Israel. None of America’s allies is more sensitive to even the most subtle changes in the international environment, or more conscious of the slightest hint of diminished support from Washington. On a recent visit to Jerusalem, I met with a number of very senior current and former government officials. The Israeli government is so concerned that America’s adversaries may miscalculate U.S. intentions that it is privately urging Washington to make it clear that the U.S. would intervene in Saudi Arabia should the survival of that government be threatened. Absent such a public recommitment, they worry that Iran will be encouraged to even greater mischief. The outlook from Jerusalem these days is not encouraging. Iranian influence is growing throughout the Persian Gulf and beyond. Egypt’s commitment to its peace treaty with Israel is uncertain. Syria could explode into total chaos at any moment. And Jordan’s stability is in question.

#### The resulting relations spiral risks regional war

Daniel Ayalon, pub. date: 8-30-2005, Israeli Ambassador to the United States, "The Day after disengagement: what's next for Israel and the Middle East?," Federal News Service. Lexis Nexis

So I think -- and from my vantage point here in Washington, D.C., as being in charge of the most important foreign relations Israel has, with the United states, I think that U.S.-Israel relations have become stronger. I think that we have made a commitment to the United States which was tough, and we carried it through all the way. So we are much closer in this relationship. And I think this is also very important strategically for the future as people ask what is in the future. I think that the bond between our countries, which is based on shared values of freedom and democracy and the rule of law and market economy, our common interests of stability and of fighting terror, of a free economy, is really the basis for this very strong and strategic alliance. I think that this alliance and this friendship is also the cornerstone for peace and stability now and in the future, as this is in testament to the support of the United States to Israel. And with these relations, Israel is stronger and is perceived to be stronger in the region. And when Israel is perceived to be strong, there are no temptations from anybody to start wars. Unfortunately, in the past, when Israel was weak or perceived to be weak, whether it was 1948 or 1967 or 1973, wars erupted. So I think -- by strengthening these relations, I think we are making the region more stable and, I think, more amenable for peaceful moves to the -- in the future.

#### Escalates to nuclear– Asymmetric security relations and lack of deterrent framework

James A. Russell (managing editor of Strategic Insights, senior lecturer in the Department of National Security Affairs at NPS, From 1988-2001 held a variety of positions in the Office of the Assistant Secretary Defense for International Security Affairs, Near East South Asia, Department of Defense) Spring 2009 “Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East” <http://www.analyst-network.com/articles/141/StrategicStabilityReconsideredProspectsforEscalationandNuclearWarintheMiddleEast.pdf>

The basis of the argument that escalation is possible in the short-term scenarios outlined below is that the region is today in a strategically unstable situation due to asymmetric interests, complex relationships between states and non-state actors, and a nascent Iranian nuclear power. In such a specific regional framework, the conditions for strategic stability identified during the Cold War may prove inadequate to prevent the outbreak of wars, and even nuclear escalation. Escalation and Strategic Stability The paper argues that a conventional preventive attack by Israel or America might inspire Iran to break the historic “taboo” on nuclear use or act in some sufficiently outrageous way that the Israelis or the Americans feel compelled to use nuclear weapons in response. The motives for such a response would be a combination of revenge plus dissuasion from whatever the outrageous behavior was, and it also implies that neither the United States nor Israel possessed conventional options that would be sufficiently punitive.

Accordingly, strategic stability may not be attainable in the region. To fully understand this point, it is necessary to analyze the concept of “strategic stability”, starting with its history.28 The term has its roots in the history of the U.S.-Soviet rivalry during the second half of the 20th century. Indeed, strategic analysts today look upon the hallowed era of the Cold War with a sense of perverse comfort. Despite the fact that the world’s two major powers – indeed the entire world – lived under the continuous threat of nuclear incineration, they eventually developed a complicated but strategically stable relationship. Following the Cuban Missile Crisis in November 1962, a system of inter-state interactions developed based upon one overriding shared assumption: that escalation to all-out nuclear war should be avoided at all costs. The system of strategic stability developed by the United States and the Soviet Union included a number of critical elements: (1) an acceptance in the idea of mutually assured destruction that made the prospect of nuclear war unthinkable and an implicit acceptance in the idea of strategic parity – despite the presence of a different mix of strategic forces (ICBMs, bombers, SLBMs, etc.); (2) agreement to create a process to control the numbers of overtly offensive nuclear weapons in each other’s arsenal and thereby prevent an unconstrained arms race; (3) development of redundant second strike capabilities on both sides that made it impossible for either side to realistically consider a first strike that would leave the adversary unable to respond to the attack; (4) a system of communications that could be activated during confrontations and crises to prevent escalation in conflict and an associated confidence built over time in both actors in their respective command and control procedures over each sides’ strategic forces; (5) confidence building measures that helped create a more cooperative political atmosphere; (6) acceptance that competition, conflict and rivalry could all co-exist in the interstate relationship. These and other assumptions formed the basis of the Cold War bargaining framework that helped create “strategic stability” between the world’s superpowers, even if Soviet and American war plans diverged from their declared doctrines, leaning more toward achieving military victory than relying on Mutual Assured Destruction as a sufficient basis for deterrence.29 While there are limitations in drawing upon the U.S. – Soviet experience as the basis to judge whether the Middle East is strategically stable,30 assumptions from the era provide a useful starting point to judge whether the concept of strategic stability can be usefully applied to the region. Few if any of the elements that characterized the U.S. – Soviet strategic balance are present in today’s Middle East. For example, it is unclear whether the main antagonists share important and foundational assumptions to bound the bargaining framework surrounding their rivalry. Israel appears strongly committed to preventing the emergence of a strategic environment in which any regional state possesses comparable nuclear capabilities. In short, it prefers not to rely on mutual vulnerability and deterrence as the basis to preserve its security and remains implacably opposed to an environment in which there is any existential threat to the survival of the Jewish state, though it has tolerated some level of mutual deterrence ensured by Syria’s probable WMD capability via chemical or bio-chem tipped missiles. Its strategic assertion is in marked contrast to the Cold War superpower relationship, in which both sides appeared to doctrinally, politically, and diplomatically accept that the threat of mutual incineration represented an all-powerful constraint on the potential use of nuclear weapons. For its part, Iran claims to reject the idea that it must accept Israeli nuclear superiority – achieved outside the confines of the NPT – in perpetuity. This basic disagreement suggests that the two parties look at the strategic relationship from completely different and incompatible perspectives. Lacking the same sort of shared assumptions and symmetrical interests that characterized the U.S.-Soviet relationship makes it much more difficult to operationalize a bargaining framework to guard against the prospect of pre-emptive attack and conflict escalation.

## Case

### Solvency

#### Cyberweapons are inev --- US restraint does nothing --- norm setting is utopian

James Lewis 12, Director of the Technology and Public Policy Program at the Center for Strategic and International Studies, “Benefits Are Great, and the Risks Exist Anyway,” Oct 17, NYT, http://www.nytimes.com/roomfordebate/2012/06/04/do-cyberattacks-on-iran-make-us-vulnerable-12/benefits-are-great-and-the-risks-exist-anyway

Nor do cyberattacks against Iran increase the risk of damaging cyberattacks against the United States. It is true that we are defenseless; efforts to make us safer are hamstrung by self-interest, ideology and the gridlock of American politics. But we are no more vulnerable today than we were the day before the news. If someone decides to attack us, they may cite Iran as precedent, but it will only be to justify a decision they had already made.¶ We could ask whether the United States creates more problems for itself when it makes public a new weapon while potential opponents keep it secret. Four other countries can launch sophisticated and damaging cyber attacks -- including China and Russia -- and plan to use them in warfare. Another 30 nations are acquiring cyber weapons, including Iran and North Korea.¶ There is a very old argument for disarmament that holds that if the United States were to renounce some weapons -- usually nuclear weapons -- the world would be a better place. This utopianism has a revered place in American political thinking, but when humans invent weapons they rarely give them up, especially useful weapons whose components are easy to acquire. Cyberattack is now part of warfare, no different from any other weapon. The publicity around Stuxnet may complicate U.S. efforts to get international rules for the use of cyberattack, but the White House decided that tampering with Iran’s nuclear program was more important than possible risk to slow-moving negotiations.

### Iran

#### No risk of large cyber-attacks – no means or motivation, deterrence, and empirics prove

Birch ‘12 (Douglas is a former foreign correspondent for the Associated Press and the Baltimore Sun who has written extensively on technology and public policy, Forget Revolution, 10/1/12, http://www.foreignpolicy.com/articles/2012/10/01/forget\_revolution?page=0,3)

Professionals like Weiss and others warned that Stuxnet was opening a Pandora's Box: Once it was unleashed on the world, they feared, it would become available to hostile states, criminals, and terrorists who could adapt the code for their own nefarious purposes. But two years after the discovery of Stuxnet, there are no reports of similar attacks against the United States. What has prevented the emergence of such copycat viruses? A 2009 paper published by the University of California, Berkeley, may offer the answer. The report, which was released a year before Stuxnet surfaced, found that in order to create a cyber weapon capable of crippling a specific control system ­­-- like the ones operating the U.S. electric grid -- six coders might have to work for up to six months to reverse engineer the targeted center's SCADA system. Even then, the report says, hackers likely would need the help of someone with inside knowledge of how the network's machines were wired together to plan an effective attack. "Every SCADA control center is configured differently, with different devices, running different software/protocols," wrote Rose Tsang, the report's author. Professional hackers are in it for the money -- and it's a lot more cost-efficient to search out vulnerabilities in widely-used computer programs like the Windows operating system, used by banks and other affluent targets, than in one-of-a-kind SCADA systems linked to generators and switches. According to Pollard, only the world's industrial nations have the means to use the Internet to attack utilities and major industries. But given the integrated global economy, there is little incentive, short of armed conflict, for them to do so. "If you're a state that has a number of U.S. T-bills in your treasury, you have an economic interest in the United States," he said. "You're not going to have an interest in mucking about with our infrastructure." There is also the threat of retaliation. Last year, the U.S. government reportedly issued a classified report on cyber strategy that said it could respond to a devastating digital assault with traditional military force. The idea was that if a cyber attack caused death and destruction on the scale of a military assault, the United States would reserve the right to respond with what the Pentagon likes to call "kinetic" weapons: missiles, bombs, and bullets. An unnamed Pentagon official, speaking to the Wall Street Journal, summed up the policy in less diplomatic terms: "If you shut down our power grid, maybe we will put a missile down one of your smokestacks." Deterrence is sometimes dismissed as a toothless strategy against cyber attacks because hackers have such an easy time hiding in the anonymity of the Web. But investigators typically come up with key suspects, if not smoking guns, following cyber intrusions and assaults -- the way suspicions quickly focused on the United States and Israel after Stuxnet was discovered. And with the U.S. military's global reach, even terror groups have to factor in potential retaliation when planning their operations.

