## 1NC

### 1

#### Interpretation and violation

#### Authority is granted permission

Ellen Taylor 96, 21 Del. J. Corp. L. 870 (1996), Hein Online

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 Power refers to an agent's ability or capacity to produce a change in a legal relation (whether or not the principal approves of the change), and authority refers to the power given (permission granted) to the agent by the principal to affect the legal relations of the principal; the distinction is between what the agent can do and what the agent may do.

#### Restrictions are prohibitions --- topical affs must change what actions are allowed. Enforcing status quo authority is not enough.

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.

#### Vote neg---

#### Neg ground---only prohibitions on particular authorities guarantee links to every core argument like flexibility and deference. Judicial review is a mechanism of enforcement, not restriction.

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

### 2

#### The Office of Legal Counsel should determine that the President lacks legal authority to conduct offensive cyber operations without prior congressional notification.

#### The Office of Legal Counsel should publicly publish these decisions and the administration’s review policies for those practices.

#### 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

### 3

#### Obama has spent political capital to maintain democratic unity in order to control his Iran strategy – negotiations will go forward while hawks from both countries wait in the wings

Leverett and Leverett 1-20

Flynt - professor at Pennsylvania State University’s School of International Affairs and is a Visiting Scholar at Peking University’s School of International Studies, and Hillary Mann Leverett, Senior Professorial Lecturer at the American University in Washington, DC and a Visiting Scholar at Peking University in Beijing, 1/20/14, “Iran, Syria and the Tragicomedy of U.S. Foreign Policy,” <http://goingtotehran.com/iran-syria-and-the-tragicomedy-of-u-s-foreign-policy>

Regarding President Obama’s ongoing struggle with the Senate over Iran policy, Hillary cautions against premature claims of “victory” for the Obama administration’s efforts to avert new sanctions legislation while the Joint Plan of Action is being implemented. She points out that “the foes of the Iran nuclear deal, of any kind of peace and conflict resolution in the Middle East writ large, are still very strong and formidable. For example, the annual AIPAC policy conference—a gathering here in Washington of over 10,000 people from all over the country, where they come to lobby congressmen and senators, especially on the Iran issue—that will be taking place in very early March. There’s still a lot that can be pushed and played here.”¶ To be sure, President Obama and Secretary of State John Kerry “have put a lot of political capital on the line.” No other administration has so openly staked out its opposition to a piece of legislation or policy initiative favored by AIPAC and backed by a bipartisan majority on Capitol Hill since the 1980s, when the Reagan administration successfully defended its decision to sell AWACs planes to Saudi Arabia. But, Hillary notes, if the pro-Israel lobby is able to secure a vote on the new sanctions bill, and to sustain the promised veto of said bill by President Obama, “that would be such a dramatic blow to President Obama, and not just on his foreign policy agenda, but it would be devastating to his domestic agenda.” So Obama “has a tremendous amount to lose, and by no means is the fight anywhere near over.”¶ Of course, to say that Obama has put a lot of political capital on the line over the sanctions issue begs the question of whether he is really prepared to spend the far larger amounts of capital that will be required to close a final nuclear deal with Tehran. As Hillary points out, if Obama were “really trying to lead this country on a much more constructive, positive trajectory after failed wars and invasions in Iraq and Afghanistan and Libya—Libya entirely on President Obama’s watch—[he] would be doing a lot more, rather than just giving these lukewarm talks, basically trying to continue to kiss up to major pro-Israel constituencies, and then trying to bring in some of political favors” on Capitol Hill.¶

#### Plan destroys Obama – political strength sustains support of his base

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

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

#### Iranian hardliners seize the link – Iranian moderates cave to escalatory diplomacy as Obama weakens

Jeffrey Goldberg writes for Bloomberg View about the Middle East, U.S. foreign policy and national security, 1 – 9 – 2014. <http://www.delawareonline.com/article/20140120/OPINION16/301200003/Iran-hawk-s-case-against-new-sanctions>

