# 1NC

### 1

#### Interp – “and/or” means 3 options

Jeongbin Ok, Safety material and system¶ EP 2619826 A2 (text from WO2012039632A2), Publication date Jul 31, 2013¶ http://www.google.com/patents/EP2619826A2?cl=en

As used herein "(s)" following a noun means the plural and/or singular forms of the noun. As used herein the term "and/or" means "and" or "or" or both.

#### Resolutional use implies a choice of restrictions

Tennessee Department of Education, Programs of Study¶ 2013-2014 Academic Year¶ http://www.scsk12.org/uf/ctae/documents/ProgramsofStudy/TradeIndustrial\_ProgramArea.pdf

The word "or" signifies that credit can be earned toward the fulfillment of the Program of Study ¶ in either course, but not both. The term “and/or” means a student may choose either course or both courses for credit toward the POS.

#### Vio – the plan does not choose judicial or statutory restrictions

#### Vote negative – plan is legally void, impossible agreement – zero solvency, roll-back, jurisdiction

CONTRACT CHAPTER 149 OF THE LAWS¶ 1959 EDITION¶ PRINTED BY¶ C. F. ROWORTH LIMITED, 54, GRAFTON WAY, LONDON, W.1.¶ [Appointed by the Government of Cyprus the Government Printers of this Edition of Laws within, the meaning of the Evidence (Colonial Statutes)Act, 1907.] 1959¶ [1st January, 1931.]¶ 1949 Cap. 192. 25 of 53. 7 of 56

32. Contingent contracts to do or not to do anything if an uncertain future event happens cannot be enforced by law unless and until that event has happened.¶ If the event becomes impossible, such contracts become void.

### 2

#### Interpretation and violation

#### Restrictions are prohibitions --- the aff is distinct

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Restrictions on authority are distinct from conditions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### Authority is power delegated to an agent by a principle

Kelly 3 Judge for the State of Michigan, JOSEPH ELEZOVIC, Plaintiff, and LULA ELEZOVIC, Plaintiff-Appellant/Cross-Appellee, v. FORD MOTOR COMPANY and DANIEL P. BENNETT, Defendants-Appellees/Cross-Appellants., No. 236749, COURT OF APPEALS OF MICHIGAN, 259 Mich. App. 187; 673 N.W.2d 776; 2003 Mich. App. LEXIS 2649; 93 Fair Empl. Prac. Cas. (BNA) 244; 92 Fair Empl. Prac. Cas. (BNA) 1557, lexis

Applying agency principles, a principal is responsible for the acts of its agents done within the scope of the agent's authority, "even though acting contrary to instructions." [Dick Loehr's, Inc v Secretary of State, 180 Mich. App. 165, 168; 446 N.W.2d 624 (1989)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=115&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b180%20Mich.%20App.%20165%2cat%20168%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=708331d40466e4347936b73e103c82fb). This is because, in part, an agency relationship arises where the principal [\*\*\*36]  has the right to control the conduct of the agent. [St Clair Intermediate School Dist v Intermediate Ed Ass'n/Michigan Ed Ass'n, 458 Mich. 540, 558 n 18; 581 N.W.2d 707 (1998)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=116&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b458%20Mich.%20540%2cat%20558%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=c0a63a81a484a6ce53be229bc2290a07) (citations omitted). The employer is also liable for the torts of his employee if "'the servant purported to act or to speak on behalf of the principal and there was reliance upon apparent authority, or he was aided in accomplishing the tort by the existence of the agency relation,'" [McCann v Michigan, 398 Mich. 65, 71; 247 N.W.2d 521 (1976)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=117&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b398%20Mich.%2065%2cat%2071%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=5219d53b6a7119254f8041c911d87fd2), quoting [Restatement of Agency, 2d § 219(2)(d)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_origin=TOASHLX&_butNum=118&_butInline=1&_butinfo=AGENCY%20SECOND%20219&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=71c1bf8c001fe5ae1153be4268b8e9e9), p 481; see also [Champion v Nation Wide Security, Inc, 450 Mich. 702, 704, 712; 545 N.W.2d 596 (1996)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=119&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b450%20Mich.%20702%2cat%20704%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=3d1841dc7f4fb90804d8adb6349a6fae), citing [Restatement of Agency, 2d § 219(2)(d)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_origin=TOASHLX&_butNum=120&_butInline=1&_butinfo=AGENCY%20SECOND%20219&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=c1927abf5bf3954a85d211c044ada141), p 481 ("the master is liable for the tort of his servant if the servant 'was aided in accomplishing the tort by the existence of the agency relation'"). In [Backus v  [\*213]  Kauffman (On Rehearing), 238 Mich. App. 402, 409; 605 N.W.2d 690 (1999)](https://www.lexis.com/research/buttonTFLink?_m=6cbcd97524abff5644c0987b135f7517&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b259%20Mich.%20App.%20187%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_origin=TOASHLX&_butNum=121&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b238%20Mich.%20App.%20402%2cat%20409%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=136&_startdoc=101&wchp=dGLbVtb-zSkAk&_md5=d9947545fee151274d489cbc14123160), this Court stated: The term "authority" is defined by Black's Law Dictionary to include "the power delegated by a principal to an agent." Black's Law Dictionary (7th ed), p [\*\*\*37]  127. "Scope of authority" is defined in the following manner: "The reasonable power that an agent has been delegated or might foreseeably be delegated in carrying out the principal's business." Id. at 1348.

#### Vote neg---

#### Neg ground---only prohibitions on particular authorities guarantee links to every core argument like flexibility and deference

#### Precision---only our interpretation defines “restrictions on authority”---that’s key to adequate preparation and policy analysis

#### Limits---there are an infinite number of small hoops they could require the president to jump through---overstretches our research burden

### 3

#### The CP is competitive and solves the case—OLC rulings do not actually remove authority but nevertheless hold binding precedential value on the executive.

Trevor W. Morrison (Professor of Law, Columbia Law School) October 2010. “STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448, Lexis.

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.

#### Mandatory publishing requirements prevent OLC deferral to presidential pressure—can be self-imposed—avoids SOP concerns with congressional interference.

Ross L. Weiner, February 2009. JD May 2009 @ George Washington University Law School. “THE OFFICE OF LEGAL COUNSEL AND TORTURE: THE LAW AS BOTH A SWORD AND SHIELD,” THE GEORGE WASHINGTON LAW REVIEW, 77 Geo. Wash. L. Rev. 524, Lexis.

The Torture Memo exposed serious deficiencies in how the OLC operates. For two years, interrogators were given erroneous legal advice regarding torture, with two adverse results. First, American interrogators behaved in ways contrary to traditional American values, possibly leading in part to the Abu Ghraib scandal n147 and to a decline in American reputation around the globe. n148 Second, agents on the [\*549] frontlines were given advice that, if followed, might be the basis for prosecution one day. n149 More importantly, when the Torture Memo was leaked to the public, it exposed the OLC to charges of acting as an enabler to the executive branch. John Yoo, the author of the Torture Memo, was known as "Dr. Yes" for his ability to author memos asserting exactly what the Bush Administration wanted to hear. n150 To ensure that this situation does not repeat itself in the future, it is critical for changes to be implemented at the OLC by mandating publication and increasing oversight.¶ A. Mandated Publishing One explanation for the Torture Memo and its erroneous legal arguments was the OLC authors' belief that the Memo would remain secret forever. When he worked in the OLC, Harold Koh was often told that we should act as if every opinion might be [sic] some day be on the front page of the New York Times. Almost as soon as the [Torture Memo] made it to the front page of the New York Times, the Administration repudiated it, demonstrating how obviously wrong the opinion was. n151 Furthermore, James B. Comey, a Deputy Attorney General in the OLC, told colleagues upon his departure from the OLC that they would all be "ashamed" when the world eventually found out about other opinions that are still classified today on enhanced interrogation techniques. n152 This suggests that OLC lawyers, operating in relative obscurity, felt somewhat protected by the general veil of secrecy surrounding their opinions.¶ [\*550] For many opinions, some of which are already published on the OLC's Web site, n153 this will not be a controversial proposition. Publication has three advantages: (1) accessibility; (2) letting people see the factual predicate on which an opinion is based; and (3) eliminating people's ability to strip an OLC opinion of nuance in favor of saying "OLC says we can do it." n154 Koh provides a telling illustration of the problems associated with the absence of mandated publishing as he found an OLC opinion placed in the Territorial Sea Journal that was critical to a case he was trying on behalf of a group of Haitians seeking to enter the United States. n155 He was incredulous that on a matter "of such consequence," n156 he literally had to be lucky to find the opinion. n157¶ Secrecy in government facilitates abuse, and nowhere is the need for transparency more important than the OLC, whose opinions are binding on the entire executive branch. In a telling example, on April 2, 2008, the Bush Administration declassified a second Torture Memo. n158 In eighty-one pages, John Yoo presented legal arguments that effectively allowed military interrogators carte blanche to abuse prisoners without any fear of prosecution. n159 While the Memo was classified at the "secret" level, it is clear that there was no strategic rationale for classifying it beyond avoiding public scrutiny. n160 According [\*551] to J. William Leonard, the nation's top classification oversight official from 2002-2007, "There is no information contained in this document which gives an advantage to the enemy. The only possible rationale for making it secret was to keep it from the American people." n161¶ To address this problem, the OLC should be required to publish all of its opinions, with a few limited exceptions. John F. Kennedy once said, "The very word 'secrecy' is repugnant in a free and open society." n162 Justice Potter Stewart, in New York Times Co. v. United States, n163 laid out the inherent dangers of secrecy in the realm of foreign affairs: I should suppose that moral, political, and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained. n164¶ The proposal to require the OLC to publish its opinions has been advocated by many, including former heads of the OLC. n165 [\*552] ¶ 1. Process for Classification In certain situations, an opinion may have to remain confidential for national security purposes, but mechanisms can be designed to deal with this scenario. First, in order to deem a memorandum classified as a matter of national security, another agency in the executive branch with expertise on the subject should be required to sign off on such a classification. The Torture Memo exposed an instance of the OLC acting secretively not only for national security purposes, but also because it knew the Torture Memo could not withstand scrutiny. n166 Thus, only opinions dealing with operational matters that give aide to the enemy should be classified. Opinions that consist solely of legal reasoning on questions of law clearly would not pass that test.¶ If there is a disagreement between those in the OLC who choose to classify something and those in the other executive agency who believe it should be published, then the decision should be sent back to the OLC to review the potential for publishing a redacted version of the opinion. For example, consider a memo from the OLC on the different interrogation techniques allowable under the law. While it would be harmful for the OLC to publish specific activities, and thus alert the country's enemies as to interrogation tactics, publishing the legal analysis that gives the President this authority would not be harmful. Publishing would restore legitimacy to the work the OLC is doing and help remove the taint the Torture Memo has left on the office.¶ 2. Exceptions There are a few necessary exceptions to a rule requiring publication, and the former OLC attorneys who wrote a series of guidelines for the OLC are clear on them: Ordinarily, OLC should honor a requestor's desire to keep confidential any OLC advice that the proposed executive action would be unlawful, where the requestor then does not take the action. For OLC routinely to release the details of all contemplated action of dubious legality might deter executive branch actors from seeking OLC advice at sufficiently early stages in policy formation. n167 [\*553] This reasoning stems directly from the attorney-client privilege and the need for candor in government. It is imperative that the executive branch seek information on potential action that may or may not be legal (or constitutional), and this type of inquiry should not be discouraged. This exception is only to be applied when the President does not go ahead with the policy in question. If the OLC were to opine that something is illegal or unconstitutional, and the President were to disregard that advice and proceed with the action anyway, this type of opinion should be made public. n168¶ If the OLC tells a President he can ignore a statute, and the President follows that advice, that opinion should be available to the public. One of the foundations of American governance is that nobody is above the law; advice that a statute should not be enforced contradicts this maxim. The Torture Memo asserted that violations of U.S. law would probably be excused by certain defenses, including necessity and self-defense. n169 Additionally, the Torture Memo argued that "Congress can no more interfere with the President's conduct of the interrogation of enemy combatants than it can dictate strategic or tactical decisions on the battlefield." n170 The OLC thus told the President that he does not have to enforce any congressional statutes that infringe on his Commander in Chief power. For both the purposes of good government and accountability, this type of claim should be made in public, rather than in secret, so Americans know how the President is interpreting the laws.¶ 3. Oversight of Secret Opinions Increased oversight at the OLC is most important for opinions that are classified as secret pursuant to the above procedures, and are unlikely to ever be heard in a court of law. According to former OLC attorneys: The absence of a litigation threat signals special need for vigilance: In circumstances in which judicial oversight of executive branch action is unlikely, the President - and by extension [\*554] OLC - has a special obligation to ensure compliance with the law, including respect for the rights of affected individuals and the constitutional allocation of powers. n171 How can oversight be ensured?¶ First, memos that are both secret and unlikely to be heard in court must be reviewed by others with an expertise in the field. In 2002, there were two major issues with the OLC: first, almost nobody outside a group of five attorneys was allowed to read the secret opinions, n172 and second, there was a lack of expertise in the office on matters of national security. n173 As Goldsmith later confessed, "I eventually came to believe that [the immense secrecy surrounding these memoranda] was done [not for confidentiality, but] to control outcomes in the opinions and minimize resistance to them."n174¶ For opinions that are classified as secret, at least one other legal department in the federal government, with a similar level of expertise, should be asked to review a secret opinion in order to take a [\*555] substantive look at the legal work in question. According to Jack Goldsmith, this process was traditionally how things worked; n175 when the Bush Administration started "pushing the envelope," n176 however, nearly all outside opinion was shut out under the guise of preventing leaks. n177 It is now apparent that the concern stemmed more from a fear of objections than from the national security concern of a leak. n178 Based on the declassification of the Torture Memo, along with the subsequent declassification of another memo on torture, n179 there was no national security purpose for keeping the memos secret.¶ The reason an outside review of memos labeled as classified is important is that in times of crisis, proper oversight mechanisms need to be in place. It is in times of emergency when the country is most vulnerable to decisions that it might later regret. n180 Based on the legal reasoning exposed in both the Torture Memo and the released Yoo opinion from March 2003, it is reasonable to surmise that other opinions written in the aftermath of September 11 are similarly flawed. n181 Currently, there are a number of classified memoranda that have been referenced in declassified OLC opinions, but have never been declassified themselves. n182 What these memoranda assert, and whether President Bush decided to follow them, are currently unknown. In a recently declassified opinion, however, there is a footnote indicating that the Fourth Amendment's protection against unreasonable searches and seizures is not applicable to domestic military operations related to the war on terror.n183 Because this would be a novel assertion [\*556] of authority, the American public should be able to evaluate the merits of such a legal argument.¶ Different agencies of government have personnel with different expertise, so it will be incumbent upon those in the OLC to determine which department, and which individual in the department, has the required security clearance and knowledge to review an opinion. Thus, when an opinion has been deemed classified, before it can be forwarded outside of the OLC, it would have to go to another agency for approval.¶ The question that the reviewer should have to answer is whether the work he or she is analyzing is an "accurate and honest appraisal of applicable law." n184 If it is, then there is no problem with the opinion, and the second agency will sign off on it. If it is not, then the reviewer should prepare a minority report. What is most critical is that both the Attorney General and the President - who might not be an attorney - understand exactly what their lawyers are saying. For a controversial decision, it should not be sufficient for someone in the OLC like John Yoo to write an inaccurate legal memo that asserts one thing, while the law and precedent say another, with the eventual decisionmaker - the President - only viewing the flawed opinion. The minority report will serve two purposes: first, it will encourage lawyers to avoid dressing up a shoddy opinion in "legalese" to make it look legitimate when in reality it is not; and second, it will ensure that the opinion truly is a full and fair accounting of the law.¶ The most important by-product from mandated review of secret opinions will be that lawyers in the OLC will no longer be able to hide behind a wall of total confidentiality. n185 Rather than acting as if the OLC is above the law and answerable to no one, the knowledge that every classified opinion will be reviewed by someone with an expertise in the field should give pause to any OLC attorney who lacks independence and serves as a yes-man for the President.¶ [\*557] ¶ B. Mechanisms for Implementing Changes¶ 1. Self-Imposed by Executive The easiest way to implement such a change in OLC requirements would be for the President to impose them on the OLC. The OLC's authority stems from the Attorney General, who has delegated some of his power to the OLC. n186 The Attorney General is in the executive branch, which means that the President has the authority to order these changes.¶ It is unlikely that the executive branch would self-impose constraints on the OLC, because Executives from both parties have historically exhibited a strong desire to protect the levers of power. n187One of the reasons lawyers at the OLC were able to write documents like the Torture Memo without anyone objecting was because the results were in line with what the Bush Administration wanted to hear. n188 Thus, it was unlikely that the Bush Administration would make any changes during its final year in office, and as it turned out, the Bush Administration ended on January 20, 2009, without making any changes.¶ Nevertheless, in light of the OPR's publicly announced investigation of the OLC's conduct, n189 and the release of another John Yoo memorandum on torture, n190 the lack of oversight at the OLC could come to the forefront of the public's attention. n191 Thus, it is possible that through public pressure, President Bush could be persuaded to mandate these changes himself. n192¶ 2. Congressional Mandate Alternatively, Congress could step into the void and legislate. Any potential congressional interference, however, would be fraught with separation of powers concerns, which would have to be dealt with directly. First, the President is entitled to advice from his advisors. n193 Second, a great deal of deference is owed to the President when he is operating in the field of foreign affairs. n194 Any attempt by Congress to limit either of these two powers will most likely be met with resistance. n195