#### No escalation to great power war or nuclear use

Davis et al – senior political scientist at RAND - 6/6/11, Iran’s Nuclear Future: Critical U.S. Policy Choices, Prepared for the United States Air Force, RAND, (Lynn E. Davis, Jeffrey Martini, Alireza Nader, Dalia Dassa Kaye, James T. Quinlivan, Paul Steinberg), http://www.rand.org/content/dam/rand/pubs/monographs/2011/RAND\_MG1087.pdf

**Current** U.S. Conventional and Nuclear **Posture Is Sufficient**. The case for why Iran will be deterred from using nuclear weapons against U.S. military forces rests on a number of considerations. First, **while possibilities of a proxy conflict or limited** military **engagements exist, it is difficult to see a conflict between the United States and Iran escalating** to a major conventional conflict, **because Iran faces overwhelming destruction**. **Crossing the nuclear threshold risks further devastation** for Iran, thereby directly **threatening** the **regime’s survival; also, in using its nuclear weapons, Iran would be using up the very weapons it had acquired for other purposes**. Second, **the United States, with the deployment of** long-range conventional **precision-strike** systems, **has credible military capabilities to inflict high levels of devastation without resorting to** the use of **nuclear weapons**. In this approach, **existing** U.S. **declarations** with respect to using nuclear weapons **would remain unchanged**. The threat of U.S. nuclear retaliation could be made more explicit in the event of a conventional conflict so as to reduce the prospect of Iran misreading U.S. intentions.

#### The economy is resilient and no conflict

Lamy ’11(Pascal Lamy is the Director-General of the World Trade Organization. Lamy is Honorary President of Paris-based think tank Notre Europe. Lamy graduated from the prestigious Sciences Po Paris, from HEC and ÉNA, graduating second in his year of those specializing in economics. “System Upgrade” BY PASCAL LAMY | APRIL 18, 2011)

**The bigger test came with the 2008-2009 Great Recession, the first truly global recession since World War II.** When the international economy went into free fall, trade went right along with it. Production and supply are today thoroughly global in nature, with most manufactured products made from parts and materials imported from many other countries. These global value chains have a multiplier effect on trade statistics, which explains why, as the global economy contracted by 2 percent in 2009, trade volume shrank by more than 12 percent. This multiplier effect works the other way around as well: **Growth returned to 4.6 percent** and trade volume grew by a record 14.5 percent over the course of 2010. **Projections for trade in 2011 are also strong, with WTO economists predicting that trade volume will rise 6.5 percent during the current year. This sharp rebound in trade has proved two essential things: Markets stayed open despite ever-stronger pressures to close them, and trade is an indispensible tool for economic recovery, particularly for developing countries, which are more dependent on trade. Shortly after the crisis broke out, we in the WTO began to closely monitor the trade policy response of our member governments. Many were fearful that pressures to impose trade restrictions would prove too powerful for governments to resist. But this is not what happened**. **Instead, the system of rules and disciplines, agreed to over 60 years of negotiations, held firm. In a series of reports prepared for WTO members and the G-20, we found that governments acted with great restraint.** At no time did the trade-restrictive measures imposed cover more than 2 percent of world imports. Moreover**, the measures used** -- anti-dumping duties, safeguards, and countervailing duties to offset export or production subsidies **-- were those which, in the right circumstances, are permissible under WTO rules**. I am not suggesting that every safeguard measure or countervailing duty imposed during those difficult days was in compliance with WTO rules, but responses to trade pressures were generally undertaken within an internationally agreed-upon framework. **Countries** by and large **resisted** overtly **noncompliant measures**, such as breaking legally binding tariff ceilings or imposing import bans or quotas. As **markets stayed open, trade flows began to shift, and countries** that shrugged off the impact of the crisis and **continued to grow** -- notably China, India, and Brazil -- became ever-more attractive markets for countries that were struggling, including those in Europe and North America. Trade has been a powerful engine for growth in the developing world, a fact reflected in the far greater trade-to-GDP ratios we see there. In 2010, developing countries' share of world trade expanded to a record 45 percent, and this trend looks set to continue. Decisions made in Brasilia, Beijing, and New Delhi to open their respective economies to trade have been instrumental in enabling these countries to lift hundreds of millions of people out of poverty.

### China

#### Interdependence solves attacks – their scenario is completely illogical

Glenny 11 Misha Glenny, British journalist who specialises in southeastern Europe global organised crime and cyber security, “The Cyber Arms Race Has Begun.”, The Nation, October 31st, 2011, http://www.thenation.com/article/163923/cyber-arms-race-has-begun#axzz2cH5gUYc7

The greatest defense against a major cyberattack is the ¶ mutual economic and commercial interdependency that ¶ global ization (and, in part, the Internet itself) has created. ¶ Why would Russia, for example, attack the networked systems ¶ of Western Europe when it would be killing the most reliable ¶ and efficient market for its gas and oil? Why would China or ¶ the United States attack each other when if one of the two ¶ powers collapses, the other would follow very quickly?

#### Zero risk of cyber attack- new studies

Leyden ’11(The ill-informed leading the ill-informed... By [John Leyden](http://forms.theregister.co.uk/mail_author/?story_url=/2011/01/17/cyberwar_hype_oecd_study/) • [Get more from this author](http://search.theregister.co.uk/?author=John%20Leyden) Posted in [Government](http://www.theregister.co.uk/public_sector/government/), [17th January 2011 11:23 GMT](http://www.theregister.co.uk/2011/01/17/)

**Cyberwar hype is inhibiting government attempts to develop an appropriate response to cybersecurity threats, say computer scientists. A heavyweight study by UK computer scientists** **for the** Organisation for Economic Cooperation and Development (**OECD) concludes that it is "highly unlikely" there will ever be a "pure cyber war”,** comparable with recent conflicts in Afghanistan or the Balkans. **Suggestions to the contrary are down to "heavy lobbying" by suppliers**, the report's authors – Professor Peter Sommer of the London School of Economics and Dr Ian Brown of the Oxford Internet Institute, University of Oxford – conclude. It is unlikely that there will ever be a true cyberwar**. The reasons are: many critical computer systems are protected against known exploits and malware so that designers of new cyberweapons have to identify new weaknesses and exploits; the effects of cyberattacks are difficult to predict** **– on the one hand they may be less powerful than hoped but may also have more extensive outcomes arising from the interconnectedness of systems, resulting in unwanted damage to perpetrators and their allies**. More importantly, there is no strategic reason why any aggressor would limit themselves to only one class of weaponry.

#### Friendly democracies can decipher between good and bad US norms, and authoritarian nations care either way

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.

#### Uncontrollability of cyber-war is a neg warrant --- countries won’t risk using them

Thomas P.M. Barnett 13, special assistant for strategic futures in the U.S. Defense Department's Office of Force Transformation from 2001 to 2003, is chief analyst for Wikistrat, March/April 2013, “Think Again: The Pentagon,” Foreign Policy, http://www.foreignpolicy.com/articles/2013/03/04/the\_pentagon?page=full

As for cyber serving as a stand-alone war-fifighting domain, there you'll find the debates no less theological in their intensity. After serving as senior managing director for half a dozen years at a software firm that specializes in securing supply chains, I'm deeply skeptical. Given the uncontrollable nature of cyberweapons (see: Stuxnet's many permutations), I view them as the 21st century's version of chemical weapons -- nice to have, but hard to use. Another way to look at it is to simply call a spade a spade: Cyberwarfare is nothing more than espionage and sabotage updated for the digital era. Whatever cyberwar turns out to be in the national security realm, it will always be dwarfed by the industrial variants -- think cyberthieves, not cyberwarriors. But you wouldn't know it from the panicky warnings from former Defense Secretary Leon Panetta and the generals about the imminent threat of a "cyber Pearl Harbor."¶ Please remember amid all this frenetic scaremongering that the Pentagon is never more frightened about our collective future than when it's desperately uncertain about its own. Given the rising health-care costs associated with America's aging population and the never-ending dysfunction in Washington, we should expect to be bombarded with frightening scenarios of planetary doom for the next decade or two. None of this bureaucratic chattering will bear any resemblance to global trends, which demonstrate that wars have grown increasingly infrequent, shorter in duration, and diminished in lethality. But you won't hear that from the next-warriors on the Potomac.

# 2NC

## K

### 2NC

### A2 Irreversibility

Conceeded extinction inev – no impact to irreversibility – V2l ows – concede alt solves which means they have no risk of accessing any offense

#### The primary impact in this round is thus the negation of life. We are all going to die. There’s no way around that. Once we’re in the ground it doesn’t matter whether it was old age or thermonuclear war. What does matter is affirming life while we are still alive.

Nietzsche 82 [Fredrich, German philosopher, Professor at the University of Basel, and not a man but dynamite, *The Gay Science*, 1882]

*The thought of death*.— Living in the midst of this jumble of little lanes, needs, and voices gives me a melancholy happiness: how much enjoyment, impatience, and desire, how much thirsty life and drunkenness of life comes to light every moment! And yet silence will soon descend on all these noisy, living, life-thirsty people! How his shadow stands even now behind everyone, as his dark fellow traveler! It is always like the last moment before the departure of an emigrants' ship: people have more to say to each other than ever, the hour is late, and the ocean and its desolate silence are waiting impatiently behind all of this noise—so covetous and certain of their prey. And all and everyone of them suppose that the heretofore was little or nothing while the near future is everything: and that is the reason for all of this haste, this clamor, this outshouting and overreaching each other! Everyone wants to be the first in this future—and yet death and deathly silence alone are certain and common to all in this future!How strange it is that this sole certainty and common element makes almost no impression on people, and that nothing is further from their minds than the feeling that they form a brotherhood of death! It makes me happy to see that men do not want at all to think the thought of death! I should like very much to do something that would make the thought of life even a hundred times more appealing[*denkenswerther*: i.e., more worth thinking] to them.