But, at least in the short term, negotiations remain the best way to stop Iran from crossing the nuclear threshold. And U.S. President Barack Obama cannot be hamstrung in discussions by a group of senators who will pay no price for causing the collapse of negotiations between Iran and the P5 + 1, the five permanent members of the security council, plus Germany. “You have a large group of senators who are completely discounting the views of the administration, the actual negotiators, the rest of the P5 + 1, the intelligence community and almost every Iran analyst on earth,” said Colin Kahl, who, as a deputy assistant secretary of defense for the Middle East during Obama’s first term, was responsible for preparing all of the options that the President says are still on the table. If these negotiations were to collapse -- and collapsing the negotiations is the goal of some of the most hawkish hawks -- the most plausible alternative left to stop Iran would be a preventative military strike, either by the U.S. or by Israel (Arab states, which are agitating for an American strike, wouldn’t dare take on the risk of attacking Iran themselves). Such a strike might end in disaster. While it could set back (though not destroy) Iran’s nuclear program, it could also lead to the complete collapse of whatever sanctions remained in place. In addition, it could unify the Iranian people behind their country’s unelected leader, Ayatollah Ali Khamenei -- a particularly perverse outcome. And in some ways, an attack would justify Iran’s paranoia and pursuit of nuclear weapons: After all, the regime could somewhat plausibly argue, post-attack, that it needs to defend itself against further aggression. A military campaign should be considered only when everything else has failed, and Iran is at the very cusp of gaining a deliverable nuclear weapon. As I’ve written before, there is a high likelihood that the negotiations that will soon commence in Geneva will not succeed. It was hard enough for the U.S. and its allies to achieve an interim agreement, an agreement that did not roll back Iran’s program and offered Iran modest sanctions relief. The likelihood that Iran will agree to actually dismantle the most crucial components of its nuclear program -- a key demand of the West -- seems fairly small. Even Obama, who is accused by his critics of being naive and desperate for a deal, put the probability of success at 50-50. So why support negotiations? First: They just might work. I haven’t met many experts who put the chance of success at zero. Second: If the U.S. decides one day that it must destroy Iran’s nuclear facilities, it must do so with broad international support. The only way to build that support is to absolutely exhaust all other options. Which means pursuing, in a time-limited, sober-minded, but earnest and assiduous way, a peaceful settlement. A peaceful settlement that substantially denuclearizes Iran will be harder to achieve if these Senate sanctions pass. Iranian leaders say they will quit these talks if additional sanctions are enacted. I don’t quite believe that -- the regime has agreed to negotiations not because it wants to give up its nuclear ambitions, but because it needs sanctions relief in order to revive its economy. It will be difficult for Iran to quit these negotiations entirely. However, precipitous Senate action will embolden Tehran’s hardliners, buttressing their “Great Satan” narrative. Kahl said that Iran's President Hassan Rouhani and Foreign Minister Mohammad Javad Zarif would find themselves in a corner: “Even if the talks don’t collapse, Rouhani and Zarif will have to bargain and negotiate with even more toughness because they will have to defend themselves against hardliners who will argue that they got suckered.”

#### Faltering negotiations bring the sanctions bill back

Greg Sargent 2/3 “Another big blow to the Iran sanctions bill”, Washington Post, <http://www.washingtonpost.com/blogs/plum-line/wp/2014/02/03/another-big-blow-to-the-iran-sanctions-bill/>

This comes after former Secretary of State Hillary Clinton (belatedly) weighed in against the sanctions bill, another blow to its prospects. While it does appear that the push for a sanctions vote has run aground, it’s worth reiterating that if something goes wrong in the talks, those who want a vote — including Republicans who appear to be using this as a way to divide Dems, and Democrats who refuse to be swayed by the administration’s insistence that a vote could derail diplomacy — could have a hook to revive their push.

#### Sanction bill signals US backing of Israel – encourages strikes

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

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

**Escalates to major power war**

**Trabanco 9** – Independent researcher of geopoltical and military affairs (1/13/09, José Miguel Alonso Trabanco, “The Middle Eastern Powder Keg Can Explode at anytime,” \*\*http://www.globalresearch.ca/index.php?context=va&aid=11762\*\*)

In case of an Israeli and/or American attack against Iran, Ahmadinejad's government will certainly respond. A possible countermeasure would be to fire Persian ballistic missiles against Israel and maybe even against American military bases in the regions. **Teheran will** unquestionably **resort to** its **proxies like Hamas or Hezbollah** (or even some of its Shiite allies it has in Lebanon or Saudi Arabia) **to carry out attacks** against Israel, America and their allies, effectively **setting in flames** a large portion of **the Middle East**. The ultimate weapon at Iranian disposal is to block the Strait of Hormuz. If such chokepoint is indeed asphyxiated, that would dramatically increase the price of oil, this a very threatening retaliation because it will bring intense financial and economic havoc upon the West, which is already facing significant trouble in those respects. In short, the necessary conditions for a major war in the Middle East are given. Such **conflict could** rapidlyspiral out of control and thus a relatively **minor clash could** quickly **and** dangerously **escalate by engulfing the whole region and** perhaps even **beyond**. There are many key players: the Israelis, the Palestinians, the Arabs, the Persians and their respective allies and some great powers could become involved in one way or another (**America, Russia**, Europe, **China**). Therefore, any miscalculation by any of the main protagonists can trigger something no one can stop. Taking into consideration that the stakes are too high, perhaps it is not wise to be playing with fire right in the middle of a powder keg.