### 4

#### **Asking how the executive should be allowed to conduct war masks the fundamental question of whether war should be allowed at all – ensures a military mentality**

- Accepting that war is inevitable even without realizing it is problematic

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 22-23)

The widespread, unquestioning acceptance of warism and the corresponding reluctance to consider pacifism as a legitimate option make it difficult to propose a genuine consideration of pacifist alternatives. Warism may be held implicitly or explicitly. Held in its implicit form, it does not occur to the warist to challenge the view that war is morally justified; war is taken to be natural and normal. No other way of understanding large-scale human conflict even comes to mind. In this sense warism is like racism, sexism, and homophobia: a prejudicial bias built into conceptions and judgments without the awareness of those assuming it. In its explicit form, warism is openly accepted, articulated, and deliberately chosen as a value judgment on nations in conflict. War may be defended as essential for justice, needed for national security, as “the only thing the enemy understands,” and so on. In both forms warism misguides judgments and institutions by reinforcing the necessity and inevitability of war and precluding alternatives. Whether held implicitly or explicitly, warism obstructs questioning the conceptual framework of the culture. If we assume (without realizing it) that war itself is morally justifiable, our moral considerations of war will be focused on whether a particular war is justified or whether particular acts within a given war are morally acceptable. These are important concerns, but addressing them does not get at the fundamental issue raised by the pacifist: the morality of war as such. In Just and Unjust Wars Michael Walzer explains that “war is always judged twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt.”8 The pacifist suggestion is that there is a third judgment of war that must be made prior to the other two: might war, by its very nature, be morally wrong? This issue is considered by Walzer only as an afterthought in an appendix, where it is dismissed as naïve. Perhaps Walzer should not be faulted for this omission, since he defines his task as describing the conventional morality of war and, as has been argued above, conventional morality does take warism for granted. To this extent Walzer is correct. And this is just the point: our warist conceptual frameworks— our warist normative lenses— blind us to the root question. The concern of pacifists is to expose the hidden warist bias and not merely describe cultural values. Pacifists seek to examine cultural values and recommend what they ought to be. This is why the pacifist insists on judging war in itself, a judgment more fundamental than the more limited assessments of the morality of a given war or the morality of specific acts within a particular war.

#### This mindset is important – our consciousness of war guarantees endless violence that ensures planetary destruction and structural violence

* Another impact: freeing ourselves from war = more resources for peace

Lawrence 9 (Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27)

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that war can destroy everything of value." Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) As Americans we are raised on the utility of war to conquer every problem. We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against. In the [United States](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h), solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine and empire, it is important that the terms promoted support the conditioning of its citizens. We are conditioned to see war as the solution to major social ills and major political disagreements. That way when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites mind and body and creates a fear mentality that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. But is this war mentality working for us? In an age when nearly half of our tax money goes to support the war machine and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. Our society is dripping violence. The violence is fed by poverty, social injustice, the break down of family and community that also arises from economic injustice, and by the managed media. The cycle of violence that exists in our society exists because it is useful to those that control society. It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for nearly all of the life of the planet but it does work for the very few that are the master manipulators of our values and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. War is big business and it is supported by a war consciousness that allows it to prosper. That is why more war in Afghanistan, the war on Palestinians, and the other wars around the planet in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse. As mentioned previously, the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science and technological resources along with economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy could have been utilized for the good of humanity, ¶ instead of maintaining the power positions of the very few super wealthy. So the suffering that we give is ultimately the suffering we get. Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines what we experience and how we live. As long as we choose to live in "War" in our minds then we will continue to get "War" in our lives. When humanity chooses to wage peace on the world then there will be a flowering of life. But until then we will be forced to live the life our present war consciousness is creating.

#### The alternative must begin in our minds – we need to free ourselves of the presumption towards war and advocate for peace and social justice to stop the flow of militarism that threatens existence

* Democracy itself is the product of searching for peaceful solutions

Demenchonok 9 – Worked as a senior researcher at the Institute of Philosophy of the Russian Academy of Sciences, Moscow, and is currently a Professor of Foreign Languages and Philosophy at Fort Valley State University in Georgia, listed in 2000 Outstanding Scholars of the 21st Century and is a recipient of the Twenty-First Century Award for Achievement in Philosophy from the International Biographical Centre --Edward, Philosophy After Hiroshima: From Power Politics to the Ethics of Nonviolence and Co-Responsibility, February, American Journal of Economics and Sociology, Volume 68, Issue 1, Pages 9-49

Where, then, does the future lie? Unilateralism, hegemonic political anarchy, mass immiseration, ecocide, and global violence—a Hobbesian bellum omnium contra omnes? Or international cooperation, social justice, and genuine collective—political and human—security? Down which path lies cowering, fragile hope?¶ Humanistic thinkers approach these problems from the perspective of their concern about the situation of individuals and the long-range interests of humanity. They examine in depth the root causes of these problems, warning about the consequences of escalation and, at the same time, indicating the prospect of their possible solutions through nonviolent means and a growing global consciousness. Today's world is in desperate need of realistic alternatives to violent conflict. Nonviolent action—properly planned and executed—is a powerful and effective force for political and social change. The ideas of peace and nonviolence, as expressed by Immanuel Kant, Leo Tolstoy, Mahatma Gandhi, Martin Luther King, and many contemporary philosophers—supported by peace and civil rights movements—counter the paralyzing fear with hope and offer a realistic alternative: a rational approach to the solutions to the problems, encouraging people to be the masters of their own destiny.¶ Fortunately, the memory of the tragedies of war and the growing realization of this new existential situation of humanity has awakened the global conscience and generated protest movements demanding necessary changes. During the four decades of the Cold War, which polarized the world, power politics was challenged by the common perspective of humanity, of the supreme value of human life, and the ethics of peace. Thus, in Europe, which suffered from both world wars and totalitarianism, spiritual-intellectual efforts to find solutions to these problems generated ideas of "new thinking," aiming for peace, freedom, and democracy. Today, philosophers, intellectuals, progressive political leaders, and peace-movement activists continue to promote a peaceful alternative. In the asymmetry of power, despite being frustrated by war-prone politics, peaceful projects emerge each time, like a phoenix arising from the ashes, as the only viable alternative for the survival of humanity. The new thinking in philosophy affirms the supreme value of human and nonhuman life, freedom, justice, and the future of human civilization. It asserts that the transcendental task of the survival of humankind and the rest of the biotic community must have an unquestionable primacy in comparison to particular interests of nations, social classes, and so forth. In applying these principles to the nuclear age, it considers a just and lasting peace as a categorical imperative for the survival of humankind, and thus proposes a world free from nuclear weapons and from war and organized violence.44 In tune with the Charter of the United Nations, it calls for the democratization of international relations and for dialogue and cooperation in order to secure peace, human rights, and solutions to global problems. It further calls for the transition toward a cosmopolitan order.¶ The escalating global problems are symptoms of what might be termed a contemporary civilizational disease, developed over the course of centuries, in which techno-economic progress is achieved at the cost of depersonalization and dehumanization. Therefore, the possibility of an effective "treatment" today depends on whether or not humankind will be able to regain its humanity, thus establishing new relations of the individual with himself or herself, with others, and with nature. Hence the need for a new philosophy of humanity and an ethics of nonviolence and planetary co-responsibility to help us make sense not only of our past historical events, but also of the extent, quality, and urgency of our present choices.

### 5

#### Obama will secure short-term relief from new sanctions - this week is key – solves Iranian prolif

PTI 11-13-13 (“New sanctions risk war with Iran: US,” <http://www.indianexpress.com/news/new-sanctions-risk-war-with-iran-us/1194450/2>, CMR)

 The White House has warned lawmakers that tightening sanctions on Iran could push the US on a "march to war" and derail a diplomatic push to limit Tehran's nuclear programme. "The American people do not want a march to war," White House spokesman Jay Carney said on Tuesday. The US, Britain, China, France, Germany, Iran and Russia will send top nuclear negotiators to Geneva next week to see whether they can push for a transparent nuclear programme in Iran. "This is a decision to support diplomacy and a possible peaceful resolution to this issue," Carney said. Iran maintains that its uranium enrichment is for energy production and medical research, not for any covert military objective. But until the recent election of President Hassan Rouhani, it refused to compromise in talks with world powers. Carney said Americans "justifiably and understandably prefer a peaceful solution that prevents Iran from obtaining a nuclear weapon, and this agreement, if it's achieved, has the potential to do that". Responding to Rouhani's promise of flexibility, President Barack Obama is keen on securing a diplomatic agreement. His telephone chat with Rouhani in September was the first direct conversation between US and Iranian leaders in more than three decades. The unprecedented outreach has angered US allies like Israel. "The alternative is military action," Carney said. "It is important to understand that if pursuing a resolution diplomatically is disallowed or ruled out, what options then do we and our allies have to prevent Iran from acquiring a nuclear weapon?" Carney said. "The American people should not be forced to choose between military action and a bad deal that accepts a nuclear Iran," he said. US Secretary of State John Kerry will take the administration's position directly to the Senate Banking Committee, which is mulling a new sanctions package against Iran. "The secretary will be clear that putting new sanctions in place would be a mistake," State Department spokeswoman Jen Psaki said. "What we are asking for right now is a pause, a temporary pause in sanctions," she told reporters. "We are not rolling them back." A House committee, meanwhile, held a hearing to vent its frustration with Kerry and an Obama administration, who they believe should adopt a far tougher line with Tehran. The Republican-led House of Representatives has already passed a bill to harden up the sanctions, but the Senate agreed to delay further action to allow diplomacy a chance to succeed.

#### Plan is a massive political defeat for Obama – emboldens GOP opposition

Rubin 9/9 Jennifer, “Lose-lose for Democrats”, <http://www.washingtonpost.com/blogs/right-turn/wp/2013/09/09/lose-lose-for-democrats/>, CMR

**A presidential** loss **on** a resolution for the **use of force would be** extraordinary. The rebellion by Democrats that would result in **such a defeat would complete the humiliation for** President **Obama and** deprive him **of the ability to flail at Republican straw men**.

After a loss on the resolution, **Republicans and Democrats** alike **would** readily **conclude** that **they don’t have much reason to follow the president’s lead** for the remainder of his term. Like the foreign policy he has propounded, **Obama would be perceived as** weak**,** unimpressive **and** easily ignored. **If he can’t persuad**e the country and/or **Congress on matters of war** and peace, **how is he going to sway them on the budget or other domestic matters?** His lame-duck status would be a given.