#### They make death desirable

Kaufman 74. Walter Kaufman, professor of philosophy at Princeton University, *Nietzsche: Philosopher, Psychologist, Antichrist*. Princeton Press, 1974, pg. 394-395

In fact, Nietzsche asks explicitly: “**Perhaps art is even a necessary corollary and supplement of science**?” (GT 14). In the next sentence, he replies: “…it must now be said how the influence of **Socrates**…again and again **prompts a regeneration of art**” (15). Far from merely presaging a solution, **Nietzsche then tries systematically to show how the “sublime metaphysical delusion” of Socrates is that very instinct which leads science ever again to its own limits—at which it must necessarily give way to art**. Socratism—i.e., the rationalistic tendency—was not arbitrarily injected into the Greek mind by Socrates; it was “already effective before Socrates” and “only gained in him an indescribably magnificent expression” (14). **What—Nietzsche asks in the end—would have happened to mankind without Socrates**? He finds in Socrates the only turning point…of world history. **For if one were to think of this whole incalculable sum of energy…as not employed in the service of knowledge**, …then the instinctive lust for **life would** probably **have been so weakened in general wars of annihilation…that suicide would have become a general custom, and individuals might have experienced the final remnant of a sense of duty when…strangling their parents and friends**:…[15]. This is the final vision of the *Birth of Tragedy*—except for the appended application to Wagnerian opera. **Unrestrained pessimism would not only fail to produce a great art, but it would lead to race suicide**. The Socratic heritage, **the elemental passion for knowledge, must “by virtue of its own infinity guarantee the infinity” and continuation of art** (15). In the picture of the “theoretical man” who dedicates his life to the pursuit of truth, Nietzsche pays homage to the “dignity” of Socrates. At the same time his own features mingle with those of his ideal (15). Socratism is the antithesis of tragedy, but **Nietzsche asks “whether the birth of an artistic Socrates is altogether a contradiction in terms”** (14), and nobody has ever found a better characterization of Nietzsche himself. At the end of section 15, we must find another self-portrait: “the *Socrates who practices music*.” In Nietzsche’s first book as in his last, Socrates is criticized but still *aufgehoben* in—still part of­­­­—the type Nietzsche most admires. Here is Nietzsche’s own estimate of *The Birth of Tragedy*: It smells offensively Hegelian, and the cadaverous perfume of Schopenhauer sticks out to a few formulas. An “idea”—the antithesis of the Dionysian and the Apollinian—translated into the realm of metaphysics; **history itself as the deployment of this “idea”; in tragedy this antithesis is** *aufgehoben* **[still part of] into a unity; and in this perspective, things that had never before faced each other are suddenly juxtaposed, used to illuminate each other, and comprehended** [begriffen] [EH-GT 1].

### A2 Util

#### The aff’s threat framing is precisely the type of thinking that makes the imperial presidency possible – turns aff

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constitutionalism, capital jurisprudence, and cyberspace law, among others. His work has appeared in Albany Law Review, ILSA Journal of International and Comparative Law, European Law Journal ERA-Forum, Toledo Law Review, Temple Political 26 Civil Rights Law Review, Catholic Law Journal, Georgetown International Law Review, and the Fordham International

Law Journal, "Illuminating the Shadows of Constitutional Space While Tracing the Contours of Presidential War

Power", [http://luc.edu/media/lucedu/law/students/publications/llj/pdfs/ghoshray.pdf)\*\*](http://luc.edu/media/lucedu/law/students/publications/llj/pdfs/ghoshray.pdf%29%2A%2A)

Imperialistic presidency is not new, but by using the role of ¶ Commander-in-Chief, a term not defined in the Constitution, the ¶ President has invoked inherent power and the presidency has evolved ¶ into a form the framers did not contemplate. That is why the perception ¶ of the people is important here. Within a framework of false ¶ consciousness, people identify imminent danger, which shapes the ¶ political process whereby the President utilizes the constitutional power ¶ vested in him, Congress remains inert, and the country slogs on ¶ tolerating the unabridged and unbridled usurpation of executive excess. ¶ How, then, can one determine this imminent threat? Perhaps a better ¶ framework could be to identify the factors that are used in the ¶ presidential manipulation of the perception of fear. The President’s ¶ power to act where there is imminent danger is the link between the ¶ powers vested in Congress under Article I and the powers vested in the ¶ President in Article II. It defines the overlapping jurisdiction between ¶ the President and Congress as explained by Justice Jackson in the Steel ¶ Seizure case. Thus, the concept of a unitary executive is bolstered by ¶ the imminent threat doctrine. Although the constitutional text clearly ¶ states that the President cannot declare a war unless invaded or clear ¶ and present danger is imminent, Presidents have historically ¶ manipulated the mindset of the people to create a scenario where the ¶ public felt the specter of imminent danger. ¶ The scenario above explains why the multiple factors not only ¶ magnify the perception of threat but also make imminent danger seem ¶ more imminent in the mind of the American people. This implantation ¶ of false consciousness to establish a unitary consciousness of law, ¶ defined by an imperial presidency that perpetuates an emergency ¶ situation and a sense of vulnerability, is cultivated to establish a strong ¶ form of executive power. Therefore, by imposing false beliefs in a ¶ methodical and scientific manner, the political process injects dread and ¶ fear in the minds of citizens. This cultivates dependence on executive ¶ action, moving away from the basic tenets of a democratic process. This helps form an administrative framework where abrogation of civil ¶ liberties is justified as necessary. Once the public accepts the ¶ abrogation of liberty, the twenty-four-hour media corroborates it and ¶ propagates the presidential will, again bypassing constitutional ¶ safeguards.

## CP

### 2NC Solvency

Counterplan solves 100% the aff and avoids the link to politics – it creates a unique model for decision making

#### It files a binding, public XO that requires the President to consult the OLC for decisions about the aff. We fiat that the Office of Legal Counsel issue write opinions mandating the aff. The XO requires sharing OLC opinions with Congress when the President claims authority. This pre-commitment galvanizes OLC restraint and creates a deterrent cost to circumvention – Syria proves Obama will respect the decision – framing issue – the aff has congress impose restrictions – the CP has Obama take accountability for his own actions

#### Solves the aff – all premised on

#### The CP solves legal confusion – independent DA to aff

**Brecher 12** Aaron, JD Candidate, University of Michigan Law, "Cyberattacks and the Covert Action Statute: Toward a Domestic Legal Framework for Offensive Cyberoperations," October, <http://www.michiganlawreview.org/assets/pdfs/111/3/Brecher.pdf>

Cyberattacks present a challenge for U.S. policymakers: they are difficult to locate within a clear legal category and there is a significant risk of uncontrollable consequences associated with their use. As a result, policymakers must choose a paradigm to govern their use that will ensure that the executive branch is held accountable and shares information with legislators. This Part argues that the federal government should adopt the presumption that cyberattacks will be carried out under the covert action statute, and that the best way forward is for the president to issue an executive order making the covert action regime the presumptive framework for cyberattacks. It includes a brief discussion of why a president might willingly constrain her discretion by issuing the proposed executive order. It also shows that while the internal executive processes associated with both military and intelligence legal frameworks help mitigate the risk of cyberattacks’ misuse by the executive, only the covert action regime provides an adequate role for Congress. Finally, this Part argues that the executive order option is preferable to one alternative proposed by scholars—enacting legislation—because of the practical difficulties of passing new legislation. The covert action regime is the best approach for committing cyberattacks under the current law, as it would facilitate cooperation among executive agencies. The debate over which agency and set of legal authorities govern cyberattacks has caused no small amount of confusion.145 Apparently, an Office of Legal Counsel (“OLC”) memorandum declined to decide which legal regime should govern the use of cyberattacks, and the uncertainty has led to interagency squabbles, as well as confusion over how cyberattacks are to be regulated.146 Establishing a presumptive answer would go far toward resolving this dispute. Most importantly, adopting the covert action framework as the presumptive legal regime would be a principled way to help ensure constitutional legitimacy when the president orders a cyberattack.147 There is also reason to believe that presidential power is intimately bound up in credibility, which in turn is largely dependent on the perception of presidential compliance with applicable domestic law.148 A practice of complying with the covert action regime for cyberattacks, both when they do not constitute a use of force and when it is unclear whether they do, is most likely to be in compliance with the law. Compliance with the covert action regime would also encourage covert action procedures in close cases without unduly restricting the executive’s choice to use military authorities in appropriate circumstances.

### A2 Modeling

#### The counterplan has Obama publically pledge to abide by the OLC ruling – this answers back all perception solvency deficits

Posner, 13 Eric Posner, Professor of Law at Chicago Law School. An editor of The Journal of Legal Studies, he has also published numerous articles and books on issues in international law, “Obama Going to Congress on Syria” Slate Magazine, 9/3/13, http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html)

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever.¶ It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.”¶ Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him.

### A2 Perm

#### L2 NB

#### The CP alone is the ONLY hope to solve the aff – executive circumvention is an internal net benefit – answers ALL solvency deficits

Harvard Law Review 2012 (Unsigned)

Presidential Power and the Office of Legal Counsel, 125 Harv. L. Rev. 2090

The President relies on OLC to issue written opinions that explain the bounds of his constitutional authority and help him to fulfill his duty to faithfully execute the laws. The threat to national security posed by the war on terror in the past decade has led to increased pressure on OLC to give the President the tools that he needs in order to protect the country. Each of the examples discussed in this Part reveals the need for OLC not only to adhere to its own internal guidelines but also to strengthen them in order to protect its independence and legitimacy. This approach would ensure that the White House receives the best possible legal advice on controversial subjects and would give the President the option to use its opinions as a form of executive self-binding. Given the apparent atrophy of external constraints from the other branches, an internal constraint of this kind may offer the best chance of meaningfully containing executive power. Such a constraint, however, requires the influence of public opinion, as in the case of signing statements, and only time will tell whether public opinion will have a similar impact in the context of OLC.