### Advantage

#### No impact to meltdowns -- NRC computer models and Fukushima proves.

Biello, 3-9-12

[David, associate editor -- Scientific American, “How Safe Are U.S. Nuclear Reactors? Lessons from Fukushima,” http://www.scientificamerican.com/article.cfm?id=how-safe-are-old-nuclear-reactors-lessons-from-fukushima]

But even at a reactor that does not fare as well in a large earthquake and is not immune to the loss of off-site power, there is "essentially zero risk of early fatalities," according to the NRC worst-case modeling. Even when a release of radioactive material reaches the environment, "it's small enough and takes so long to reach the community that people have already been evacuated or otherwise protected," NRC's Burnell argues. "The public avoids any short-term dose large enough to kill." And that is exactly what happened at Fukushima.

#### Reactors won’t meltdown

**NEI 12**, Nuclear Energy Institute, “U.S. Reactors Add Safety Equipment”, Spring, http://www.nei.org/resourcesandstats/publicationsandmedia/insight/insightspring2012/us-reactors-add-safety-equipment/

The U.S. nuclear energy industry has implemented a far-reaching program to ensure that America’s 104 reactors will remain safe even if a site loses electrical power for an extended period. Even though a nuclear energy facility generates electricity, it depends on power from the grid to operate. As one lesson learned from last year’s accident at Japan’s Fukushima Daiichi nuclear energy facility, all U.S. nuclear energy companies have ordered pumps, generators, fire trucks and other portable equipment to provide electricity and cooling capability in an extreme event. The industry also will develop regional centers stocked with safety equipment and supplies that can be rushed to a reactor site, if needed. “We can provide an indefinite supply of electrical power, enabling plant operators to prevent fuel damage,” said Anthony Pietrangelo, senior vice president and chief nuclear officer at the Nuclear Energy Institute. The loss of electricity to power reactor cooling systems after the 2011 earthquake and tsunami resulted in damage to four reactors at the Fukushima Daiichi plant on Japan’s coastline. When a massive earthquake struck the facility, the reactors shut down safely, but the ensuing tsunami disabled backup generators and left the plant without power to cool the reactors. The fuel overheated and melted, which led to the release of radiation. The U.S. nuclear energy industry’s lessons learned from that event focus on ensuring backup supplies of power and cooling after an extreme event of any kind. “We said, never mind how we got there, never mind debating how likely it could be or how extreme it could be,” said Charles Pardee, chief operating officer for Exelon Generation and chairman of the industry’s Fukushima Response Steering Committee. Instead, the industry’s diverse and flexible coping approach, or “FLEX,” focuses on preventing the loss of power and cooling. All U.S. energy companies that operate reactors have ordered backup portable equipment to position at strategic locations on site and at regional centers. FLEX is designed to meet new requirements from the U.S. Nuclear Regulatory Commission on emergency equipment.

#### Quick expansion is impossible -- lack of recent construction experience, atrophy of US nuclear manufacturing industry, production bottlenecks, skilled labor shortage.

Squassoni, ‘8 [Sharon, Senior Associate, Nonproliferation Program -- Carnegie Endowment for International Peace, 3-12, “The Realities of Nuclear Expansion” Congressional Testimony: House Select Committee for Energy Independence and Global Warming, Washington, DC]