#### PC is key

Leverett 11-7-13 (Flynt, senior fellow at the New America Foundation in Washington, D.C. and a professor at the Pennsylvania State University School of International Affairs, and Hillary Mann Leverett, EO of Strategic Energy and Global Analysis (STRATEGA), a political risk consultancy, “America’s moment of truth about Iran,” <http://www.presstv.ir/detail/2013/11/07/333513/americas-moment-of-truth-about-iran/>, CMR)

America can also fail Iran’s test if it is unable to provide comprehensive sanctions relief as part of a negotiated nuclear settlement. The Obama administration now acknowledges what we have noted for some time-that, beyond transitory executive branch initiatives, lifting or even substantially modifying U.S. sanctions to support diplomatic progress will take congressional action. During Obama’s presidency, many U.S. sanctions initially imposed by executive order have been written into law. These bills-signed, with little heed to their long-term consequences, by Obama himself-have also greatly expanded U.S. secondary sanctions, which threaten to punish third-country entities not for anything they’ve done in America, but for perfectly lawful business they conduct in or with Iran. The bills contain conditions for removing sanctions stipulating not just the dismantling of Iran’s nuclear infrastructure, but also termination of Tehran’s ties to movements like Hizballah that Washington (foolishly) designates as terrorists and the Islamic Republic’s effective transformation into a secular liberal republic. The **Obama** administration **may have** managed to delay passage **of** yet **another sanctions bill for a few weeks**-but Congressional Democrats no less than congressional Republicans have made publicly clear that they will not relax conditions for removing existing sanctions to help Obama conclude and implement a nuclear deal. If their obstinacy holds, why should others respect Washington’s high-handed demands for compliance with its extraterritorial (hence, illegal) sanctions against Iran? Going into the next round of nuclear talks in Geneva on Thursday, it is unambiguously plain that Obama will have to spend enormous political capital to realign relations with Iran. America’s future standing as a great power depends significantly on his readiness to do so.

#### Global nuclear war in a month if talks fail – US sanctions will wreck diplomacy

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

A global conflict between the US, Russia, and China is likely in the coming months should the world powers fail to reach a nuclear deal with Iran, an American analyst says.¶ “If the talks fail, if the agreements being pursued are not successfully carried forward and implemented, then there would be enormous international pressure to drive towards a conflict with Iran before [US President Barack] Obama leaves office and that’s a very great danger that no one can underestimate the importance of,” senior editor at the Executive Intelligence Review Jeff Steinberg told Press TV on Wednesday. ¶ “The United States could find itself on one side and Russia and China on the other and those are the kinds of conditions that can lead to miscalculation and general roar,” Steinberg said. ¶ “So the danger in this situation is that if these talks don’t go forward, we could be facing a global conflict in the coming months and years and that’s got to be avoided at all costs when you’ve got countries like the United States, Russia, and China with” their arsenals of “nuclear weapons,” he warned. ¶ The warning came one day after the White House told Congress not to impose new sanctions against Tehran because failure in talks with Iran could lead to war. ¶ White House press secretary Jay Carney called on Congress to allow more time for diplomacy as US lawmakers are considering tougher sanctions. ¶ "This is a decision to support diplomacy and a possible peaceful resolution to this issue," Carney said. "The American people do not want a march to war." ¶ Meanwhile, US Secretary of State John Kerry is set to meet with the Senate Banking Committee on Wednesday to hold off on more sanctions on the Iranian economy. ¶ State Department spokeswoman Jen Psaki said Kerry "will be clear that putting new sanctions in place would be a mistake." ¶ "While we are still determining if there is a diplomatic path forward, what we are asking for right now is a pause, a temporary pause in sanctions. We are not taking away sanctions. We are not rolling them back," Psaki added.

### Sharif

**Obama can circumvent – covert loopholes inevitable**

**Lohmann 13 (**Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>)

The U.S. military—in particular, the Special Operations Command (SOCOM), and its subsidiary entity, the Joint Special Operations Command (JSOC)—is responsible for carrying out military-led targeted killings.¶ Military-led targeted killings are subject to various legal restrictions, including a complex web of statutes and executive orders. For example, because the Covert Action Statute does not distinguish among institutions undertaking covert actions, targeted killings conducted by the military that fall within the definition of “covert action” set forth in 50 U.S.C. § 413(b) are subject to the same statutory constraints as are CIA covert actions. 50 U.S.C. § 413b(e). However, as Robert Chesney explains, many military-led targeted killings may fall into one of the CAS exceptions—for instance, that for traditional military activities—so that the statute’s requirements will not always apply to military-led targetings. Such activities are exempted from the CAS’s presidential finding and authorization requirements, as well as its congressional reporting rules.¶ Because such unacknowledged military operations are, in many respects, indistinguishable from traditional covert actions conducted by the CIA, **this** exception **may provide a “loophole” allowing the President to circumvent existing oversight mechanisms** without substantively changing his operational decisions. However, at least some military-led targetings do not fall within the CAS exceptions, and are thus subject to that statute’s oversight requirements. For instance, Chesney and Kenneth Anderson explain, some believe that the traditional military activities exception to the CAS only applies in the context of overt hostilities, yet it is not clear that the world’s tacit awareness that targeted killing operations are conducted (albeit not officially acknowledged) by the U.S. military, such as the drone program in Pakistan, makes those operations sufficiently overt to place them within the traditional military activities exception, and thus outside the constraints of the CAS.¶ Chesney asserts, however, that despite the gaps in the CAS’s applicability to military-led targeted killings, those targetings are nevertheless subject to a web of oversight created by executive orders that, taken together, largely mirrors the presidential authorization requirements of the CAS. But, this process is not enshrined in statute or **regulation** and arguably **could be changed or revoked by the President at any time**. Moreover, **this internal Executive Branch process does not involve Congress or the Judiciary** in either ex ante or ex post **oversight** of military-led targeted killings, and thus, Philip Alston asserts, **it may be insufficient to provide a meaningful check against** arbitrary and overzealous **Executive actions**.

#### Pakistani consent for strikes is secret but inevitable – dismiss government rhetoric

Mustafa 11-5-13 (Abid, political commentator who specialises in Muslim and global affairs, “Pakistani State is Complicit In US Drone Attacks,” <http://www.aljazeerah.info/Opinion%20Editorials/2013/November/5%20o/Pakistani%20State%20is%20Complicit%20In%20US%20Drone%20Attacks%20By%20Abid%20Mustafa.htm>, CMR)

The assassination of Hakimullah Mehsud and the publication of a Pakistani report claiming that only 3% of drone victims are civilians has brought into sharp focus the legitimacy of the drone attacks and the violation of Pakistan’s sovereignty. At the heart of the issue is Pakistan’s reluctance to take concrete steps to stop drone attacks. In this context Nawaz’s latest trip to Washington and his half-hearted protests against US drone attacks killing unarmed civilians smells of hypocrisy. Consider Pakistan's UN ambassador’s condemnation of US drone strikes, when he declared that it was a gross violation of Pakistan's sovereignty and international law. He said, "Killing unarmed, innocent civilians is a clear breach of international law. We call for the immediate cessation of drone attacks inside the territorial borders of Pakistan." Earlier, Pakistan Prime Minister, Nawaz Sharif pleaded at the White House with US President Barack Obama to end drone strikes. He told reporters at the end of his trip that he 'emphasised the need to end such strikes'. Since 2004, Pakistan's territory has been violated 365 times by American drones. These robotic fixed wing planes have indiscriminately killed thousands of innocent people. According to the Bureau of Investigative Journalism the number of people killed by American drones is estimated to be between 2525 and 3613, this is considerably higher than what has been admitted by the UN, American and Pakistani officials. Misreporting death figures is not the only item US and Pakistani officials have been accused of. Both inside Pakistan and abroad there is a deep belief that Pakistan's civil and military leadership is collaborating with America to conduct drone strikes. After all, robotic drones —irrespective of their technological sophistication— still require on the ground real-time intelligence to identify, track and confirm kills. This requires an extraordinary level of support and collaboration from the Pakistani state. In the absence of such collusion, American drones would be flying blind and firing way off the mark. A day after Sharif implored Obama to end drone strikes, The Washington Post published a damning report, revealing that the Pakistani government has for years secretly endorsed the drone strikes and routinely received classified briefings on strikes and casualty counts. The report is based on top-secret CIA documents and Pakistani diplomatic memos. In one quote the paper states: "The documents detailed at least 65 strikes in Pakistan and were described as 'talking point' for CIA briefings, which occurred with such regularity that they became a matter of diplomatic routine. The documents are marked 'top -secret' but cleared for release to Pakistan. Even present and former Pakistani officials have admitted that Pakistan and US are working in together to launch drone strikes inside Pakistan. In September 2013, Khurram Dastgir-Khan, a senior member of the current government, admitted to the National Assembly that "tacit support" for US drone strikes by organs of the Pakistan state might be continuing. During an interview in 2013, Pakistan's former President and Army Chief Pervez Musharraf acknowledged that he had given the USA qualified permission to undertake some US drone strikes in the Tribal Areas during his tenure, which ended in August 2008. Wikileaks also published details of Pakistani officials consenting to US drone attacks. In 2008, Pakistani Prime Minister Yousaf Raza Gillani personally consented to American drone strikes in Pakistan's tribal areas along the Afghan border to combat the Taliban. Whilst Nawaz Sharif still likes to deny his involvement in assisting America's drone programme, the joint statement issued after his visit to the Whitehouse only serves to underscore his culpability. The 2500 word statement makes no mention of halting drone attacks, and only makes a fleeting reference to the topic as to respect 'sovereignty and territorial integrity'. It is as if the whole visit was just intended to raise the issue and nothing more. So clearly then, Pakistan's civil and military leaders are mired in providing America unstinting support to carry out drone attacks and to assassinate Pakistani citizens. There is no remorse and no recompense for the innocent victims. There is only high treason and a deep sense of betrayal executed on such a grand scale by Pakistani leaders that it belittles any overtures made to Washington to stop the attacks.

#### No internal link to the economy – their evidence just says Shariff should work with India – no reason why his Political Capital is key – their Murkey ev just says Domestic backlash would occur – no spillover argument

#### Pakistan economy resilient

Desk 13 (Web Desk, The Express Tribune, “Economic stability of Pakistan an encouraging sign: Olson”, <http://tribune.com.pk/story/491648/economic-stability-of-pakistan-an-encouraging-sign-olson>, January 9, 2013)

ISLAMABAD: US Ambassador to Pakistan Richard Olson in a meeting with finance minister Dr Abdul Hafeez Sheikh on Wednesday said that economic stability of Pakistan is an encouraging sign, Radio Pakistan reported. Dr Sheikh said that despite energy scarcity and security issue in the country‚ economic indicators are showing positive trends which reflect resilience of the economy. The Finance Minister added that due to economic policies of the government‚ Pakistan is currently witnessing the lowest inflation rate in the region and the Karachi Stock Exchange has emerged as the best performing Stock Exchange in the world. Both the sides reaffirmed their commitment to enhancing economic relations. Olson said that the United States is assisting Pakistan in many public welfare projects and will continue to do so in future to further cement the relations between the two people. The Ambassador said that the US values its relations with Pakistan and would continue to move forward in a number of mutually beneficial areas.

#### Deterrence checks IndoPak – default to empirics

Frohwein 5/7/13 2012 graduate of Georgetown University’s Security Studies Program Ashley, “Why Waltz May Have it Right”, https://blogs.commons.georgetown.edu/globalsecuritystudiesreview/2013/05/07/why-waltz-may-get-it-right/

First, her comparison with the Indo-Pakistani conflict does as much to hurt her case as to help it. Since partition in 1947, **India and Pakistan have fought four wars, three major and one minor**. The wars in 1947, 1965, and 1971 resulted in 3,500, 8,000, and nearly 12,000 battle-related deaths, respectively. India then conducted its “peaceful” nuclear test in 1974, followed by tests by both India and Pakistan in 1998. These were followed by the **Kargil** War in 1999, **lasting only a few months** with just over 1,000 battle deaths.[1] **Since this** conflict, **there have been** no large-scale military exchanges between the two sides, despite **ongoing rivalry and crises** such as the 2011 border skirmishes and terrorist attacks in the Indian Parliament in 2001 and in Mumbai in 2008. In times of crisis, **both sides seem able to step** back from the brink.[2] Thus, rather than necessarily escalating conflict through misperception or any other route, it seems that **mutual nuclear possession is concentrating the minds**[3] **of these two states**, as it likewise could vis-à-vis Iran.¶ Second, the empirical record regarding the validity of the stability-instability paradox is inconclusive. While intuitively logical, this argument’s greatest weakness is that many of its applications have been in the context of “enduring rivalries,” where conflict and crisis is more the norm than a deviation from it.[4] In the case of India and Pakistan, it is possible that nuclear weapons have allowed Pakistan to aggress with greater impunity, but it is equally plausible that **this is** simply business as usual**.** Similarly, on the Korean Peninsula, North Korean belligerence and provocation is a constant, not a result of their recent nuclear weapons acquisition, so it is difficult to sort out what exactly is making the difference. Iran would likely be no different, since its inflammatory rhetoric and support of terrorist organizations is a constant phenomenon.

#### India will not escalate

Dasgupta 13 Sunil Dasgupta is Director of the University of Maryland Baltimore County Political Science Program at the Universities at Shady Grove and non-resident Senior Fellow at the Brookings Institution, East Asia Forum, February 25, 2013, "How will India respond to civil war in Pakistan?", http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/

As it is, India and Pakistan have gone down to the nuclear edge four times — in 1986, 1990, 1999 and 2001–02. In each case, India responded in a manner that did not escalate the conflict. Any incursion into Pakistan was extremely limited. An Indian intervention in a civil war in Pakistan would be subject to the same limitations — at least so long as the Pakistani army maintains its integrity.¶ Given the new US–India ties, the most important factor in determining the possibility and nature of Indian intervention in a possible Pakistani civil war is Washington. If the United States is able to get Kabul and Islamabad to work together against the Taliban, as it is trying to do now, then India is likely to continue its current policy or try to preserve some influence in Afghanistan, especially working with elements of the Northern Alliance.¶ India and Afghanistan already have a strategic partnership agreement in place that creates the framework for their bilateral relationship to grow, but the degree of actual cooperation will depend on how Pakistan and the Taliban react. If Indian interests in Afghanistan come under attack, New Delhi might have to pull back. The Indian government has been quite clear about not sending troops to Afghanistan.¶ If the United States shifts its policy to where it has to choose Kabul over Islamabad, in effect reviving the demand for an independent Pashtunistan, India is likely to be much more supportive of US and Afghan goals. The policy shift, however, carries the risk of a full-fledged proxy war with Pakistan in Afghanistan, but should not involve the prospect of a direct Indian intervention in Pakistan itself.¶ India is not likely to initiate an intervention that causes the Pakistani state to fail. Bill Keller of the New York Times has described Pakistani president Asif Ail Zardari as overseeing ‘a ruinous kleptocracy that is spiraling deeper into economic crisis’. But in contrast to predictions of an unravelling nation, British journalist-scholar Anatol Lieven argues that the Pakistani state is likely to continue muddling through its many problems, unable to resolve them but equally predisposed against civil war and consequent state collapse. Lieven finds that the strong bonds of family, clan, tribe and the nature of South Asian Islam prevent modernist movements — propounded by the government or by the radicals — from taking control of the entire country.¶ Lieven’s analysis is more persuasive than the widespread view that Pakistan is about to fail as a state. The formal institutions of the Pakistani state are surprisingly robust given the structural conditions in which they operate. Indian political leaders recognise Pakistan’s resilience. Given the bad choices in Pakistan, they would rather not have anything to do with it. If there is going to be a civil war, why not wait for the two sides to exhaust themselves before thinking about intervening? The 1971 war demonstrated India’s willingness to exploit conditions inside Pakistan, but to break from tradition requires strong, countervailing logic, and those elements do not yet exist. Given the current conditions and those in the foreseeable future, India is likely to sit out a Pakistani civil war while covertly coordinating policy with the United States.