### A2 SOP

#### We’ve been doing this shit for centuries

Keating 2013 [Joshua Keating associate editor at Foreign Policy and editor of the War of Ideas blog. He has worked as a researcher, editorial assistant, and deputy Web editor since joining the FP staff in 2007. May 9, 2013 Foreign Policy “Actually, U.S. presidents have been going to war without Congress since the beginning” http://ideas.foreignpolicy.com/posts/2013/05/09/actually\_us\_presidents\_have\_been\_going\_to\_war\_without\_congress\_since\_the\_beginning]

In the modern era, it's become increasingly common for presidents to send troops into battle without authorization from Congress -- a practice many argue is unconstitutional. During the 2011 intervention in Libya for intance, Yale law professor Bruce Ackerman wrote that "Barack Obama's administration is breaking new ground in its construction of an imperial presidency -- an executive who increasingly acts independently of Congress at home and abroad." It may be unconstitutional, but how unprecedented is it?¶ There's a general consensus that the imperial presidency model of warfighting began with Theodore Roosevelt and expanded dramatically after World War II -- the last time Congress formally declared war. The War Powers Resolution of 1973 was meant to check the president's ability to do this, but several administration's have skirted it. A paper by William D. Adler in Presidential Studies Quarterly analyzes the "small wars" of early U.S. history and found that the tradition of the president acting as "generalissimo of the nation" as the pseudonymous "Cato" put it in the Anti-Federalist Papers, goes back much further than we think. ¶ America's two largest pre-civil war conflicts -- the War of 1812 and the Mexican American War -- were both organized by Congress, though James Polk played a major hand in instigating the second one. But there were dozens of other conflicts, sometimes involving thousands of combatants. These included at least 10 major conflicts with Indian tribes between the 1790s and 1850s as well as " the Quasi-War with France during the late 1790s; the conflict with the Barbary pirates during the 1800s (which had been an ongoing problem since Washington's presidency); General Andrew Jackson's repeated invasions of Spanish Florida; naval skirmishes in Sumatra during the 1830s; the so-called Patriot War from 1839 through 1841 on the northern border; "bleeding Kansas" during the 1850s; and the Mormon war in Utah later that decade."¶ Adler argues that in all these conflicts, Congress -- if involved at all -- generally simply delegated warmaking powers to the executive branch and only excercised oversight after the fact. This was particularly this case in conflicts with Indian tribes, which were generally overseen by the War Department in cooperation with state governments without Congressional deliberations. ¶ In a scenario familiar from the Iraq War era, Congress often didn't realize quite how much power it was granting to the president. Adler recounts what happened in 1792 when Congress agreed to George Washington's request for 5,000 additional troops to fight Indian tribes in the Ohio Territory: ¶ During the conflict, Congress does not seem to have comprehended just how much power ¶ it had delegated to the executive branch. As Richard Kohn explains, when St. Clair asked for permission to call up the militia, Congress authorized it, but "only later, after Washington cited the amendment as authorization for Harmar's campaign, did Congress understand fully that it had given the President permission to wage war on his own authority." Similarly, when Congress appropriated $1 million to fund the ongoing operations, this was taken by the administration as an implicit authorization to continue the fighting; at no time did anyone think of asking for a formal resolution allowing the war to progress.¶ Early American presidents also had a habit of going to war first and asking permission later, such as when James Madison authorized the Army to seize territory in West Florida in 1810. As a general, Andrew Jackson invaded Florida three different times without asking permission from the president -- not to mention Congress. As president, Jackson continued to follow the imperial model, interpreting the Indian Removal Act of 1830 as carte blanche to use military force against Indian tribes who refused to relocate, an event now known as the Trail of Tears. This included the forced removal of the Florida Seminoles, which the largest U.S. military engagement since the War of 1812, with nearly 9,000 soldiers involved.

#### No impact (to SOP violations)

Constitutional Commentary 96 (Winter, p. 343-345)

A second, perhaps more interesting, difficulty with the prophylactic approach is that it may rely on a too judicialocentric view of the workings of government that exaggerates the Court's role in the separation-of-powers struggle. Professor Redish's argument rests on the notion that it is vitally important that the Court get its separation-of-powers jurisprudence right. The argument runs something like this: Separation of powers is a bulwark of liberty - without it, the individual protections of the Bill of Rights are nothing but paper. The Court defines separation-of-powers law. If it messes up, then so much for liberty. The Court is bound to mess up if it adopts anything other than a prophylactic approach to separation of powers. It is therefore urgent that the Court adopt this approach. Fortunately, the Framers' design is probably stronger than this argument presupposes. Separation-of-powers gives each branch tools which enable ambition to counteract ambition. The Court gets to decide cases. It justifies its decisions with opinions which the other branches and the citizenry generally follow as authoritative. Thus, although the Court does not have guns or money, it has words. These words are the Court's tools in the separation-of-powers struggle. Any time the Court writes an opinion on separation of powers, it self-consciously uses its particular power to shove the boundaries of branch power - sometimes to profound effect, as a simple hypothetical illustrates. Suppose Chief Justice Marshall had ended Marbury v. Madison with the following paragraph: Then again, Congress has just as much right to interpret the Constitution as I do - perhaps even more, because Congress is the branch closest to the people, and it is the people's Constitution. I was just kidding about that judicial review stuff. History would be very different, partially because such a result in Marbury would have grossly undermined the Court's future ability to compete in the separation-of-powers struggle successfully. On a more general level, Supreme Court opinions on any topic can affect the balance of branch power. For instance, the Supreme Court can undermine its authority by producing poorly reasoned opinions - or, much worse from a realpolitik point of view, unpopular opinions. The power, however, of any given decision to damage a Court staffed by relatively sane Justices is probably limited. This is an institution that has survived Dred Scott and Plessy v. Ferguson. 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, Bowsher v. Synar, and Mistretta v. United States 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.

### A2 Rubberstamping

#### The neg gets durable fiat—it’s reciprocal with the aff

#### And executive orders have the force of law:

Oxford Dictionary of English 2010

(Oxford Reference, Georgetown Library)

executive order¶ ▶ noun US (Law) a rule or order issued by the President to an executive branch of the government and having the force of law.

#### The OLC’s advice is presumptively binding – Obama will follow

Bradley and Morrison 13 William Van Alstyne Professor of Law, Duke Law School AND Liviu Librescu Professor of Law, Columbia Law School (Curtis A. Bradley AND Trevor W. Morrison, "Presidential Power, Historical Practice, And Legal Constraint”, January 15, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2191700)

Perhaps the most obvious way that law can have a constraining effect is if the relevant actors have internalized the legal norms, whether those norms are embodied in authoritative text, judicial decisions, or practice. When speaking of such internalization as it relates to the presidency, it is important to note that presidents act through a wide array of agencies and departments, and that presidential decisions are informed—and often made, for all practical purposes—by officials other than the President. In most instances involving presidential power, therefore, the relevant question is whether there has been an internalization of legal norms by the Executive Branch. The Executive Branch contains thousands of lawyers. 117 The President and other executive officials are regularly advised by these lawyers, and sometimes they themselves are lawyers. Although lawyers serve in a wide variety of roles throughout the Executive Branch, their experience of attending law school means that they have all had a common socialization—a socialization that typically entails taking law seriously on its own terms. 118 Moreover, the law schools attended by virtually all U.S. government lawyers are American law schools, which means that the lawyers are socialized in an ethos associated with being part of the American polity and that takes for granted the American style of law and government. 119 These lawyers are also part of a professional community with at least a loosely shared set of norms of argumentative plausibility. Finally, as government lawyers they inherit a set of institutional practices from their predecessors, including a general tendency to privilege established ways of doing things. 120 Certain legal offices within the Executive Branch have developed their own distinctive law-internalizing practices. This is particularly true in places like OLC, which, as noted above, provides legal advice based on its best view of the law. OLC has developed a range of practices and traditions—including a strong norm of adhering to its own precedents even across administrations—that help give it some distance and relative independence from the immediate political and policy preferences of its clients across the Executive Branch, and that make it easier for OLC to act on its own internalization of legal norms. 121 Of course, OLC’s practices are not the only way for a government legal office to internalize the law. For example, an office committed not to seeking the best view of the law but to providing professionally responsible legal defenses of certain already determined policy positions could still operate under legal constraints if it took the limits of professional responsibility seriously. As noted above, although it can be difficult to identify with consistent precision the outer boundaries of legal plausibility, a commitment to remain within those boundaries is a commitment to a type of legal constraint. If Executive Branch legal offices operate on the basis of certain internalized norms that treat law as a constraint, the next question is whether those offices have any effect on the actual conduct of the Executive Branch. In the case of OLC, there are two key points. First, although OLC possesses virtually no “mandatory” jurisdiction, there is a general expectation that, outside the litigation context, legal questions of special complexity, controversy, or importance will be put to OLC to address. 122 Second, established traditions treat OLC’s legal conclusions as *presumptively* binding within the Executive Branch, unless overruled by the Attorney General or the President (which happens extremely rarely). 123 Combined, these practices make OLC the most significant source of centralized legal advice within the Executive Branch. Still, OLC addresses only a very small fraction of all the legal questions that arise within the Executive Branch, and a complete picture of the extent to which executive officials internalize legal norms (or are affected by others who internalize such norms) must extend well beyond that office. 124 Looking across the Executive Branch more broadly, there may be a practical imperative driving at least some measure of legal norm internalization. The Executive Branch is a vast bureaucracy, or series of bureaucracies. Executive officials responsible for discharging the government’s various policy mandates cannot act effectively without a basic understanding of who is responsible for what, and how government power is to be exercised—all topics regulated by law, including practice-based law. 125 Some of the understandings produced by those allocations are probably so internalized that the relevant actors cannot even imagine (at least in any serious way) a different regime. Even on the more high profile policy questions that receive the attention of the White House itself, the internalization of law may have a constraining effect. There are lawyers in the White House, of course, including the Office of Counsel to the President (otherwise known as the White House Counsel’s Office). Some commentators—most notably Bruce Ackerman, as part of his general claim that the Executive Branch tends towards illegality— have characterized that office as populated by “superloyalists” who face “an overwhelming incentive to tell [the President] that the law allows [him] to do whatever [he] want[s] to do.” 126 If that were an accurate portrayal, it would suggest that there is little to no internalization of the law in the White House Counsel’s Office. But there are serious descriptive deficiencies in that account. 127 Still, politics does surely suffuse much of the work of the White House Counsel’s Office in a way that is not true of all of the Executive Branch. The more fundamental point, however, is that it is in the nature of modern government that the President’s power to act often depends at least in part on the input and actions of offices and departments outside the White House. That commonly includes the input of legal offices from elsewhere across the Executive Branch. 128 To the extent that those offices internalize the relevant legal norms, the President may be constrained by law without regard to whether he or his most senior White House advisers think about the law. Internalization of legal norms may at least partially explain the now-famous standoff during the George W. Bush Administration between high-ranking lawyers in the Justice Department and various White House officials over the legality of a then-secret warrantless surveillance program. The program was deeply important to the White House, but the Attorney General, Deputy Attorney General, and head of OLC all refused to certify the legality of the program unless certain changes were made. When the White House threatened to proceed with the program without certification from the Justice Department, the leaders of the Department (along with the Director of the FBI and others) all prepared to resign. Ultimately, the White House backed down and acceded to the changes. 129 Some substantial part of the explanation for why the Justice Department officials acted as they did seems to lie in their internalization of a set of institutional norms that not only take law seriously as a constraint, but that insist on a degree of independence in determining what the law requires. 130 Buckling under pressure from the White House was evidently inconsistent with the Justice Department officials’ understanding of their professional roles.