#### Pakistan isn’t key to the global economy – other issues overwhelm – their ev just says people will be drawn into a war – Afghanistan disproves

#### Econ resilient and no impact

Drezner 2011

(Daniel Drezner, professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University, 8-12-2011, “Please come down off the ledge, dear readers,” Foreign polivy, <http://drezner.foreignpolicy.com/>, CMR)

So, when we last left off this debate, things were looking grim. My concern in the last post was that the persistence of hard times would cause governments to take actions that would lead to a collapse of the open global economy, a spike in general riots and disturbances, and eerie echoes of the Great Depression. Let's assume that the global economy persists in **sputtering for a while**, because that's what happens after major financial shocks. Why won't these other bad things happen? Why isn't it 1931? Let's start with the obvious -- it's not gonna be 1931 because there's some passing familiarity with how 1931 played out. The Chairman of the Federal Reserve has devoted much of his academic career to studying the Great Depression. I'm gonna go out on a limb therefore and assert that if the world plunges into a another severe downturn, it's not gonna be because central bank heads replay the same set of mistakes. The legacy of the Great Depression has also affected public attitudes and institutions that provide **much stronger cement for the current system**. In terms of publuc attitudes, compare the results of this mid-2007 poll with this mid-2010 poll about which economic system is best. I'll just reproduce the key charts below: 2007 poll results 2010 poll results The headline of the 2010 results is that there's eroding U.S. support for the global economy, but a few other things stand out. U.S. support has declined, but it's declined from a very high level. In contrast, support for free markets has increased in other major powers, such as Germany and China. On the whole, despite the worst global economic crisis since the Great Depression, public attitudes have not changed all that much. While there might be populist demands to "do something," that something is not a return to autarky or anything so drastc. Another big difference is that multilateral economic institutions are much more robust now than they were in 1931. On trade matters, even if the Doha round is dead, the rest of the World Trade Organization's corpus of trade-liberalizing measures are still working **quite well**. Even beyond the WTO, the complaint about trade is not the deficit of free-trade agreements but the surfeit of them. The IMF's resources have been strengthened as a result of the 2008 financial crisis. The Basle Committee on Banking Supervision has already promulgated a plan to strengthen capital requirements for banks. True, it's a slow, weak-assed plan, but it would be an improvement over the status quo. As for the G-20, I've been pretty skeptical about that group's abilities to collectively address serious macroeconomic problems. That is setting the bar rather high, however. One could argue that the G-20's most useful function is **reassurance**. Even if there are disagreements, communication can prevent them from growing into **anything worse**. Finally, a note about the possibility of riots and other general social unrest. The working paper cited in my previous post noted the links between austerity measures and increases in disturbances. However, that paper contains the following important paragraph on page 19: [I]n countries with better institutions, the responsiveness of unrest to budget cuts is generally lower. Where constraints on the executive are minimal, the coefficient on expenditure changes is strongly negative -- more spending buys a lot of social peace. In countries with Polity-2 scores above zero, the coefficient is about half in size, and less significant. As we limit the sample to ever more democratic countries, the size of the coefficient declines. For full democracies with a complete range of civil rights, the coefficient is still negative, but no longer significant. This is good news!! The world has a hell of a lot more democratic governments now than it did in 1931. What happened in London, in other words, might prove to be the exception more than the rule. So yes, the recent economic news might seem grim. Unless political institutions and public attitudes buckle, however, we're unlikely to repeat the mistakes of the 1930's. And, based on the data we've got, that's not going to happen.

#### Their author concludes Sharif’s reforms will causes more internal instability in Balochistan

Raja, Frontier Post, 13

(Shumaila, reporter for Frontier Post, a Pakistani news source, “Balochistan: Act wisely, timely and rightly,” 9-13-13, http://www.thefrontierpost.com/article/40382/, DOA: 10-10-13, ara)

\*\*their evidence ends

The cruel irony is that Sharif’s pursuit of zero problems with neighbors could result in greater problems at home. Peace with India might result in more jihadists joining the fight against the Pakistani state, as had happened after 9/11 when Musharraf sided with Washington in the war on terror and sought to normalize ties with New Delhi. Similarly, a political settlement in Afghanistan that makes too many concessions to the Afghan Taliban might actually embolden Pakistan’s Taliban factions in their war against Islamabad. A civil war in Afghanistan also bears the same risks. But neither a full-fledged assault on militants in Pakistan nor a continued approach of pitting different militant groups against one another would bring an end to Pakistan’s misery. Instead, Sharif must work with his army to develop a comprehensive exit strategy for the use of jihadists as proxies – a strategy that is national in focus, encompasses all militant organizations, and moves in sequence with progress in resolving disputes with neighbors.

### Stability

**Pakistan’s stabilizing---drone strikes are declining as precision increases---the status quo resolves their whole advantage**

Cameron **Munter 9-30**, professor of practice in international relations at Pomona College, served as a U.S. Foreign Service Officer for nearly three decades, was Ambassador to Pakistan 2010-2012, 9/30/13, “Guest Post: A New Face in the U.S.-Pakistani Relationship,” http://justsecurity.org/2013/09/30/cameron-munter-pakistan-relations/

In doing so, however, we have made the image of a soldier or a drone the image of America’s strategic vision for Pakistan and the region. As 2014 approaches, and American troops end their combat mission in Afghanistan; as drone strikes in the Pakistani tribal areas appear to be fewer in number and more precise in targeting; as the general trends of the U.S. “pivot toward Asia” become clear, the soldier and the drone will be less common. Even though the President’s commitment to U.S. security does not waver, the reminders of his commitment will be fewer and far between – at least it would seem, seen from the street in Pakistan.

Will that face of America – the M-16 and flak jacket, the film of a predator strike – remain, or can we replace it with something else? A different face of commitment, one that Americans have supported throughout the last decade but which has, in the Pakistani media (fairly or not) been shoved aside by the violence in the tribal areas and unrest throughout the country? That other commitment has been enormous expenditure by the U.S. government in support of economic growth, building schools, replacing crops destroyed by floods, refurbishing power plants, and improving health delivery services, to name just a few achievements. But few Pakistanis believe this aid has made a difference. Instead, they associate us only with the manifestations of the war on terror.

In the coming month this can change. No, it should not just be a PR campaign to convince Pakistanis of our commitment to what they care about (not just what we care about). Certainly, PR is necessary, but lacking a new face, it won’t be sufficient. It will require two things.

First, on the policy level, we must use the changes in 2014 to wrest U.S. policy toward Pakistan from its current status as derivative of the war in Afghanistan. Of course, Pakistan has an enormous role to play in security arrangements of the region in years to come. Its relationship to India, to China, to Iran, and of course to Afghanistan are very important as the international community seeks to find a just and equitable peace in the region. But we should make every effort to consider Pakistan’s needs. Not just the needs of the Pakistani military and intelligence leadership, important as they are. Rather, the needs of a country of nearly 200 million people whose stability and prosperity will be essential to the long-term stability and prosperity of the entire region. Pakistan’s success is not a guarantee of regional peace; but Pakistani failure is certainly a guarantee of regional strife.

Second, on a practical level, we should provide a face of American commitment that we know, through decades of effort, is welcome. Polling shows consistently that while most Pakistanis are angry at America (citing security policies as the reason), most Pakistanis – across the political spectrum, rural and urban, young and old – want a better relationship with us. Why? Because despite all the searing problems of the last decade, they admire us: they admire our educational institutions, our business acumen, our commitment to philanthropy. And here, I believe, they can find the practical partners to renew Pakistani understanding of American commitment to the relationship. Universities, businesses, foundations. Students and teachers, businesspeople and investors, donors and grassroots workers. These are the faces of the relationship in which America can play to its strengths, and in doing so, help build a successful Pakistan that is so necessary for us to achieve our own strategic interests in South Asia and beyond.

Recent press articles highlight just how worried we’ve been about Pakistan’s nuclear arsenal. And we should be worried. We need to know if that arsenal can be misused or fall into the wrong hands. But even a massive surveillance effort, while necessary, will be insufficient. We need to take modest but purposeful measures to help Pakistan remain stable. That’s not the same as focusing so overwhelmingly on immediate security concerns. We also need to engage in Pakistani politics, economics, society, where we have a much stronger hand to play than we perhaps realize.

Certainly, such changes cannot take place overnight. After all, the main reason that we see so few American university professors or businesspeople in Pakistan is that it’s still considered too dangerous. Yes, Pakistan’s government must take on the terrorist challenge, and it is enormous. And when Pakistan’s new Interior Minister propose plans to make the best use of Pakistan’s internal security forces, we should engage with him and take seriously any requests for help. But I believe we have a chance to do so, a chance afforded by the potential change in the face of America in Pakistan: difficult as it is, painful as our experiences in Pakistan have been, let’s listen to them and see if their plans to tackle terrorism have a place for our help. It’s certainly in our interest and theirs. Who knows? If Pakistan’s new leadership is able to make real progress against terrorism, there may be another new face – a face of a Pakistan that is not the negative image so common in recent years, but a Pakistan where people of good will are determined to succeed, and ask the help of an old friend in doing so.

**Limiting TKs in Pakistan causes a shift to ground assaults---turns case**

Richard **Weitz 11**, Senior Fellow and Director of the Center for Political-Military Analysis at the Hudson Institute, 1/2/11, “WHY UAVS HAVE BECOME THE ANTI-TERROR WEAPON OF CHOICE IN THE AFGHAN-PAK BORDER,” http://www.sldinfo.com/why-uavs-have-become-the-anti-terror-weapon-of-choice-in-the-afghan-pak-border/

Perhaps the most important argument in favor of using UAV strikes in northwest Pakistan and other terrorist havens is that alternative options are typically worse. The Pakistani military has made clear that it is neither willing nor capable of repressing the terrorists in the tribal regions. Although the controversial ceasefire accords Islamabad earlier negotiated with tribal leaders have formally collapsed, the Pakistani Army has repeatedly postponed announced plans to occupy North Waziristan, which is where the Afghan insurgents and the foreign fighters supporting them and al-Qaeda are concentrated. Such a move that would meet fierce resistance from the region’s population, which has traditionally enjoyed extensive autonomy. The recent massive floods have also forced the military to divert its assets to humanitarian purposes, especially helping the more than ten million displaced people driven from their homes. But the main reason for their not attacking the Afghan Taliban or its foreign allies based in Pakistan’s tribal areas is that doing so would result in their joining the Pakistani Taliban in its vicious fight with the Islamabad government. Yet, sending in U.S. combat troops on recurring raids or a protracted occupation of Pakistani territory would provoke widespread outrage in Pakistan and perhaps in other countries as well since the UN Security Council mandate for the NATO-led International Security Assistance Force (ISAF) in Afghanistan only authorizes military operations in Pakistan. On the one known occasion when U.S. Special Forces actually conducted a ground assault in the tribal areas in 2008, the Pakistanis reacted furiously.

 On September 3, 2008, a U.S. Special Forces team attacked a suspected terrorist base in Pakistan’s South Waziristan region, killing over a dozen people. These actions evoked strong Pakistani protests. Army Chief of Staff Gen. Ashfaq Kayani, who before November 2007 had led Pakistan’s Inter-Services Intelligence (ISI), issued a written statement denying that “any agreement or understanding [existed] with the coalition forces” [in Afghanistan] allowing them to strike inside Pakistan.” The general pledged to defend Pakistan’s sovereignty and territorial integrity “at all cost.” Prime Minister Yousaf Raza Gilani and President Asif Ali Zardari also criticized the U.S. ground operation on Pakistani territory. On September 16, 2008, the Pakistani army announced it would shoot any U.S. forces attempting to cross the Afghan-Pakistan border. On several occasions since then, Pakistani troops and militia have fired at what they believed to be American helicopters flying from Afghanistan to deploy Special Forces on their territory, though there is no conclusive evidence that the U.S. military has ever attempted another large-scale commando raid in Pakistan after the September 2008 incident. Further large-scale U.S. military operations into Pakistan could easily rally popular support behind the Taliban and al-Qaeda. It might even precipitate the collapse of the Islambad government and its replacement by a regime in nuclear-armed Pakistan that is less friendly to Washington. Given these alternatives, continuing the drone strikes appears to be the best of the limited options available to deal with a core problem, giving sanctuary to terrorists striking US and coalition forces in Afghanistan and beyond.

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## CP

### A2 CP Links to Politics

#### Mandatory disclosure doesn’t link either --- 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

#### Executive orders don’t require political capital --- bypasses legislative process.

Benjamin Sovacool and Kelly Sovacool, 2009. PhD, Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization; and Senior Research Associate at the Lee Kuan Yew School of Public Policy at the National University of Singapore. “Preventing National Electricity-Water Crisis Areas in the United States,” Columbia Journal of Environmental Law , 34 Colum. J. Envtl. L. 333.

Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horsetrading and compromise such legislative activity entails. 292 Speediness of implementation can be especially important when challenges require rapid and decisive action. After the September 11, 2001 attacks on the Pentagon and World Trade Center, for instance, the Bush Administration almost immediately passed Executive Orders forcing airlines to reinforce cockpit doors and freezing the U.S. based assets of individuals and organizations involved with terrorist groups. 293 These actions took Congress nearly four months to debate and subsequently endorse with legislation. Executive Orders therefore enable presidents to rapidly change law without having to wait for congressional action or agency regulatory rulemakin

## K

### FW---2NC Top-Shelf

#### The role of the judge should be to guide students toward ethically constructing advocacies – this means debate should focus on how we think about problems and not just the particular policy, so you should look at systems of warism versus pacificism and not the singular event of their impact scenarios – fiat isn’t real and we’re not policymakers – the only thing that matters is the value of our scholarship and the ability to translate that into political activity

Bleiker 3 Roland, Professor of International Relations, University of Queensland “Discourse and Human Agency” Contemporary Political Theory. Avenel: Mar 2003.Vol. 2, Iss. 1;  pg. 25

Confronting the difficulties that arise with this dualistic dilemma, I have sought to advance a positive concept of human agency that is neither grounded in a stable essence nor dependent upon a presupposed notion of the subject. The ensuing journey has taken me, painted in very broad strokes, along the following circular trajectory of revealing and concealing: discourses are powerful forms of domination. They frame the parameters of thinking processes. They shape political and social interactions. Yet, discourses are not invincible. They may be thin. They may contain cracks. By moving the gaze from epistemological to ontological spheres, one can explore ways in which individuals use these cracks to escape aspects of the discursive order. To recognize the potential for human agency that opens up as a result of this process, one needs to shift foci again, this time from concerns with Being to an inquiry into tactical behaviours. Moving between various hyphenated identities, individuals use ensuing mobile subjectivities to engage in daily acts of dissent, which gradually transform societal values. Over an extended period of time, such tactical expressions of human agency gradually transform societal values. By returning to epistemological levels, one can then conceptualize how these transformed discursive practices engender processes of social change. **I have used everyday forms of resistance to illustrate how discourses not only** frame **and** subjugate **our thoughts and behaviour, but also offer possibilities for human agency. Needless to say, discursive dissent is not the only practice of resistance that can exert human agency. There are many political actions that seek** immediate changes **in policy or institutional structures, rather than 'mere' shifts in societal consciousness. Although some of these actions undoubtedly achieve results, they are often not as potent as they seem. Or, rather, their** enduring effect **may well be primarily discursive, rather than institutional.** Nietzsche (1982b, 243) already knew that **the greatest events 'are not our loudest but our stillest hours.' This is why he stressed that the world revolves 'not around the inventors of new noise, but around** the inventors of new values.' **And this is why, for Foucault too, the** crucial site **for political investigations are** not institutions**, even though they are often the place where power is inscribed and crystallized. The fundamental point of anchorage of power relations, Foucault claims, is always located** outside institutions**, deeply entrenched within the social nexus. Hence,** instead of looking at power from the vantage point of institutions, one must analyse institutions from the standpoint of power relations (Foucault, 1982, 219-222).

#### **Our mental relationship to war and peace is a controlling factor in the policy research that we do and the choices we make about militarism – we have a responsibility to be conscious of the way we represent war in our scholarship**

Jenkins 73 – Professor of Philosophy @ University of Alabama [Iredell Jenkins, “The Conditions of Peace”, The Monist, Vol. 57, No. 4, Philosophy of War (OCTOBER, 1973), pp. 507-526, http://www.jstor.org/stable/27902329] Gender Edited

I shall argue in this paper that our thinking about the question of war and peace is vitiated at its source by a series of mistaken assumptions and intentions. These misconceptions pass as sound coin because they have the air of truisms: they appear to direct our inquiries along lines that are sure to be successful and are anyway the only ones available. At the same time, these errors are so basic that they distort both theory and practice from the start: they are red herrings, putting us on a false scent from which we never free ourselves because we cannot get close enough to the quarry to recognize our mistake. It is my purpose to expose these errors and point the way to their correction. Three basic mistakes have misled our thinking about war and peace. We have employed the wrong categories. We have studied the wrong data. And we have pursued the wrong goal. These errors are intimately related, with each in turn entailing the next. The categories we think in focus our attention too narrowly. The data we pore over yield distorted conclusions. The goals we are thus led to pursue are mirages that grow fainter the closer we approach them. It will be necessary to discuss these errors serially, but it must be remembered that they are in reality tightly forged links in a closed chain. 1. The controlling factor in all human undertakings is the conceptual apparatus that men [people] employ-the terms in which they think. These modes of thought largely determine the data we examine, the phenomena we are interested in, the questions we ask, and the purposes we pursue. In more homely language, this apparatus defines where we look, what we look for, and what we hope to do. And it is here, at their very first step, that our dealings with the problem of war and peace go astray. Our mistake is simple but critical: we think in terms that focus our attention on only one side of the issue, and that the more superficial and derivative side. What we do, in brief, is to treat war as an independent variable, which is to be understood in isolation from any larger context and dealt with strictly on its own terms. We appear to act on the assumption that wars are ultimate and ineradicable features of reality, so there are only two things we can do about them: delay their occurrence and make sure we win them when they occur. Seen in the light of reason, this procedure is paradoxical. The real and final object of our concern is peace. We want to establish amicable relations among people, and create a community of feeling and interests. Yet the overwhelming proportion of our thinking, talking, and acting is concerned with war. It is war, in fact and in threat, that constantly preoccupies us. So the universe of discourse in which we treat the problem of war and peace has a vocabulary that is derived entirely from only one of these elements: war. The concepts that dominate our thinking are 'nation states', 'sovereignty', 'foreign powers', 'treaties', 'alliances', 'the balance of power', 'nuclear deterrents', and other such. War so fascinates us that we are incapable of viewing it in perspective and putting it in context. So we fail to see that war is only one element in a complex set of human relationships, which can be neutralized by other and very different elements. Instead, we persist in thinking that the threat of war can be averted, and war itself 'won', only in the terms that it itself poses: namely, the appeal to force. Peace may be the object of our prayers, but war is the object of our efforts. I remarked above that there is something extremely paradoxical about this situation. But there is nothing unusual about it: this is not an isolated case, but an instance of a general type of behavior. In one context after another, we find men neglecting to pursue the good they seek and thinking only of averting the evil they fear. Many dichotomies of this sort come easily to mind: peace-war, health-illness, justice-injustice, equality-discrimination, rehabilitation-punishment. In every instance, it is the second item on which we lavish our efforts. It simply seems to be the case that in all of the contexts of life men [people] tend to take sound and satisfactory situations for granted, and to be concerned only with those that are unpleasant, threatening, or harmful. So instead of trying to preserve peace, we think only of preventing wars-or winning them. In short, we are in the odd position of not seeking the ends that we desire, but merely trying to avert or cure the outcomes we fear. Indeed, we do not even think much about these goods, and we usually define them as the absence of their opposites. So though our approach to the problem of war and peace is paradoxical, it is not anomolous. 2. Our initial mistake in dealing with the issues of war and peace is to employ the wrong categories: our thinking is done exclusively in terms of 'war' and concepts associated with it. The immediate result of this mistake is to focus our attention on a narrow and inadequate range of data. The common meaning of 'war' is a conflict between nation states, waged by armies using every weapon of force available, in which each party seeks to defeat the other (the "enemy") and reduce it to a condition of total subservience. As Clausewitz put it in his classic treatise, "War therefore is an act of violence intended to compel our opponent to fulfill our will".1 Since we think in terms of war, and this is what war means, these are the data we turn to when we seek enlightenment on the issues of war and peace: we look only at the relations between sovereign states, and then only when these states are in a condition of actual or threatened violent conflict. We thus find ourselves in the absurd position of trying to understand peace by studying war. This is like trying to understand motion by studying rest, as the ancients did, or trying to derive the character of man from the nature of God, as the mediaevalists did. We deride these latter efforts as exercises in futility. But we employ an exactly analogous procedure in our approach to peace, and we are perpetually surprised and frustrated when it does not succeed. What we are doing, in sum, is using the pathological case as a paradigm for studying the sound case. So we become expert only in the pathology of international relations. Our fascination with the phenomena of war leads us to certain conclusions that become as unshakeable as they are deceptive. We regard the sovereign state as at once a brute fact and an impenetrable mystery. We assume that there must be irreconcilable conflicts of interest among such states. Since these conflicts can be neither resolved nor arbitrated, they must eventually lead to trial by force. Given the facts that we study, these conclusions follow naturally.

### Discourse Not First

#### Framing issue – the way we discuss and represent war should come first – the language surrounding violence has direct, concrete effects

* Political acts of violence are uniquely tied to language – every government has to convince their people that it’s legitimate. The plan helps make that VERY convincing – makes it look like there’s some restraint

**Collins & Glover 2** (John, Assistant Prof. of Global Studies at St. Lawrence University, Ross, Visiting Professor of Sociology at St. Lawrence University, Collateral Language, p. 6-7)

As any university student knows, theories about the “social con­struction” and social effects of language have become a common feature of academic scholarship. Conservative critics often argue that those who use these theories of language (e.g., deconstruc­tion) are “just” talking about language, as opposed to talking about the “real world.” The essays in this book, by contrast, begin from the premise that language matters in the most concrete, im­mediate way possible: its use, by political and military leaders, leads directly to violence in the form of war, mass murder (in­cluding genocide), the physical destruction of human commu­nities, and the devastation of the natural environment. Indeed, if the world ever witnesses a nuclear holocaust, it will probably be because leaders in more than one country have succeeded in convincing their people, through the use of political language, that the use of nuclear weapons and, if necessary, the destruction of the earth itself, is justifiable. From our perspective, then, every act of political violence—from the horrors perpetrated against Native Americans to the murder of political dissidents in the So­viet Union to the destruction of the World Trade Center, and now the bombing of Afghanistan—is intimately linked with the use of language. Partly what we are talking about here, of course, are the processes of “manufacturing consent” and shaping people’s per­ception of the world around them; people are more likely to sup­port acts of violence committed in their name if the recipients of the violence have been defined as “terrorists,” or if the violence is presented as a defense of “freedom.” Media analysts such as Noam Chomsky have written eloquently about the corrosive ef­fects that this kind of process has on the political culture of sup­posedly democratic societies. At the risk of stating the obvious, however, the most fundamental effects of violence are those that are visited upon the objects of violence; the language that shapes public opinion is the same language that burns villages, besieges entire populations, kills and maims human bodies, and leaves the ground scarred with bomb craters and littered with land mines. As George Orwell so famously illustrated in his work, acts of vio­lence can easily be made more palatable through the use of eu­phemisms such as “pacification” or, to use an example discussed in this book, “targets.” It is important to point out, however, that the need for such language derives from the simple fact that the violence itself is abhorrent. Were it not for the abstract language of “vital interests” and “surgical strikes” and the flattering lan­guage of “civilization” and ‘just” wars, we would be less likely to avert our mental gaze from the physical effects of violence.

### Util

#### **Structural violence outweighs - exponential**

Nixon 11

(Rob, Rachel Carson Professor of English, University of Wisconsin-Madison, Slow Violence and the Environmentalism of the Poor, pgs. 2-3)

Three primary concerns animate this book, chief among them my conviction that we urgently need to rethink-politically, imaginatively, and theoretically-what I call "slow violence." By slow violence I mean a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all. Violence is customarily conceived as an event or action that is immediate in time, explosive and spectacular in space, and as erupting into instant sensational visibility. We need, I believe, to engage a different kind of violence, a violence that is neither spectacular nor instantaneous, but rather incremental and accretive, its calamitous repercussions playing out across a range of temporal scales. In so doing, we also need to engage the representational, narrative, and strategic challenges posed by the relative invisibility of slow violence. Climate change, the thawing cryosphere, toxic drift, biomagnification, deforestation, the radioactive aftermaths of wars, acidifying oceans, and a host of other slowly unfolding environmental catastrophes present formidable representational obstacles that can hinder our efforts to mobilize and act decisively. The long dyings-the staggered and staggeringly discounted casualties, both human and ecological that result from war's toxic aftermaths or climate change-are underrepresented in strategic planning as well as in human memory. Had Summers advocated invading Africa with weapons of mass destruction, his proposal would have fallen under conventional definitions of violence and been perceived as a military or even an imperial invasion. Advocating invading countries with mass forms of slow-motion toxicity, however, requires rethinking our accepted assumptions of violence to include slow violence. Such a rethinking requires that we complicate conventional assumptions about violence as a highly visible act that is newsworthy because it is event focused, time bound, and body bound. We need to account for how the temporal dispersion of slow violence affects the way we perceive and respond to a variety of social afflictions-from domestic abuse to posttraumatic stress and, in particular, environmental calamities. A major challenge is representational: how to devise arresting stories, images, and symbols adequate to the pervasive but elusive violence of delayed effects. Crucially, slow violence is often not just attritional but also exponential, operating as a major threat multiplier; it can fuel long-term, proliferating conflicts in situations where the conditions for sustaining life become increasingly but gradually degraded.

**AT: Realism**

**Research bias – academics want to confirm that violence is inevitable and they turn up those results – 47 counterexamples prove non-violent societies are possible**

**Paige 2** - Professor of political science @ University of Hawaii [Glenn D., Nonkilling Global Political Science ]

Case studies of homicide presented by psychiatrist George F. Solomon (1970) make killing understandable and plausibly preventable in contrast to helpless reference to “human nature.” In one case, the socialization experience of a seemingly unemotional, random sniper-killer of women included: parental neglect by his gambling father, seduction by his alcoholic and promiscuous mother, fascination with guns, and drug use to block out “horrible images” of incestuous guilt. In another case, the background of a killer of his ex-wife’s new husband included: poverty, hatred of father for violence against his mother, convulsion after a paternal beating on the head, maternal ridicule, being beaten by his sisters, becoming a first sergeant in the Marine Corps, marriage to a prostitute met in a brothel, fathering two children by her, assault upon her and slashing his own wrists after discovering her infidelity while he was on duty overseas, being threatened by her with a .38 caliber handgun, and possession of his service pistol with which he killed—not her—but her new husband amidst a three-sided, living room quarrel about child support and visitation rights. Solomon concludes: As a psychiatrist I have a firm commitment to the idea that human behavior can be modified. Our failures in prevention and treatment have been based on ignorance, which can be ameliorated through further research; on lack of implementation of accepted principles; [and] on a reluctance to innovate; and on a vindictiveness toward social deviancy far more than any intrinsic “incurability” of the violence-prone person. The human’s capacity for growth and healing is great and, hopefully, his proclivity for violence can be halted (387). In anthropology, **new interest in understanding human capacities for nonviolence and peace as contrasted with customary emphasis upon violence and aggression is producing knowledge to question the assumption that a nonkilling society is impossible** (Sponsel and Gregor 1994b; Sponsel 1996). As Leslie E. Sponsel explains, “Nonviolent and peaceful societies appear to be rare—not because they are, in fact, rare but because **nonviolence and peace are too rarely considered in research**, the media, and other areas.” He adds, “It is as important to understand the characteristics, conditions, causes, functions, processes, and consequences of nonviolence and peace as it is to understand those of violence and war” (Sponsel 1994a: 18–9). Scientific questioning of the Hobbesian assumption of universal lethality among early humans has been advanced by Piero Giorgi (1999) and J.M.G. van der Dennen (1990; 1995). In a review of evidence for war and feuding for 50,000 “primitive” peoples recorded in the ethnographic literature over the past century, van der Dennen finds explicit confirmation for only 2,000 groups. Acknowledging that absence of information about “belligerence” for the remaining groups does not necessarily prove their peacefulness, van der Dennen cautions against dogmatic acceptance of the assumption of universal human bellicosity (1990: 257, 259, 264-9). He cites ethnographic evidence for 395 “highly unwarlike” peoples from Aboriginals to Zuni (1995: 595–619). Reviewing the anthropological literature, Bruce D. Bonta (1993) identifies forty-seven societies that demonstrate human capacities for “peacefulness.” Peacefulness . . . is defined as a condition whereby people live with a relatively high degree of interpersonal harmony; experience little physical violence among adults, between adults and children, and between the sexes; have developed workable strategies for resolving conflicts and averting violence; are committed to avoiding violence (such as warfare) with other peoples; raise their children to adopt peaceful ways; and have a strong consciousness of themselves as peaceful (4). Bonta finds evidence of peacefulness among the Amish, Anabaptists, Balinese, Batek, Birhor, Brethren, Buid, Chewong, Doukhobors, Fipa, Fore, G/wi, Hutterites, Ifaluk, Inuit, Jains, Kadar, !Kung, Ladakhis, Lepchas, Malapandaram, Mbuti, Mennonites, Montagnais-Naskapi, Moravians, Nayaka, Nubians, Onge, Orang Asli, Paliyan, Piaroa, Quakers, Rural Northern Irish, Rural Thai, San, Sanpoil, Salteaux, Semai, Tahitians, Tanka, Temiar, Toraja, Tristan Islanders, Waura, Yanadi, Zapotec, and Zuni. In a further study of conflict resolution among twenty-four of these peoples, Bonta (1996) concludes: Several common notions about conflict and conflict resolution that are asserted by Western scholars can be questioned in light of the success of these societies in peacefully resolving conflicts: namely, that violent conflict is inevitable in all societies; that punishment and armed force prevent internal and external violence; that political structures are necessary to prevent conflicts; and that conflict should be viewed as positive and necessary. The contrary evidence is that over half of the peaceful societies have no recorded violence; they rarely punish adults (except for the threat of ostracism); they handle conflicts with outside societies in the same peaceful ways that they approach internal conflicts; they do not look to outside governments when they have internal disputes; and they have a highly negative view of conflict (403).

**AT: Perm**

#### Praxis is key – the permutation is politically and intellectually incoherent since it foregoes an unconditional commitment to peace – combining our strategies ensures cooption

Megroan 8 (Nick, Department of Geography, University of Newcastle, UK, “Militarism, Realism, Just War, or Nonviolence?”, Jan 1, Geopolitics, EBSCO, CMR)

**Every student** of the relations between states, **who** also **holds that** scholarly engagement **must** not merely **be theoretical and empirical but also** political **and** moral**, cannot avoid facing the question: in what circumstances, if at all, should a state be considered right in making or joining war?** The argument of this paper is simply that critical geopolitics has not properly grappled with this question in a systematic and consistent way. By virtue of opposition to certain wars but advocacy of others, by implicit use of just war categories and language in moral reasoning, it is de facto operating within the parameters **of** a version of **just war theory.** However, because this appro- priation is not made explicit – indeed, because just war theory is at times summarily dismissed – its appropriation is partial. This selective appropriat ion is problematic. Whilst critical geopolitical analyses of individual wars might be insightful and compelling, **the bigger picture may be one of** incoherence and subjectivity. The purpose of theory selectively deployed becomes confusing, critique may be turned in on itself, there is a lack of clarity and rigour in moral reasoning despite superficial rhetorical appeals to morality, and the political intent of the project becomes unclear and even co-optable **to the service of neoconservatism**. This partial and contradictory appropriation of just war theory is also intellectually unsatisfying, **and** limits the potential of critical geopolitics **to be taken seriously outside** a **small, self-selecting readership**. My objection thus far is not to just war theory per se. It provides a framework for reasoning about warfare that regards it as an evil to be deployed in only exceptional circumstances, and (despite its name), its pre- sumption is against violence. We liv e in a messy and complicated and vio- lent world. Just war theory’s insistence, against realism and militarism, that military violence is not beyond the le gitimate sphere of moral reasoning is important, and the arguments for the occasional and limited use of force to restore peace and rectify injustice are strong ones. If critical geopolitics wishes to locate itself explicitly in this school of thought, it will find compel- ling reasons for doing so and many allies already there. By this process, it will certainly refine and advance the project (of critical geopolitics) with an injection of intellectual rigour. As I have suggested with reference to Toal’s critique of the 1991 US war on Iraq as being about American identity, it could in turn also make an original contribution to thought about the category of just intention . However, whilst recognising its pa cific intent, **I remain** personally **unconvinced by just war theory** as used either consistently by theorists and jurists, or partially as in critical geopolit ics. Critical geopolitics, as I read it, is not simply about exposing the power-knowledge relationships at the heart of geopolitical reasoning, 91 and denaturalising the global order by portray- ing it as socially and historically constructed 92 through an “examination of the geographical assumpti ons, designations, and understandings that enter into the making of world politics” 93 and how places and people are stitched together to narrate and explain events. 94 It is all of these, but it is more: **a political project committed**, as Dalby puts it, **to challenging the specifications of politics and dangers used** to justify violence. 95 **Nonviolence, as a** positive political **method and** also a **vision** of peac e and justice that explicitly **eschews the resort to force,** is a project that has only recently begun to be studied and theorised in a system atic manner, and ha s already yielded many promising results. 96 Personally, like a growing number of people, I am persuaded by the case for a Christian praxis of nonviolence. 97 Geopolitics has a long and bloody history of providing arguments for war 98 – critical geopolitics should reject the temptation to provide more, and place its capa- bilities and insights in the service of this exciting relatively new and under- resourced proj ect, not just war theory, realism, or militarism. In his history of twentieth-century geopolitical thought, Polelle observed that it “led its believers to be resigned to the necessity of violent international conflict”. 99 It would be deeply ironic if critical geopolitics we re to make the same mis- take in the twenty-first.

## Stability

### Terrorism

#### No WMD terrorism – lack of desire and capability – empirically the threat is overblown

Mueller 11. John Mueller, Professor and Woody Hayes Chair of National Security Studies, Mershon Center for International Security Studies and Department of Political Science, “The Truth About al Qaeda”, 8/2/2011, <http://www.foreignaffairs.com/articles/68012/john-mueller/the-truth-about-al-qaeda?page=show>, CMR

The chief lesson of 9/11 should have been that small bands of terrorists, using simple methods, can exploit loopholes in existing security systems. But instead, **many** preferred to **engage in mass**ive **extrapolation**: **If 19 men could hijack four airplanes** simultaneously, the thinking went, then **surely al Qaeda would soon make an atomic bomb.** As a misguided Turkish proverb holds, "If your enemy be an ant, imagine him to be an elephant." The new information unearthed in Osama bin Laden's hideout in Abbottabad, Pakistan, suggests that the United States has been doing so for a full decade. **Whatever al Qaeda's threatening rhetoric and occasional nuclear fantasies, its potential as a menace**, particularly as an atomic one, **has been much inflated**. **The public has** now **endured a decade of dire warnings about** the imminence of a **terrorist atomic attack**. In 2004, the former CIA spook Michael Scheuer proclaimed on television's 60 Minutes that it was "probably a near thing," and in 2007, the physicist Richard Garwin assessed the likelihood of a nuclear explosion in an American or a European city by terrorism or other means in the next ten years to be 87 percent. By 2008, Defense Secretary Robert Gates mused that what keeps every senior government leader awake at night is "the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear." **Few**, it seems, **found** much **solace in** the fact **that** **an al Qaeda computer** seized in Afghanistan in 2001 **indicated** that **the group's budget for research on w**eapons of **m**ass **d**estruction (almost all of it focused on primitive chemical weapons work) **was** some $2,000 to $4,000. In the wake of the killing of Osama bin Laden, officials now have more al Qaeda computers, which reportedly contain a wealth of information about the workings of the organization in the intervening decade. A multi-agency task force has completed its assessment, and according to first reports, it has found that **al Qaeda members have** **primarily been engaged in dodging drone strikes and complaining about how cash-strapped they are**. Some **reports suggest** **they've** also **been looking at quite a bit of** pornography. The full story is not out yet, but **it seems** breathtakingly unlikely **that the miserable little group has** had **the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a** fancy, super-high-tech **facility to fabricate a bomb**. **It** is a process that **requires trusting corrupted foreign collaborators** and other criminals, **obtaining and transporting** highly guarded **material**, **setting up a** machine **shop staffed with top scientists** and technicians, **and rolling the** heavy, cumbersome, and untested finished **product into position to be detonated by a skilled crew**, all the **while attracting no from outsiders.** The documents also reveal that after fleeing Afghanistan, bin Laden maintained what one member of the task force calls an "obsession" with attacking the United States again, even though 9/11 was in many ways a disaster for the group. It led to a worldwide loss of support, a major attack on it and on its Taliban hosts, and a decade of furious and dedicated harassment. And indeed, bin Laden did repeatedly and publicly threaten an attack on the United States. He assured Americans in 2002 that "the youth of Islam are preparing things that will fill your hearts with fear"; and in 2006, he declared that his group had been able "to breach your security measures" and that "operations are under preparation, and you will see them on your own ground once they are finished." Al Qaeda's animated spokesman, Adam Gadahn, proclaimed in 2004 that "the streets of America shall run red with blood" and that "the next wave of attacks may come at any moment." The **obsessive desire notwithstanding**, such **fulminations have clearly lacked substance**. Although hundreds of millions of people enter the United States legally every year, and countless others illegally, **no true al Qaeda cell has been found in the country since 9/11** and exceedingly few people have been uncovered who even have any sort of "link" to the organization. The closest effort at an al Qaeda operation within the country was a decidedly nonnuclear one by an Afghan-American, Najibullah Zazi, in 2009. Outraged at the U.S.-led war on his home country, Zazi attempted to join the Taliban but was persuaded by al Qaeda operatives in Pakistan to set off some bombs in the United States instead. Under surveillance from the start, he was soon arrested, and, however "radicalized," he has been talking to investigators ever since, turning traitor to his former colleagues. Whatever training Zazi received was inadequate; he repeatedly and desperately sought further instruction from his overseas instructors by phone. At one point, he purchased bomb material with a stolen credit card, guaranteeing that the purchase would attract attention and that security video recordings would be scrutinized. Apparently, his handlers were so strapped that they could not even advance him a bit of cash to purchase some hydrogen peroxide for making a bomb. For al Qaeda, then, the operation was a failure in every way -- except for the ego boost it got by inspiring the usual dire litany about the group's supposedly existential challenge to the United States, to the civilized world, to the modern state system. Indeed, **no** Muslim **extremist has succeeded in detonating** even **a simple bomb in the U**nited **S**tates **in the last ten years**, and except for the attacks on the London Underground in 2005, neither has any in the United Kingdom. **It seems** wildly unlikely **that al Qaeda is remotely ready to go nuclear**. Outside of war zones, the amount of killing carried out by **al Qaeda** and al Qaeda linkees, maybes, and wannabes throughout the entire world since 9/11 stands at perhaps a few hundred per year. That's a few hundred too many, of course, but it scarcely presents an existential, or elephantine, threat. And **the likelihood that a**n **American will be killed by a terrorist** of any ilk **stands at one in 3.5 million per year**, even with 9/11 included. **That probability will remain unchanged** unless terrorists are able to increase their capabilities massively -- and obtaining nuclear weapons would allow them to do so. Although al Qaeda may have dreamed from time to time about getting such weapons, no other terrorist group has even gone so far as to indulge in such dreams, with the exception of the Japanese cult **Aum Shinrikyo**, which leased the mineral rights to an Australian sheep ranch that sat on uranium deposits, purchased some semi-relevant equipment, and tried to buy a finished bomb from the Russians. That experience, however, **cannot be very encouraging to** the would-be atomic **terrorist**. Even though it was flush with funds and undistracted by drone attacks (or even by much surveillance), **Aum Shinrikyo abandoned its atomic efforts in frustration very early on. It then moved to bio**logical **weapons**, another complete failure that inspired its leader to suggest that fears expressed in the United States of a biological attack were actually a ruse to tempt terrorist groups to pursue the weapons. **The group did** finally **manage to release some sarin gas** in a Tokyo subway **that killed 13 and led to the group's terminal shutdown, as well as to 16 years** (and counting) **of pronouncements that WMD terrorism is the wave of the future. No elephants there, either**.