### L2 POlitics

#### Mandatory disclosure doesn’t link to politics --- changes in agency design are not as controversial as specific policies because of a lack of interest groups and constituency effect.

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

Before getting into the substance of the proposals, it is worth taking up a criticism that might be present off the bat. Aren't all proposals for bureaucratic reform bedeviled by the very forces that promote legislative inertia? If Congress can't be motivated to regulate any particular aspect of the legal war on terror, then how can it be expected to regulate anything more far-reaching? The answer lies in the fact that sometimes broad design choices are easier to impose by fiat than are specific policies.23 ¶ Any given policy proposal can get mired in a competition of special interests; indeed, that danger leads many to prefer executive action. Institutional design changes differ from these specific policy proposals because they cut across a plethora of interest groups and because the effects on constituencies are harder to assess due to the multiplicity of changes. The benefits of faction that Madison discussed in The Federalist No. 51 therefore arise; multitudes of interest groups find things to embrace in the system change. It is therefore not surprising that at the same time that Congress dropped the ball overseeing the legal war on terror it enacted the most sweeping set of changes to the executive branch in a half-century in the form of the Homeland Security Act of 2002.4 Indeed, as we shall see, that Act provides an object lesson: Design matters. And by altering bureaucratic arrangements, stronger internal checks can emerge.

## Case

### Solvency

#### OCO use inevitable – China, Russia, and the US already have the capability and 30 countries are developing it now – feasibility of OCOs gives literally zero incentive for adversaries to give them up just because the US does – they can’t acces either advantage because both are predicated on Iran and China - their norm setting is Utopian – that’s Lewis 1NC

#### C/A MgGuiness from China – good nations haven’t used OCOs yet and countries like Iran and China don’t care – no norm setting – Assad and CBWs prove asversaries only use norms as a cover for authoritarian practices

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

Zenko ‘13 [Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise,]

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

#### But new cyber guidelines now solve the aff

Tim Stevens 12, Associate for the Centre for Science and Security Studies and an Associate Fellow of the International Centre for the Study of Radicalisation and Political Violence, PhD candidate @ King’s College London, MA in War Studies, “A Cyberwar of Ideas? Deterrence and Norms in Cyberspace,” Contemporary Security Policy, Vol. 33, Iss. 1, Apr. 13, Taylor and Francis Online

In May 2011, the US International Strategy for Cyberspace answered the President's call and was the first US policy document to provide, in Secretary Clinton's introductory words, ‘an approach that unifies our engagement with international partners on the full range of cyber issues’.82 Norms are promoted in the context of ‘applying the broad expectations of peaceful and just interstate conduct to cyberspace’ in order to effect ‘stability’, as obtains in ‘other spheres of international relations’.83 The document stresses the collaborative and cooperative aspects of global normative change whilst reiterating states' rights to self-defence consistent with the UN Charter. Norms extended not only to technical issues of network functionality but also to ‘upholding fundamental freedoms’ consistent with several high-profile speeches by Secretary Clinton on this topic,84 and a range of other responsibilities of states to the privacy of their citizens and so on. Importantly, the document stated, ‘[a]dherence to such norms brings predictability to state conduct, helping prevent the misunderstandings that could lead to conflict’.85 Norms are therefore principally, although not exclusively, to be understood as regulative norms concerned with preventing inter-state conflict, and can be framed as a form of norms-based deterrence.

### China

#### Their scenario is literally China will keep sending cyber striking the US and when some infrastructure goes down, they nuke us. This is dumb. Interdependence and globalization gives China literally zero incentive to strike us because when they do, the debt we owe them is gone and their econ crashes – no incentive for war – thaty’s Glenny

#### Newest studies prove – critical computer protection, lack of a predictive outcome of the attack, and interdependence gives zero incentive for nations to launch war on the basis of cyber attacks – no impact

#### China is focused internally on domestic hackers – no focus on striking the US

Rid ’12 [Think Again: Cyberwar](http://www.foreignpolicy.com/articles/2012/02/27/cyberwar)¶ Don't fear the digital bogeyman. Virtual conflict is still more hype than reality.¶ BY THOMAS RID | [MARCH/APRIL 2012](http://www.foreignpolicy.com/issues/192/contents/) Thomas Rid, reader in war studies at King's College London, is author of "[Cyber War Will Not Take Place](http://www.tandfonline.com/doi/pdf/10.1080/01402390.2011.608939)" and co-author of "[Cyber-Weapons](http://www.tandfonline.com/doi/pdf/10.1080/03071847.2012.664354)."

Or so the alarmists tell us. Reality looks quite different. Stuxnet, by far the most sophisticated cyberattack on record, was most likely a U.S.-Israeli operation. Yes, Russia and China have demonstrated significant skills in cyberespionage, but the fierceness of Eastern cyberwarriors and their coded weaponry is almost certainly overrated. When it comes to military-grade offensive attacks, America and Israel seem to be well ahead of the curve.¶ Ironically, it's a different kind of cybersecurity that Russia and China may be more worried about. Why is it that those countries, along with such beacons of liberal democracy as Uzbekistan, have suggested that the United Nations establish an "international code of conduct" for cybersecurity? Cyberespionage was elegantly ignored in the suggested wording for the convention, as virtual break-ins at the Pentagon and Google remain a favorite official and corporate pastime of both countries. But what Western democracies see as constitutionally protected free speech in cyberspace, Moscow and Beijing regard as a new threat to their ability to control their citizens. Cybersecurity has a broader meaning in non-democracies: For them, the worst-case scenario is not collapsing power plants, but collapsing political power.¶ The social media-fueled Arab Spring has provided dictators with a case study in the need to patrol cyberspace not only for subversive code, but also for subversive ideas. The fall of Egypt's Hosni Mubarak and Libya's Muammar al-Qaddafi surely sent shivers down the spines of officials in Russia and China. No wonder the two countries asked for a code of conduct that helps combat activities that use communications technologies -- "including networks" (read: social networks) -- to undermine "political, economic and social stability."¶ So Russia and China are ahead of the United States, but mostly in defining cybersecurity as the fight against subversive behavior. This is the true cyberwar they are fighting

#### **Infrastructure cyber strikes are infeasible**

Clark, MA candidate – Intelligence Studies @ American Military University, senior analyst – Chenega Federal Systems, 4/28/’12 (Paul, “The Risk of Disruption or Destruction of Critical U.S. Infrastructure by an Offensive Cyber Attack,” American Military University)

An attack against the electrical grid is a reasonable threat scenario since power systems are "a high priority target for military and insurgents" and there has been a trend towards utilizing commercial software and integrating utilities into the public Internet that has "increased vulnerability across the board" (Lewis 2010). Yet the increased vulnerabilities are mitigated by an increased detection and deterrent capability that has been "honed over many years of practical application" now that power systems are using standard, rather than proprietary and specialized, applications and components (Leita and Dacier 2012). The security of the electrical grid is also enhanced by increased awareness after a smart-grid hacking demonstration in 2009 and the identification of the Stuxnet malware in 2010: as a result the public and private sector are working together in an "unprecedented effort" to establish robust security guidelines and cyber security measures (Gohn and Wheelock 2010).

### A2 Defensive Strat

#### Even if they were right, new innovations prevent effective attacksDefence 3/7 (Professionals “Northrop Grumman to Strengthen Cybersecurity Across DoD, Intelligence Community Networks”, March 7, 2012, <http://www.defpro.com/news/details/33128/?SID=7f444f34ab67144a57b4fa652f201ebf>)

**Northrop** Grumman Corporation **has been** **awarded a cybersecurity task** order by the Defense Information Systems Agency (DISA) **to strengthen cybersecurity protections across all U.S.** Department of Defense (**DoD**) **and Intelligence Community networks by** **implementing the** **Host Based Security System (HBSS)** as part of the DoD Information Assurance and Computer Network Defense contract. ¶ The task order was competitively awarded under the Encore 2 contract vehicle and is valued at $189 million over a three-year base period with two one-year options. As prime integrator, Northrop Grumman will provide software license maintenance support, training, help desk and architectural infrastructure support personnel. ¶ "Cybersecurity is one of Northrop Grumman's four core businesses due to its vital role in our nation's defense," said Karen Williams, vice president of Northrop Grumman's Defense Technologies Division. "The HBSS award reinforces Northrop Grumman's position as a top provider of defense-in-depth cybersecurity solutions across the DoD and intelligence domains." ¶ HBSS is the DoD's commercial-off-the-shelf suite of automated and standardized software used to provide enhanced host based security – security on desktops and laptops versus at the boundary such as routers and switches – against both inside and external threats. ¶ In October 2007, DoD mandated HBSS for eventual installation on all unclassified and classified networks. Full implementation of **HBSS is critical to defending government networks from** an increasing number of sophisticated **cyber attacks. HBSS provides system administrators significant improvements in situational awareness and** drastically reduces or **eliminates the effectiveness of cyber attacks, ensuring vital network capabilities are available to warfighters.** ¶ "Our **Northrop** Grumman team **brings** a wealth of cybersecurity **integration experience** and capabilities **to** help **ensure** that **all five million end-points are protected across the DoD and intelligence community,"** said Sam Abbate,

#### Defensive measures overwhelm

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

**"In Cyberspace, Offense Dominates Defense." Wrong** again. The information age has "offense-dominant attributes," Arquilla and Ronfeldt wrote in their influential 1996 book, The Advent of Netwar. This view has spread through the American defense establishment like, well, a virus. A 2011 Pentagon report on cyberspace stressed "the advantage currently enjoyed by the offense in cyberwarfare." The intelligence community stressed the same point in its annual threat report to Congress last year, arguing that offensive tactics -- known as vulnerability discovery and exploitation -- are evolving more rapidly than the federal government and industry can adapt their defensive best practices. The conclusion seemed obvious: Cyberattackers have the advantage over cyberdefenders, "with the trend likely getting worse over the next five years." **A closer examination** of the record, however, **reveals three factors that put the offense at a disadvantage. First is the high cost of developing a cyberweapon, in terms of time, talent, and** target **intelligence** needed. Stuxnet, experts speculate, took a superb team and a lot of time. Second, **the potential for generic offensive weapons may be far smaller than assumed** for the same reasons, **and significant investments in highly specific attack programs may be deployable only against a very limited target set.** Th

ird, **once developed, an offensive tool is likely to have a far shorter half-life than the defensive measures put in place against it**. Even worse**, a weapon may only be able to strike a single time; once the exploits of a specialized piece of malware are discovered, the most critical systems will likely be patched and fixed quickly. And a weapon, even a potent one, is not much of a weapon if an attack cannot be repeated**. Any political threat relies on the credible threat to attack or to replicate a successful attack. If that were in doubt, **the coercive power of a cyberattack would be drastically reduced.**

### Iran

#### No large scale cyber attacks – 2 years after Stuxnet proves – this makes cyber warfare unlikely uniquely in case of Iran – prove no means to launch now – deterrence and threat of retaliation solve any kind of large attack on the US – not motivation for countries to lethally strike

#### No Iranian regional escalation – Iranian military adventurism would ensure regime destruction via retail US and Israel – US precision strike capabilities can end conflict without nuclear use which means even if Iran has motivation to attack, other forms of hard power would prevent spillover – 1NC Birch

#### C/A CIR turns econ

#### Econ resilient – new increased growth predictions, market openness, and free trade expansion post 2008 crash prove and solve back – 1NC Lamy

#### Means no war – empirics show governments acted with restraint to preserve stability – no impact to decline – that’s also Lamy – 2008 proves

#### They can’t C/A our defense to kick out of politics – the resiliency args are premised off long term macroeconomic snapshots off policies like CIR that structurally sustain econ resilience – distinct from their internal link which relies on a 1-shot linear cyber attack to take out infrastructure

#### No North Korean war – multiple internal and external factors – your ev is media bias

Yong Kwon (a Washington-based analyst of international affairs) April 21, 2011 “North Korea: Calculus of an existential war” http://www.atimes.com/atimes/Korea/MD21Dg02.html

The general lack of knowledge regarding North Korea and its security concerns has forced observers into a dangerous habit of establishing conclusions based on limited information. The resulting trend has skewed analysis of North Korean history and foreign policy to confirm the characterization of North Korea as a state solely driven to sustain the hereditary regime of Kim Jong-il. This widely propagated interpretation of the Democratic People's Republic of Korea's (DPRK's) raison d'etre precludes that the North Korean state does not share the needs and wants of other sovereign states. However, North Korean foreign policy appears to be fundamentally driven by "state-survival," rather than the often touted "regime-survival". More specifically, all of Pyongyang's pursuits focus on simultaneously deterring and undermining its existential foe, South Korea. North Korea's heir apparent Kim Jong-eun is due to visit the People's Republic of China and analysts have already begun to dispense a cloud of speculation on the ramifications of his visit. Small details such as Beijing's request for the young Kim to fly into China instead of taking his father's armored train are attracting a lot of attention. At the same time experts on international security and weapons control speculate that North Korea may conduct a third nuclear test in the near future. [1] In the case that these two events coincide, even if out by a few months, the media will be choked with theories on the cursory connection between the regime's succession and nuclear weapons. Nonetheless, until explicitly verified by documented evidence, this kind of analysis should be considered a hasty misinterpretation of Pyongyang's national interest. North Korea is unlikely to play the nuclear ticket to simply justify succession to its own people.

There is a legitimate debate among scholars of North Korean history regarding the influence of domestic conditions on Pyongyang's foreign policy. Mitch Lerner posited the hypothesis that Pyongyang's provocations in 1967-1968 targeted North Koreans themselves, to convince the public that self-defense was a cause worthy of economic sacrifice. [2] However, even in this example, the end-goal of the state remained deterring and undermining the regime in Seoul by focusing North Korea's industrial capacity on militarization. Recognizing the hierarchy of motives poses difficulties when analyzing the behavior of most other states. Alexander George termed this the "value trade-off dilemma" and criticized analysts who implied that states compromised one "irreducible" national interest for another. [3] North Korea stands as a strong counter-example to the norm; the central tenant of any North Korean policy can be reduced to defending itself against the existential threat posed by South Korea. Nuclear weapons were not produced spontaneously as a reaction to any one particular domestic or external condition, but as a calculated long-term strategy to ensure deterrence against South Korean-American forces. Archival evidence compiled by the North Korea International Documentation Project in Washington reveals a long-term effort by Pyongyang to acquire nuclear weapons and missile technology, disregarding Sino-Soviet relations, inter-Korean dialogue, detente, etc. [4] New evidence on North Korea's nuclear regime remains consistent with the theory that South Korea poses such threat through its sheer existence that North Korea cannot accept peaceful coexistence under the existing political paradigm. Taking this historic assessment into account, Narushige Michishita posited key points that should form the basis for analyzing North Korean military and diplomatic strategy. First, "an element of surprise has almost always been an important ingredient in North Korea's military actions, implant[ing] in our minds an impression that the North Koreans are 'crazy.'" Second, "none of North Korea's major military-diplomatic actions have been primarily caused by domestic political factors". Third, "the contention that North Korea tends to undertake military actions when it faces a hostile international environment is not true. History suggests it has initiated military [actions] when the international environment was favorable as well as when it was not." [5] Taking these assessments in mind, the sinking of the South Korean corvette Cheonan and the shelling of Yeonpyeong Island must be understood within context of North Korea's long term military strategy going back to the formative years of Pyongyang's military doctrine. From Pyongyang's perspective, the South Korean military with staunch US support and far greater capital could easily overwhelm the military firepower of the impoverished North. In order to maintain deterrence, random attacks on South Korea demonstrating its military capabilities increasingly become a necessary facet of Pyongyang's military strategy. However, both Pyongyang and Seoul recognize the fact that the DPRK could not possibly maintain the balance of power on the Korean peninsula. Seoul is currently pursuing the purchase of Russian-made Murena assault hovercrafts and American Apache attack helicopters, both of which are expected to radically tilt the military parity in the favor of the South Korean military. [6] In addition, South Korea is expected to deploy a missile defense system by 2015, further undercutting North Korea's conventional deterrent offensive capabilities. [7] The North Korean leadership came to the conclusion that it could not maintain conventional military parity with its southern counterpart in the 1970s after observing South Korea's impressive economic growth and the China's reluctance to support the DPRK. Subsequently, it abandoned the policy of waging a "people's war" in the South and opted for nuclear warfare. This consideration was made outside domestic reasons such as succession or other political interests. It was a visceral decision to maximize North Korea's prospects for survival. In retrospect, the North Korean rationale proved incredibly prescient. It recognized early on that it would not be able to compete with South Korea's industrial output and will fall behind in military buildup. Therefore, the construction of nuclear weapons offered a pragmatic solution to maintaining an effective deterrence and allowing Pyongyang to continue military provocations against Seoul. The failure to recognize North Korea's perception of South Korea as an existential threat yields confusion as to why Pyongyang cannot simply denuclearize or stop provocations against the South. Therefore, analysts search for the answer elsewhere: in the North Korean succession issue. However, the nuclear issue will continue to dominate the regional political scene whether or not Kim Jong-eun succeeds his father. At the same time, regime change in Pyongyang will not alter the established military doctrines and strategy of North Korea. The same goes for the prospects of the six-party talks yielding anything constructive as North Korea will not ever genuinely eliminate its nuclear weapons program and abolish its doctrine of deterrence unless it is prepared to abolish itself. Nuclear weapons have become a part of North Korea's identity.