# 1NR

### O/V

#### Restraints on executive war powers ensure huge political controversy---ensures new concessions to the president which rolls-back solvency

Kassop 11 (Nancy, Professor at the State University of New York at New Paltz, and former chair of the Political Science Department at the school , “Reverse Effect: Congressional¶ and Judicial Restraints¶ on Presidential Power”, p. 65-66) CMR

An example of a ―statutory superstructure‖ is the War Powers Resolution of 1973, born¶ out of Congress‘s frustration and inability to assert its own constitutional prerogatives and to¶ effectively challenge a president during an unpopular war. The Constitution gives Congress in¶ Article I and the president in Article II specific and distinct **war powers** responsibilities, but¶ **questions of how and when each branch was supposed to act have engendered** controversy¶ **since the nation‘s founding**. The War Powers Resolution, similar to other framework laws,¶ may be viewed as a separate layer of law sitting on top of those constitutional articles (hence,¶ ―a statutory superstructure‖) as an attempt to clarify the respective duties of each institution and to provide an orderly process through a series of sequential actions by which those duties¶ are exercised. In this sense and in the most charitable description of the resolution, although it¶ does not change or add to the Constitution, it ―facilitates‖ the legal authorities specified in Articles I and II. Similar descriptions would apply to other framework laws.¶ Koh focused exclusively on the use of these laws in foreign policy decision-making,¶ where they were ―designed not only to restrain executive discretion, but also to increase¶ congressional input into key foreign policy decisions,‖ [4] although this description applies as¶ well to such laws in the domestic policy arena. As examples, in addition to the War Powers¶ Resolution of 1973, he cites the National Emergencies Act of 1976 and the International¶ Emergency Economic Powers Act of 1977, to which one can also add the Case-Zablocki Act¶ of 1972 (regulating executive agreements), the Hughes Ryan Amendment to the Foreign¶ Assistance Act of 1974 (requiring presidential reporting to Congress of covert actions), the¶ Foreign Intelligence Surveillance Act (FISA) of 1978 (regulating national security¶ surveillance), and the Intelligence Oversight Act of 1980 (the product of the 1976 Church and¶ Pike congressional committee hearings on intelligence operations, establishing congressional¶ intelligence committees and requiring presidential ―findings‖ for covert operations). In the¶ domestic policy field, examples include the Congressional Budget and Impoundment Control¶ Act of 1974 (establishing new congressional budget committees and a new budget process),¶ the Ethics in Government Act of 1978 (containing provisions to determine the need for and¶ selection of an independent counsel), and the Presidential Records Act of 1978 (establishing¶ governmental control of presidential records and a process for public release of them).¶ The intended purpose common to all of these laws is to both limit discretionary actions of¶ presidents and to promote greater participation by Congress. This was to be accomplished by¶ congressional monitoring and close oversight of executive actions through the imposition of¶ procedural requirements, such as reporting and consulting provisions, legislative vetoes,¶ findings of fact, and/or funding restrictions.¶ It is not difficult to see how these desired outcomes were an obvious reaction to the¶ Watergate/Vietnam era where the exact opposite inter-branch dynamic predominated:¶ unlimited discretion by presidents and ineffective efforts by Congress to exercise its¶ constitutional powers.¶ Koh was quick to note, specifically in reference to foreign affairs but equally as true in¶ domestic affairs, that ―virtually overlooked…..was that this generation of **statutes created** not¶ only procedural constraints, but also substantial fresh delegations of foreign affairs authority.¶ By 1988, it had become clear that the executive branch had successfully tapped many of these¶ broad new authorizations while paying only lip service to the accompanying procedural¶ strictures.‖ [5]¶ Herein, then, lies the key to why these statutes, prompted by a congressional motive to¶ restrain the chief executive, resulted, instead, in expanding executive power because they¶ simultaneously delegated power to that office. Additionally, **the** intense politics **involved in**¶ **the legislative process through which each of these statutes was produced** ultimately **led**¶ **negotiators to compromise, which**, thus, diluted **the** force **and** effect **of the proposed**¶ **legislation**. In other words, **presidentialists** would not willingly agree to tie the hands of future¶ chief executives: therefore, in exchange, they demanded **and** received some **new delegation of**¶ **power from Congress to** counter-balance **their grudging acceptance of new legislative**¶ **restrictions and controls on presidential policy-making**.

#### Turns terrorism – biggest link, guts solvency

Avraham 9/9

Rachel, “Analysis: The Main Terror Threat is Iran, Not Syria”, <http://www.jerusalemonline.com/rachel/analysis-the-main-terror-threat-is-iran-not-syria-1579>, CMR

Speaking at the World Summit on Counter-Terrorism, Maj. General Amos Gilad reiterated that the “main effort should be to prevent Iran from going nuclear. Israel has to focus on this threat. **A nuclear Iran can change the entire order in the Middle East.**” He claimed that **Iranian officials have even admitted** that **their nuclear program will help terrorist organizations** like Hezbollah, **by providing them with a** nuclear umbrella **that will** protect them against retaliation whenever they engage in acts of terrorism, thus thwarting Israeli and western counter-terror measures. ¶ Prof. Uzi Arad, head of the National Security Council, added that from an international legal perspective, Iran is also a greater violator than Syria. While emphasizing that there are many atrocities being committed in Syria as we speak and that Assad has done “terrible things,” he claims that the Geneva Convention only prohibits using chemical weapons on foreign fighters, not ones own citizens. Furthermore, Syria never ratified the Chemical Weapons Convention, implying that Syria cannot be held legally responsible for using chemical weapons against her own people.¶ To the contrary, Arad emphasized that Iran has violated the Nuclear Non-Proliferation Treaty, to which Iran ratified, by internationally seeking to develop nuclear weapons. “Their level of breach is higher than the Syrians,” Arad stated. Additionally, he believes that “from a strategic point of view, our eyes should be on Iran, even if you look at Syria.” **Iran is the** main sponsor **of terrorism in the Middle East**, while Syria is merely a proxy state of Iran. ¶ Israeli Defense Minister Boogie Ya’alon emphasized, “**When we talk about states that support terrorism, Iran** tops the list.” He stated that Iran supports terrorism around the world as a means to export their revolution to other nations, with a special emphasis on Shiite communities in countries like Lebanon and Bahrain. He accused Iran of taking advantage of the instability caused by the Arab Spring to promote radical Islam. ¶ Ya’alon stated that Iran exploits the fact that the majority of states in the Middle East were artificially formed by the Sykes-Picot Agreement and were only held together by a dictator, causing these countries to descend into chaos once the dictator was overthrown. He also noted that Iran was behind the attempted assassination of the Saudi Ambassador, as well as the Burgas terror assault and numerous attacks on Israeli embassies, demonstrating the extent to which Iran is a threat to world peace. ¶ These **Israeli security experts view Iran’s nuclear program to be a threat to global security**, while Assad’s regime is mainly a threat to his own people, even though there are spillovers into the Golan Heights and other areas. To confirm this point, Arad claims that more Americans support the United States attacking Iran to prevent the country from becoming a nuclear power than starting a war to protect the Syrian people from Assad’s atrocities, since the American people understand that Iran is a greater global threat than Syria.

#### New sanctions collapse talks – means Israel strikes Iran

Robert Parry 11/14 (investigative reporter, who broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s) “A showdown for war or peace”, The Arab American, <http://www.arabamericannews.com/news/index.php?mod=article&cat=commentary&article=7821>

The battle lines of this high-stakes diplomatic conflict are forming with Netanyahu, Bandar and American neoconservatives on one side – and Obama, Putin and foreign-policy “realists” on the other. Besides the future direction of the Middle East, the political fortunes of individual leaders are at stake, with either Obama or Netanyahu potentially emerging as the biggest loser.¶ Netanyahu’s strategy calls for rallying Israel’s staunch supporters in Congress and the U.S. news media to criticize Obama for showing “weakness” in trying to resolve disputes with Iran and Syria through constructive diplomacy rather than military force or coercive economic warfare.¶ On Thursday, Netanyahu called the tentative agreement with Iran a “grievous historic error” that would not eliminate Iran’s potential for eventually moving to build a nuclear bomb. “If the news that I am receiving of the impending proposal by the p-5-plus-1 is true, this is the deal of the century, for Iran,” said Netanyahu, referring to the five permanent Security Council members, plus Germany, which have been negotiating with Iran over constraints on its nuclear program.¶ Trying to head off the deal, some of Netanyahu’s backers called for more economic sanctions on Iran, even as its new government under President Hassan Rouhani signals a desire for a diplomatic settlement that would include new limits and more supervision on its nuclear program. Torpedoing the talks by enacting more sanctions would likely increase the prospects of an eventual U.S.-Israel air assault on Iran’s nuclear facilities, a move that Netanyahu has advocated in the past.¶ “Even if we get this de minimus interim deal [with Iran], we could be in serious trouble,” said Mark Dubowitz, executive director of the neocon Foundation for Defense of Democracies. “The Israelis and the Saudis are already freaking out about the dangers of any interim deal. This would demonstrate to them and Congress that the Obama administration has entered the Persian nuclear bazaar and gotten totally outnegotiated.”¶ Similarly, Israeli and Saudi hardliners are furious with Obama for scrapping a planned military strike against Syria last August in favor of having the Syrian government give up its chemical weapons in response to a U.S.-Russian initiative. ¶ Obama also was chafing under the rough-riding style of Netanyahu, who has frequently brought his whip down on Obama, scolding him in the Oval Office, going over Obama’s head to Congress and the U.S. news media, and essentially endorsing Republican Mitt Romney for president in 2012. Netanyahu also has sought to corner Obama into military conflicts with Iran and Syria, challenging the President’s goal of rebalancing U.S. geopolitical interests away from the Middle East.¶ Now the stakes have been raised. Either Obama’s regional strategy of diplomacy will prevail with the support of Russian President Putin – or Netanyahu and Bandar will manage to rally their supporters, especially in U.S. political and media circles, to push the region deeper into conflict.

#### That turns all of case and causes global nuclear war

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

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

### Sanctions Inev

#### Even if there’s opposition, that just proves Obama has to be careful how he navigates the political terrain – the plan would ruin that calculation

- Kerry, Sherman, key white house allies

- Senate tenuously supportive

- Obama reach-out building momentum against sanctions

Dreyfuss 11-13-13 (Bob, “Did the Israel Lobby Agree to Hold Off on New Iran Sanctions?,” [http://www.thenation.com/blog/177144/did-israel-lobby-agree-hold-new-iran-sanctions#](http://www.thenation.com/blog/177144/did-israel-lobby-agree-hold-new-iran-sanctions), CMR)

The New York Times today reports, in an odd turn of phrase, that the Obama administration’s second-biggest enemy in its search for a deal with Iran is, well, the US Congress. Says the Times, the administration “is gingerly weighing a threat to the talks potentially more troublesome than the opaque leadership in Tehran: Congress.” That’s because the Senate is considering the passage of yet another round of anti-Iran sanctions, following the passage last summer of a similar bill by the House. Making explicit the fact that he understands perfectly that yet more superfluous economic sanctions now, in the midst of delicate talks with Iran, could upset the whole thing, Senator Bob Corker (R-TN) said: “I understand the problem that this creates at the negotiating table.” In other words, he understands it—and he wants to do it anyway. Today the leaders of the US negotiating team are on Capitol Hill, trying to dissuade senators from that sort of outright sabotage. Secretary of State John Kerry, along with Wendy Sherman, are meeting with members of the Senate Banking Committee and others to beg, plead and cajole the Capitol Hill busybodies, many of whom are strongly influenced by the Israel lobby and its chief arm, the American Israel Public Affairs Committee. So far, it appears that the Democratic-controlled Senate, despite its AIPAC ties, is willing to go along with White House requests to avoid interfering in the talks. Reports The Wall Street Journal: Proponents of tougher sanctions could seek avenues beside the Banking Committee to move a measure.… Senate Majority Leader Harry Reid (D., Nev.) is likely to oppose such a move, however. Mr. Reid on Tuesday warned against attempts to force “extraneous issues” into the debate over the defense bill. Obama administration officials have been reaching out to a number of lawmakers in recent days to tamp down any momentum for new sanctions. Mr. Kerry has personally spoken with key senators while traveling in recent days, and was to speak to top Senate Democrats on Wednesday.

#### Political capital key to preventing sanctions – checks congressional hawks and pro-israel lobbies

Seyed Hossein Mousavian 10/18, 2013 “The road to finalizing a nuclear deal with Iran”, <http://america.aljazeera.com/articles/2013/10/18/iran-nuclear-talksgenevauraniumenrichment.html>

These ongoing talks have the potential to become a historic moment for the U.S., Iran and the international community. However, to ensure their progress, President Obama must do two things. First, he must resist pressure from hawkish members of Congress, Israel and lobbying groups such as the American Israel Public Affairs Committee, the Jewish Institute for National Security Affairs and United Against Nuclear Iran. And second, he must include significant sanctions relief in the final agreement with Iran. While Iran and the international community are ready for a final deal, the question remains whether Obama has the will to buck the hawkish pro-Israel lobby and the political capital to end sanctions.

#### Obama’s push building momentum for diplomacy over sanctions

- recent letter proves diplomacy supporters > sanctions

- momentum building – senate increasingly opposed to sanctions

- senate banking committee head + chair of senate intell comm.

- Obama pushing hard

Brown 11-15-13 (Hayes, National Security Reporter/Blogger with ThinkProgress.org, B.A. in IR from MSU, “Push For More Sanctions On Iran Draws Scant Support In Congress,” <http://thinkprogress.org/security/2013/11/15/2949351/iran-sanctions-letter/>, CMR)

A letter urging the Senate to pass further sanctions on Iran’s nuclear program failed to receive half as many supporters as a letter earlier this year calling on the Obama administration to increase diplomatic overtures towards Tehran. House Homeland Security Committee chairman Rep. Michael McCaul (R-TX) spearheaded the more recent letter, which urges the Senate’s leaders to take up a package of new sanctions against Iran that passed the House earlier this year. “The possibility of tighter sanctions will enhance our leverage in the nuclear standoff between the Iran’s Supreme Leader and the international community,” the letter argues. “We should ensure that tougher penalties will be available should Tehran be found to be using the negotiations as a stalling tactic.” McCaul’s letter is heralded as bipartisan on the site of Rep. Grace Meng (D-NY), with 53 Republicans and 10 Democrats having signed onto the document. However, the letter’s 63 signatories don’t match up with a message to President Obama earlier this year pressing for an increase in diplomacy with Iran while warning of taking actions that might throw any talks off. That effort bore the signatures of 128 members of the body, more than a quarter of the House’s total membership, including 16 Republicans. Reps. Charles Dent (R-PA) and David Price (D-NC) sponsored the letter in July, shortly before Iranian president Hassan Rouhani was inaugurated, urging Obama “to pursue the potential opportunity presented” by “reinvigorating U.S. efforts to secure a negotiated nuclear agreement.” “We must also be careful not to preempt this potential opportunity by engaging in actions that delegitimize the newly elected president and weaken his standing relative to hardliners within the regime who oppose his professed ‘policy of reconciliation and peace,’” the letter cautioned. The more recent letter also appears to have been written prior to the latest International Atomic Energy Association report on Iran’s program becoming public. “While recent assessments of the progress of Iran’s nuclear program vary … what is clear is that time is running short,” the letter says. In contrast, the IAEA said in their November quarterly report that since Rouhani took office, progress on Iran’s nuclear efforts has come to a virtual stand-still. Members of the P5+1 group — composed of the United States, United Kingdom, France, Germany, Russia, and China — are currently preparing for the next round of negotiations with Iran in Geneva on Nov. 20. Senate members are slowly beginning to come out against new sanctions while the talks are ongoing, even as Sen. Tim Johnson (D-SD) mulls bringing the House’s legislation up before his Senate Banking Committee. Sen. Dianne Feinstein (D-CA), chair of the powerful Senate Intelligence Committee, on Friday became the latest senator to do so. “The purpose of sanctions was to bring Iran to the negotiating table, and they have succeeded in doing so,” Feinstein wrote in a statement. “Tacking new sanctions onto the defense authorization bill or any other legislation would not lead to a better deal. It would lead to no deal at all.” The White House has been pressing the Senate to hold off on new sanctions while the negotiations continue, ramping up their rhetoric over the course of the week. On Wednesday, White House press secretary Jay Carney warned that new legislation could put America on the “march to war.” Speaking at a press appearance on Thursday, President Obama likewise made clear that he believes there’s “no need” for new sanctions at this time.