# 1NR

## Pltx

Optimism for comperehensive reform now—house will resolve differences with thhe sentate to ensure it’s not piecemeal—clift 10-25

Pl takes out capital—losses in congress lijnkturns aff cred on nf pol

#### Shortage of skilled workers in cyber fields undermines defense against attacks

Reuters, 2012

(“Experts warn of shortage of U.S. cyber pros”, 6-13, <http://www.reuters.com/article/2012/06/13/us-media-tech-summit-symantec-idUSBRE85B1E220120613>,)

Leading cyber experts warned of a shortage of talented computer security experts in the United States, making it difficult to protect corporate and government networks at a time when attacks are on the rise.¶ Symantec Corp Chief Executive Enrique Salem told the Reuters Media and Technology Summit in New York that his company was working with the U.S. military, other government agencies and universities to help develop new programs to train security professionals.¶ "We don't have enough security professionals and that's a big issue. What I would tell you is it's going to be a bigger issue from a national security perspective than people realize," he said on Tuesday.¶ Jeff Moss, a prominent hacking expert who sits on the U.S. Department of Homeland Security Advisory Council, said that it was difficult to persuade talented people with technical skills to enter the field because it can be a thankless task.¶ "If you really look at security, it's like trying to prove a negative. If you do security well, nobody comes and says 'good job.' You only get called when things go wrong."¶ The warnings come at a time when the security industry is under fire for failing to detect increasingly sophisticated pieces of malicious [software](http://www.reuters.com/sectors/industries/overview?industryCode=174&lc=int_mb_1001) designed for financial fraud and espionage and failing to prevent the theft of valuable data.¶ Moss, who goes by the hacker name "Dark Tangent," said that he sees no end to the labor shortage.¶ "None of the projections look positive," said Moss, who serves as chief security officer for ICANN, a group that helps run some of the Internet's infrastructure. "The numbers I've seen look like shortages in the 20,000s to 40,000s for years to come."¶ Reuters last month reported that the National Security Agency was setting up a new cyber-ops program at select universities to expand U.S. cyber expertise needed for secret intelligence operations against computer networks of adversaries. The cyber-ops curriculum is geared to providing the basic education for jobs in intelligence, military and law enforcement.¶ The comments echo those of other technology industry executives who complain U.S. universities do not produce enough math and science graduates.

#### Solves US-India relations --- builds trade relationships

LA Times 12, 11/9/2012 (Other countries eagerly await U.S. immigration reform, p. http://latimesblogs.latimes.com/world\_now/2012/11/us-immigration-reform-eagerly-awaited-by-source-countries.html)

"Comprehensive immigration reform will see expansion of skilled labor visas," predicted B. Lindsay Lowell, director of policy studies for the Institute for the Study of International Migration at Georgetown University. A former research chief for the congressionally appointed Commission on Immigration Reform, Lowell said he expects to see at least a fivefold increase in the number of highly skilled labor visas that would provide "a significant shot in the arm for India and China."¶ There is widespread consensus among economists and academics that skilled migration fosters new trade and business relationships between countries and enhances links to the global economy, Lowell said.¶ "Countries like India and China weigh the opportunities of business abroad from their expats with the possibility of brain drain, and I think they still see the immigration opportunity as a bigger plus than not," he said.

#### **Relations are k2 solve every major impact, including US primacy in Asia, China rise, and Asian instability**

Armitage et al 10 Richard is the President of Armitage International and former Deputy Secretary of State. R. Nicholas Burns is a Professor in the Practice of Diplomacy and International Politics, Kennedy School of Government, Harvard University. Richard Fontaine is the President of the Center for New American Security. “Natural Allies: A Blueprint for the Future of U.S.-India Relations,” October, Center for New American Security, http://belfercenter.ksg.harvard.edu/files/Burns%20-%20Natural%20Allies.pdf

A strengthened U.S.-India strategic partnership is thus imperative in this new era. The transformation of U.S. ties with New Delhi over the past 10 years, led by Presidents Clinton and Bush, stands as one of the most significant triumphs of recent American foreign policy. It has also been a bipartisan success. In the last several years alone, the United States and India have completed a landmark civil nuclear cooperation agreement, enhanced military ties, expanded defense trade, increased bilateral trade and investment and deepened their global political cooperation.¶ Many prominent Indians and Americans, however, now fear this rapid expansion of ties has stalled. Past projects remain incomplete, few new ideas have been embraced by both sides, and the forward momentum that characterized recent cooperation has subsided. The Obama administration has taken significant steps to break through this inertia, including with its Strategic Dialogue this spring and President Obama’s planned state visit to India in November 2010. Yet there remains a sense among observers in both countries that this critical relationship is falling short of its promise.¶ We believe it is critical to rejuvenate the U.S.- India partnership and put U.S. relations with India on a more solid foundation. The relationship requires a bold leap forward. The United States should establish a vision for what it seeks in the relationship and give concrete meaning to the phrase “strategic partnership.” A nonpartisan working group of experts met at the Center for a New American Security (CNAS) over the past eight months to review the main pillars of the U.S.-India relationship and we articulate here a specific agenda of action.¶ In order to chart a more ambitious U.S.-India strategic partnership, we believe that the United States should commit, publicly and explicitly, to work with India in support of its permanent membership in an enlarged U.N. Security Council; seek a broad expansion of bilateral trade and investment, beginning with a Bilateral Investment Treaty; greatly expand the security relationship and boost defense trade; support Indian membership in key export control organizations, a step toward integrating India into global nonproliferation efforts; and liberalize U.S. export controls, including the removal of Indian Space Research Organization (ISRO) subsidiaries from the U.S. Entity List.¶ These and the other actions outlined in this report will require India to make a number of commitments and policy changes, including taking rapid action to fully implement the Civil Nuclear Agreement; raising its caps on foreign investment; reducing barriers to defense and other forms of trade; enhancing its rules for protecting patents and other intellectual property; further harmonizing its export control lists with multilateral regimes; and seeking closer cooperation with the United States and like-minded partners in international organizations, including the United Nations. ¶ The U.S. relationship with India should be rooted in shared interests and values and should not be simply transactional or limited to occasional collaboration. India’s rise to global power is, we believe, in America’s strategic interest. As a result, the United States should not only seek a closer relationship with India, but actively assist its further emergence as a great power.¶ U.S. interests in a closer relationship with India include:¶ • Ensuring a stable Asian and global balance of power.¶ • Strengthening an open global trad[e]ing system.¶ • Protecting and preserving access to the global commons (air, sea, space, and cyber realms).¶ • Countering terrorism and violent extremism.¶ • Ensuring access to secure global energy resources.¶ • Bolstering the international nonproliferation regime.¶ • Promoting democracy and human rights.¶ • Fostering greater stability, security and economic prosperity in South Asia, including in Pakistan, Afghanistan, Nepal, Bangladesh and Sri Lanka.¶ A strong U.S.-India strategic partnership will prove indispensable to the region’s continued peace and prosperity. Both India and the United States have a vital interest in maintaining a stable balance of power in Asia. Neither seeks containment of China, but the likelihood of a peaceful Chinese rise increases if it ascends in a region where the great democratic powers are also strong. Growing U.S.-India strategic ties will ensure that Asia will not have a vacuum of power and will make it easier for both Washington and New Delhi to have productive relations with Beijing. In addition, a strengthened relationship with India, a natural democratic partner, will signal that the United States remains committed to a strong and enduring presence in Asia.¶ The need for closer U.S.-India cooperation goes well beyond regional concerns. In light of its rise, India will play an increasingly vital role in addressing virtually all major global challenges. Now is the time to transform a series of bilateral achievements into a lasting regional and global partnership.

### Uq

#### There’s a crucial framing argument for uniqueness – only moderate GOP members matter. Conservatives won’t vote for immigration no matter what and affirmative evidence quoting them is irrelevant. The only evidence that matters is how moderates react – and Obama can work with them now, and capital is key

**Balz, 10/17/13** (Dan, Washington Post, “Can Obama seize the moment and make Washington work?” <http://www.washingtonpost.com/politics/can-obama-seize-the-moment-to-make-washington-work/2013/10/17/d84c1934-3753-11e3-80c6-7e6dd8d22d8f_story_1.html>)

Obama will continue to face unyielding opposition from the tea party Republicans in the House and the Senate. Sen. Ted Cruz (R-Tex.) made that clear Wednesday when he denounced the Senate compromise and praised those in the House whose opposition to the health-care law triggered the crisis.

The key now is whether the president has a strategy to govern around them by winning support from what he called the responsible Republicans.

Obama’s agenda

On Thursday, Obama called on Congress to focus on three priorities. But he offered few specifics about what he will ask and what he will give. Nor is it clear whether he has a strategy to win the support of some Republicans.

The first priority he talked about was the economy and the budget. Budget negotiations will resume with the goal of reaching an agreement by mid-December, lest the country face a repeat of what just happened.

Obama wants to replace the across-the-board spending reductions that have cut indiscriminately with more sensible spending priorities. He also says he is willing to negotiate over entitlements programs. He wants any agreement to include more revenue, although Republicans say he got his revenue package at the end of 2012. Republicans who opposed the shutdown (but quietly went along with it) are skeptical that Obama is truly willing to make concessions to get a satisfactory deal.

The two other legislative priorities the president cited were immigration reform and passage of the farm bill. No one can say what the prospects are for passage of an immigration bill. Much of that still depends on how House GOP leaders decide whether it is in the party’s long-term interest to pass it. Obama did not mention what should be his other major priority, the health-care law, whose implementation has gotten off to a stumbling start, to put it mildly.

All of that is on the table. Meanwhile, there is a question of how engaged Obama will be in the grinding work of trying to produce compromise with potentially willing Republicans.

#### Vote is coming soon – Boehner is caving

Becker 10/24/13 (Sean, PolicyMic, "Immigration Reform 2013: John Boehner is Closing in, But Don't Expect Much")

House Republicans have settled on a strategy to repair their shoddy image after the government shutdown. At a news conference on Capitol Hill Wednesday, House Speaker John Boehner (R-Ohio) expressed confidence that an overhaul of the nation’s immigration system could be achieved in the five short weeks during this legislative session, [stating](http://www.reuters.com/article/2013/10/23/usa-immigration-boehner-idUSL1N0ID0XT20131023) “I still think immigration reform is an important subject that needs to be addressed. And I’m hopeful.” The Speaker’s comments came after a closed-door meeting among Republicans to discuss legislative items under consideration for the next few months. Additionally, Rep. David Valadao (R-Calif.) [mentioned at a separate news conference](http://www.huffingtonpost.com/2013/10/23/john-boehner-immigration_n_4150613.html?utm_hp_ref=politics) that Boehner had indicated to him that a vote on immigration reform is possible before the end of the year.

#### **Will pass- donors and PC**

Fox News October 28, 2013
<http://www.foxnews.com/politics/2013/10/28/republican-lobbying-groups-step-up-push-on-house-to-pass-immigration-reform/>

Republicans who back immigration reform are ramping up their push to get the House to bring legislation to the floor, as the issue threatens to potentially create a public divide within the GOP. The Wall Street Journal reports the group Republicans for Immigration Reform is building up its lobbying efforts in Washington, releasing a web ad last week urging the House to act that has been viewed over 600,000 times, according to the group. This week, the New York Times reports a coalition of about 600 mostly Republican leaders in business and agriculture will begin an effort to lobby 80 GOP representatives on the issue. Some GOP donors are also reportedly privately withholding their contributions from members of Congress who oppose action of immigration reform. The issue has the potential to divide GOP lawmakers again after public in-party fighting over the recent budget negotiations. The New York Times reports that while some House members and House Speaker John Boehner are pushing for the lower chamber of Congress to pass its own immigration legislation before the end of the year; some conservative lawmakers have said they will not act on the issue regardless of pressure. “I care about the sovereignty of the United States of America and what it stands for, and not an open-door policy,” Rep. Ted Yoho, R-Fla., who is opposing all of the bills the House is currently considering, told the New York Times. However, both President Obama and Boehner expressed optimism last week that the House could pass immigration legislation. Obama on Thursday told an audience of business, community and labor leaders that the time to pass the Senate-passed reform bill is now, and urged the House to do so soon. “Everybody knows our current immigration system is broken; across the political spectrum people understand that,” he said. “We’ve known that for years it’s not smart to invite some of the brightest minds in the world to study here and not start businesses here and we send them back to their home countries to create jobs, invent new products someplace else.” However, almost immediately following the president’s speech, Boehner’s press spokesman released a statement saying the speaker was opposed to the Senate immigration package.

### Link

Obama in new push for immigration reform

Fox News Latino, 10-25 Read more: http://www.latina.com/lifestyle/news/obama-immigration-reform-bill#ixzz2ikdwW3YD

With few legislative days remaining this year, President **Barack Obama called on Congress on Thursday to pass a comprehensive immigration reform bill by December.** Obama said the partial government shutdown, which was commanding Congress’ attention, was over, and that there was no excuse for delaying action on an issue which has been debated for years. “This is not just an idea whose time has come; this is an idea whose time has been around for years now,” Obama said at a press conference in the White House East Room. “Leaders like all of you have worked together with Republicans and Democrats in this town in good faith for years to try to get this done, and this is the moment when we should be able to finally get the job done.”

#### Yes PC – despite issues

[Mike Littwin, 10-11-13 http://www.coloradoindependent.com/144401/shutdown-strategy-report-obamacare-popularity-boosted-house-gop-popularity-tanked](file:///C%3A%5CUsers%5CHeather%5CDropbox%5CMy%20War%20Powers%20files%5CMike%20Littwin%2C%2010-11-13%20http%3A%5Cwww.coloradoindependent.com%5C144401%5Cshutdown-strategy-report-obamacare-popularity-boosted-house-gop-popularity-tanked)

I’ll give you just a few of the headline NBC/WSJ poll numbers. We’ll start with this: Obamacare is now more popular than when the shutdown began. Yes, more popular. Obama’s approval ratings are also edging . . . up. Yes, up.

Meanwhile, Republican congressional approval ratings are at 24 percent, the lowest in the poll’s history. And even more damaging: 70 percent think Republicans are in the battle only to further their own agenda. That’s not a bad number. That’s a catastrophic number. House Republicans are not only risking the full faith and credit of the country. They’re also risking the full faith and credit of their party. (And, for the record, the respected NBC/WSJ poll is conducted jointly by Democratic and Republican pollsters. Just sayin’.)

#### GOP missteps have given Obama the advantage but it can be disrupted

Pace 10-14

Julie Pace, 10/14/2013 (staff writer, “Budget fight is high stakes for Obama agenda,”

<http://www.azcentral.com/news/politics/free/20131014government-shutdown-obama-agenda.html>, Accessed 10/17/2013, rwg)

Questions about Obama’s political clout also deepened last month, when congressional lawmakers, including many Democrats, appeared on the brink of rejecting his request for approving military action against Syria. A last-minute diplomatic overture from Russia prevented Obama from having to hold a vote, saving him from what would have almost certainly been an embarrassing defeat.¶ But missteps by Republicans during the current budget fight have helped Obama regain his footing. Recent polls show GOP lawmakers bearing the brunt of the public’s blame for the shutdown, including a new Washington Post-ABC News survey out Monday that showed 74 percent of Americans disapprove of the way Republicans in Congress have handled the issue, compared to 53 percent who disapprove of Obama’s handling of it.¶ The tilting of responsibility toward Republicans has hardened the White House’s resolve to make no concessions in exchange for Congress lifting the debt ceiling or reopening the government. After years of trying to compromise with the House GOP leadership, many Democrats see the current debate as an opportunity to finally weaken the chamber’s far-right wing, perhaps clearing the way for progress on issues like immigration that have the support of many Republican moderates.

#### OCO legislation is unpopular in Congress—triggers fights against Obama—crowds out CIR-takes forever-committee delays-Congress defers to the president on security questions

Brecher 12 – J.D. candidate @ University of Michigan

(Aaron, "NOTE: Cyberattacks and the Covert Action Statute: Toward a Domestic Legal Framework for Offensive Cyberoperations" 111 Mich. L. Rev. 423)

\*451]  Finally, while urging Congress to clarify the law governing cyberattacks may be advisable, one should consider the reality that such legislation is very difficult to pass. Congress is notoriously slow to act and legislation is difficult to push through the arduous process to enactment. There are numerous stages in the process at which a bill, even on an issue of significant importance, can be stalled or killed. [n170](http://www.lexisnexis.com.proxy.missouristate.edu/lnacui2api/frame.do?tokenKey=rsh-20.630284.6679813717&target=results_DocumentContent&returnToKey=20_T18150936285&parent=docview&rand=1379210258166&reloadEntirePage=true" \l "n170) For example, a bill may not be considered by its corresponding committee in either House, may be bogged down with amendments that cause it to lose support, or be subject to the Senate filibuster, among other "vetogates." [n171](http://www.lexisnexis.com.proxy.missouristate.edu/lnacui2api/frame.do?tokenKey=rsh-20.630284.6679813717&target=results_DocumentContent&returnToKey=20_T18150936285&parent=docview&rand=1379210258166&reloadEntirePage=true" \l "n171) In the case of clarifying the appropriate procedures for conducting a cyberattack, there may be concern that such legislation, either by imposing substantive constraints or reporting requirements, will improperly burden the president on a national security issue of increasing importance. Congress as an institution tends to acquiesce to presidential prerogative in national security matters. [n172](http://www.lexisnexis.com.proxy.missouristate.edu/lnacui2api/frame.do?tokenKey=rsh-20.630284.6679813717&target=results_DocumentContent&returnToKey=20_T18150936285&parent=docview&rand=1379210258166&reloadEntirePage=true" \l "n172) Further, given that Congress has recently addressed cyberattacks in legislation, albeit in an unhelpfully vague provision, [n173](http://www.lexisnexis.com.proxy.missouristate.edu/lnacui2api/frame.do?tokenKey=rsh-20.630284.6679813717&target=results_DocumentContent&returnToKey=20_T18150936285&parent=docview&rand=1379210258166&reloadEntirePage=true" \l "n173) the possibility of expansive legislative clarification in the near future seems even more remote.

#### Inter-branch fight undermines the agenda even if political capital theory is wrong—out link synthesizes the debate

Aziz Huq, Assistant Professor of Law, University of Chicago Law School, 2012, Binding the Executive (by Law or by Politics), https://lawreview.uchicago.edu/sites/lawreview.uchicago.edu/files/uploads/79\_2/06%20Huq%20BKR.pdf

Consider first a simple measure of Presidents’ ability to obtain policy change: Do they obtain the policy changes they desire? Every President enters office with an agenda they wish to accomplish.53 President Obama came into office, for example, promising health care reform, a cap-and-trade solution to climate change, and major immigration reform.54 President George W. Bush came to the White House committed to educational reform, social security reform, and a new approach to energy issues.55 One way of assessing presidential influence is by examining how such presidential agendas fare, and asking whether congressional obstruction or legal impediments— which could take the form of existing laws that preclude an executive policy change or an absence of statutory authority for desired executive action—is correlated with presidential failure. Such a correlation would be prima facie evidence that institutions and laws play some meaningful role in the production of constraints on executive discretion. Both recent experience and long-term historical data suggest presidential agenda items are rarely achieved, and that legal or institutional impediments to White House aspirations are part of the reason. In both the last two presidencies, the White House obtained at least one item on its agenda—education for Bush and health care for Obama—but failed to secure others in Congress. Such limited success is not new. His famous first hundred days notwithstanding, Franklin Delano Roosevelt saw many of his “proposals for reconstruction [of government] . . . rejected outright.”56 Even in the midst of economic crisis, Congress successfully resisted New Deal initiatives from the White House. This historical evidence suggests that the diminished success of presidential agendas cannot be ascribed solely to the narrowing scope of congressional attention in recent decades; it is an older phenomenon. Nevertheless, in more recent periods, presidential agendas have shrunk even more. President George W. Bush’s legislative agenda was “half as large as Richard Nixon’s first-term agenda in 1969–72, a third smaller than Ronald Reagan’s first-term agenda in 1981–84, and a quarter smaller than his father’s first-term agenda in 1989–92.”57 The White House not only cannot always get what it wants from Congress but has substantially downsized its policy ambitions. Supplementing this evidence of presidential weakness are studies of the determinants of White House success on Capitol Hill. These find that “presidency-centered explanations” do little work.58 Presidents’ legislative agendas succeed not because of the intrinsic institutional characteristics of the executive branch, but rather as a consequence of favorable political conditions within the momentarily dominant legislative coalition.59 Again, correlational evidence suggests that institutions and the legal frameworks making up the statutory status quo ante play a role in delimiting executive discretion.

#### Plan kills Obama’s agenda

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

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

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