### Sanctions Key

#### New sanctions SHATTER agreement

Klapper 11-13-13 (Bradley, “Kerry: New Iran sanctions could scuttle diplomacy,” <http://www.businessweek.com/ap/2013-11-13/obama-seeks-time-from-congress-for-iran-diplomacy>, CMR)

Secretary of State John Kerry warned Congress Wednesday against scuttling a historic opportunity for a nuclear pact with Iran by pressing ahead with new sanctions while international negotiators seek to prevent Tehran from being able to assemble an atomic weapons arsenal. Kerry, who as a senator joined the effort to impose crippling oil, trade and investment restrictions on Iran, said the United States and other world powers are united behind an offer they presented to Iranian negotiators in Geneva last week. But he said new action now from U.S. lawmakers could shatter an international coalition made up of countries with interests as divergent as France, Russia and China, endangering hopes for a peaceful end to the decade-long nuclear standoff with the Islamic republic. "We put these sanctions in place in order to be able to put us in the strongest position possible to be able to negotiate. We now are negotiating," Kerry told reporters ahead of testifying before the Senate Banking Committee. "And the risk is that if Congress were to unilaterally move to raise sanctions, it could break faith in those negotiations, and actually stop them and break them apart."

#### More ev – sustaining the current track is key

Klapper 11-13-13 (Bradley, “Kerry: New Iran sanctions could scuttle diplomacy,” <http://www.businessweek.com/ap/2013-11-13/obama-seeks-time-from-congress-for-iran-diplomacy>, CMR)

But the former Massachusetts senator said moving the goalposts during the current lull in talks by adding new sanctions against Iran's oil and other industrial sectors would cause America's negotiating partners to see the U.S. as "dealing in bad faith." "They would bolt and they will say, 'That's not the deal,'" he said. "And then the sanctions do fall apart."

#### Sanctions are key – it’s a QPQ

Pace 11-12-13 (Julie, “Obama faces worry at home, abroad over Iran talks,” <http://www.journalgazette.net/article/20131112/NEWS03/131119869/1066>, CMR)

Negotiations are due to resume in Geneva on Nov. 20. In exchange for nuclear concessions from Iran, the U.S. and world powers are offering Tehran limited and reversible relief from economic sanctions that have strained its economy.

### Negs Fail

#### Negotiations at the foreign level on track – domestic politics key

Matthew 11-13-13 (Francis, “Nuclear deal with Iran is on right track,” <http://gulfnews.com/opinions/columnists/nuclear-deal-with-iran-is-on-right-track-1.1254736>, CMR)

A nuclear deal with Iran is now a real possibility. All sides have recognised that they want to find a way forward and they all agree that diplomacy can work. This is a huge shift from the deliberately confrontational days of Iranian president Mahmoud Ahmadinejad and US president George W. Bush, when all sides wanted to maximise the drama of the confrontation for their own purposes. But despite high hopes of a deal being announced in Geneva early this week, it failed due to last-minute problems and a dramatic refusal from the French to rubber stamp the six-month interim programme. However, in their final debrief, European Union Foreign Policy Chief Catherine Ashton, Iran’s Foreign Minister Mohammad Javad Zarif and US Secretary of State John Kerry all spoke of how much closer they were to an agreement than they have been in decades. Nonetheless, the devil is in the detail and none more so when dealing with making Iran’s nuclear facilities open to the international community. The mechanics of ensuring full transparency at a large number of different kinds of nuclear facilities are both politically sensitive and technically difficult. They make it very easy to derail progress unless there is a clear political lead from the politicians that would encourage (or even allow) trust between the two sides.

#### Global negotiations on track – Geneva meeting

Klapper 11-13-13 (Bradley, “Obama seeks time from Congress for Iran diplomacy, but lawmakers push for new sanctions,” <http://www.therepublic.com/view/story/c00a20048d354114a36da338495b6149/US-United-States-Iran>, CMR)

The administration sees itself on the cusp of a historic breakthrough, so much so that Obama hastily dispatched Kerry to Switzerland last week for the highest-level nuclear negotiations to date. The talks broke down as Iran demanded formal recognition of what it says is its right to enrich uranium for peaceful purposes, and as France sought stricter limits on Iran's ability to make nuclear fuel and on its heavy water reactor to produce plutonium, according to diplomats. Still, officials said significant progress was made. The U.S., Britain, China, France, Germany, Iran and Russia will send top nuclear negotiators back to Geneva next week to see whether they can push the ball forward. And on Wednesday, Obama spoke by telephone with French President Francois Hollande. The two countries "are in full agreement" on Iran, the White House said in a statement.

#### New inspections create momentum – solves French fears

Matthew 11-13-13 (Francis, “Nuclear deal with Iran is on right track,” <http://gulfnews.com/opinions/columnists/nuclear-deal-with-iran-is-on-right-track-1.1254736>, CMR)

Despite the French, things are moving in the right direction on several tracks. While the diplomats were hammering away at each other over four days in Geneva, the International Atomic Energy Agency (IAEA) chief, Yukiya Amano, won IAEA access to Iran with an agreement that the IAEA will visit the Arak heavy-water production plant and a uranium mine at Gchine within three months. This may help allay French fears, which would improve the atmosphere at Geneva when the diplomats meet again in just over a week.

### No Link

#### Link debate – loss on war powers is a crushing defeat for Obama – emboldens future GOP challenges – that’s Rubin – key distinction for our scenario – plan means he’d be forced to give-in to war hawks on sanctions to save face [JUST THE GREEN]

Chait 5/23/13 (Jonathon, “Obama Guards His Left Over Terrorism”, <http://nymag.com/daily/intelligencer/2013/05/obama-guards-his-left-over-terrorism.html>, CMR)

President Obama’s speech today defending his conduct **in the war** on terror **was notable** for what he was defending it against — not against the soft-on-terror (and maybe sorta-kinda-Muslim) attack that Republicans have lobbed against him since he first ran for president, but against critics on the left.¶ It is a sudden and welcome turnabout. When Obama first appeared on the national scene, he was a political novice, a liberal Democrat who had made his name opposing the Iraq War, a constitutional law professor, and his middle name was Hussein. **The need to** defend his hawkish credentials **was a**n, and perhaps the, **essential task** of his 2008 election. And **the dynamic** persistedthroughout his first term, **as Republicans used events** like Obama’s attempt to close the Guantanamo Bay prison and the Christmas bomber **to revive their** weak-on-terror caricature.¶ Having fortified his right flank, Obama’s left was totally exposed. Rand Paul signaled the first volley, by launching a high-profile filibuster speech on drones that attracted the sudden support of fellow Republicans who had expressed zero previous qualms. The Department of Justice leak-prosecution story was the event that turned Obama’s civil liberties weakness into a gaping vulnerability. As I’ve written, its political importance was a pure accident of timing. A new (inaccurate) report on Benghazi, followed by the IRS scandal, created a sudden frenzy.¶ That’s when the DOJ leak story dropped. And what would ordinarily be considered a policy dispute — and one that attracted the interest only of a handful of liberals and libertarians — became a scandal pursued by Republicans, who previously had stood to Obama’s right on the issue. The DOJ story was a problem for Obama because it was a legitimate case of abuse, unlike the nothing-burger Benghazi story or the IRS episode for which the White House seemed to bear no responsibility. The legitimacy of the DOJ policy, even though it’s not a “scandal” by any normal definition, kept the damaging “scandal” meme alive.¶ **Obama used his speech** today **to** shore up **his** exposed **left flank**. He did so in several ways. **He argued for his administration’s drone strikes**, which have become a symbol of out-of-control military power, **as a** flawed but necessary step that minimizes civilian casualties in comparison with the alternative. Obama promised “to review proposals to extend oversight of lethal actions outside of war zones that go beyond our reporting to Congress.” He insisted that he would not and could not use drones to attack an American citizen on U.S. soil. He promised “to engage Congress about the existing Authorization to Use Military Force, or AUMF, to determine how we can continue to fight terrorists without keeping America on a perpetual war-time footing.” And he pledged a review of the DOJ’s approach to prosecuting national security leaks.

### Overload Good

#### Overload doesn’t work – causes backlash – PC is key

Gergen, 1/18 --- professor of public service and director of the Center for Public Leadership at Harvard University's Kennedy School of Government (1/18/2013, David, CNN Wire, “Obama 2.0: Smarter, tougher -- but wiser?” Factiva))

Strikingly, Obama has also been deft in the ways he has drawn upon Vice President Joe Biden. During much of the campaign, Biden appeared to be kept under wraps. But in the transition, he has been invaluable to Obama in negotiating a deal with Senate Minority Leader Mitch McConnell on the fiscal cliff and in pulling together the gun package. Biden was also at his most eloquent at the ceremony announcing the gun measures.¶ All of this has added up for Obama to one of the most effective transitions in modern times. And it is paying rich dividends: A CNN poll this past week pegged his approval rating at 55%, far above the doldrums he was in for much of the past two years. Many of his long-time supporters are rallying behind him. As the first Democrat since Franklin D. Roosevelt to score back-to-back election victories with more than 50% of the vote, Obama is in the strongest position since early in his first year.¶ Smarter, tougher, bolder -- his new style is paying off politically. But in the long run, will it also pay off in better governance? Perhaps -- and for the country's sake, let's hope so. Yet, there are ample reasons to wonder, and worry.¶ Ultimately, to resolve major issues like deficits, immigration, guns and energy, the president and Congress need to find ways to work together much better than they did in the first term. Over the past two years, Republicans were clearly more recalcitrant than Democrats, practically declaring war on Obama, and the White House has been right to adopt a tougher approach after the elections.¶ But a growing number of Republicans concluded after they had their heads handed to them in November that they had to move away from extremism toward a more center-right position, more open to working out compromises with Obama. It's not that they suddenly wanted Obama to succeed; they didn't want their party to fail.¶ House Speaker John Boehner led the way, offering the day after the election to raise taxes on the wealthy and giving up two decades of GOP orthodoxy. In a similar spirit, Rubio has been developing a mainstream plan on immigration, moving away from a ruinous GOP stance.¶ One senses that the hope, small as it was, to take a brief timeout on hyperpartisanship in order to tackle the big issues is now slipping away.¶ While a majority of Americans now approve of Obama's job performance, conservatives increasingly believe that in his new toughness, he is going overboard, trying to run over them. They don't see a president who wants to roll up his sleeves and negotiate; they see a president who wants to barnstorm the country to beat them up. News that Obama is converting his campaign apparatus into a nonprofit to support his second term will only deepen that sense. And it frustrates them that he is winning: At their retreat, House Republicans learned that their disapproval has risen to 64%.¶ Conceivably, Obama's tactics could pressure Republicans into capitulation on several fronts. More likely, they will be spoiling for more fights. Chances for a "grand bargain" appear to be hanging by a thread.

#### Obama’s PC is vital to secure relief from sanctions – keeps Iran at the table to secure a deal

Cockburn 11-11-13 (Patrick, Irish journalist who has been a Middle East correspondent since 1979 for the Financial Times, “Why Iran’s Concessions Won’t Lead to a Nuclear Agreement,” <http://www.counterpunch.org/2013/11/11/why-irans-concessions-wont-lead-to-a-nuclear-agreement/>, CMR)

Political will for a deal is still there in Washington and Tehran, but its opponents will also gather their formidable forces. These include Republicans and many Democrats, Israel, Saudi Arabia and the Gulf monarchies, France. The momentum towards an interim agreement that was building at the end of last week has been broken. In Tehran President Hassan Rouhani has so far had a fairly easy ride because of his recent election and the support of the Supreme leader, Ali Khamenei. But if he is seen as offering too many concessions on the nuclear programme and not getting enough back in terms of a relaxation of economic sanctions then he and his supporters become politically vulnerable. There are some signs that this is already happening. The Reformists in Iran will also be vulnerable to allegations that they have given the impression that they are negotiating from weakness because economic sanctions are putting unsustainable pressure on Iran. If this argument was true then Israel, France and Saudi Arabia can argue that more time and more sanctions will make the Iranians willing to concede even more. There is no doubt that sanctions do have a serious impact on the Iranian economy, but it does not necessarily follow that it will sacrifice its nuclear programme. The confrontational policy advocated much of the US Congress may, on the contrary decide Iran to build a nuclear weapon on the grounds that the international campaign against Iranian nuclear development is only one front in an overall plan to overthrow the system of government installed in Iran since the fall of the Shah in 1979. In other words, Iranian concessions on nuclear issues are not going to lead to an agreement, because the real objective is regime change. On the other hand, the decision by President Obama not to launch airstrikes against Syria, Iran’s crucial Arab ally, after the use of chemical weapons on 21 August, has to a degree demilitarised the political atmosphere. This could go into reverse if Congress adds even tougher sanctions and threats of military action by Israel resume. Much will depend on how much political capital President Obama is willing spend to prevent prospects for a deal being extinguished by those who believe that confrontation with Iran works better than diplomacy.