There are significant questions about whether nuclear expansion that could affect global climate change is even possible. In the United States, as the chief operating officer of Exelon recently told an industry conference, constraints include: the lack of any recent U.S. nuclear construction experience; the atrophy of U.S. nuclear manufacturing infrastructure; production bottlenecks created by an increase in worldwide demand; and an aging labor force. Lack of construction experience translates into delays, which translate into much higher construction costs. Although reactors typically take at least four years to build, delays can increase finance costs considerably. A recent example – the construction of Okiluoto-3 in Finland – demonstrates that an 18-month delay cost 700 million Euros in a project with a fixed cost of three billion Euros.18 In an analysis for a nuclear industry conference, the consulting firm Booz Allen Hamilton prioritized 15 different risks in new reactor construction. The most significant risks and those most likely to occur included engineering, procurement and construction performance, resource shortages and price escalation.19 The atrophy of nuclear manufacturing infrastructure is significant in the United States, but also worldwide. The ultra-heavy forgings for reactor pressure vessels and steam generators constitute the most significant chokepoint. Japan Steel Works (JSW) is currently the only company worldwide with the capacity to make ultra-large forgings (using 600-ton ingots) favored by new reactor designs. Other companies – such as Sfarsteel (formerly Creusot Forge) in France and Doosan Industry in South Korea – have smaller capacities. The purchase of Creusot Forge by AREVA in 2005 means that former customers of Creusot reportedly are shifting to Japan Steel Works, lengthening the two-year waiting list. According to JSW officials, it can now only produce 5.5 sets of forgings per year; this will expand to 8.5 sets in 2010. Even then, nuclear forgings at JSW compete with orders for forgings and assembly from other heavy industries, for example, oil and gas industries, which can be more profitable. China will open new plants, possibly this year, to produce ultra-heavy forgings. In the meantime, using smaller capacity forgings means more components, with more weld seams, and therefore will require more safety inspections, costing utilities more money when the reactors are shut down and not generating electricity. One AREVA estimate is that the daily cost of shutdowns (for inspections or other reasons) is $1 million. In the United States, a significant portion of supporting industries needs to be rebuilt or recertified. In the 1980s, the United States had 400 nuclear suppliers and 900 holders of N-stamp certificates from the American Society of Mechanical Engineers.20 Today, there are just 80 suppliers and 200 N-stamp holders. The Nuclear Energy Institute (NEI) notes that some of the decline in N-stamp holders is due to consolidation of companies, but nonetheless is encouraging firms to get recertified. In addition, certain commodities used in reactor construction may also present supply problems, such as alloy steel, concrete and nickel. The cost of these inputs, according to Moody’s, has risen dramatically in recent years. Competition from other electricity and construction projects According to a 2008 Bechtel estimate, if electricity demand grows in the United States 1.5% each year and the energy mix remains the same, the United States would have to build 50 nuclear reactors, 261 coal-fired plants, 279 natural-gas-fired plants and 73 renewables projects by 2025. All of these will require craft and construction labor. In addition, electricity generation projects will compete with oil infrastructure projects. In addition, nuclear power construction competes with other large investment projects for labor and resources. Rebuilding from Hurricane Katrina and big construction projects in Texas will continue to place pressure on construction labor forces. A Bechtel executive recently stated that the U.S. faced a skilled labor shortage of 5.3 million workers in 2010, which could rise to a shortage of 14 million by 2020. Adding to this is the retirement of baby boomers, and much slower growth in the number of college graduates.21 A typical nuclear power plant in the United States takes about 4 years to build, and requires 1400 to 2300 construction workers.

#### Nuclear power can’t solve warming -- electricity sector emissions are too small, and inevitable demand increases mean the impact is negligible at best.

Green, ‘6

[Jim, national nuclear campaigner with Friends of the Earth, has an honours degree in public health and a PhD in science and technology studies for his doctoral thesis on the Lucas Heights research reactor debates, energyscience.org.au, “Nuclear power and climate change,” November, <http://www.energyscience.org.au/FS03%20Nucl%20Power%20Clmt%20Chng.pdf>]

It is widely accepted that anthropogenic greenhouse gas emissions must be sharply reduced to avert climate change. However, nuclear power is at best a very partial, problematic and unnecessary response to climate change: • A doubling of nuclear power would reduce global greenhouse emissions by about 5%. A much larger nuclear expansion program would pose enormous proliferation and security risks, and it would run up against the problem of limited known conventional uranium reserves. • The serious hazards of civil nuclear programs - the repeatedly demonstrated contribution of civil nuclear programs to weapons proliferation, intractable waste management problems, and the risk of serious accidents. • The availability of a plethora of clean energy options - renewable energy sources plus energy efficiency - which, combined, can meet energy demand and sharply reduce greenhouse emissions. (See for example the reports produced by the Clean Energy Future Group).1 This information paper addresses the first of those arguments - the limitations of nuclear power as a climate change abatement strategy. A limited response Nuclear power is used almost exclusively for electricity generation. (A very small number of reactors are used for heat co-generation and desalination.) Electricity is responsible for less than one third of global greenhouse gas emissions. According to the Uranium Institute, the figure is “about 30%”.2 That fact alone puts pay to the simplistic view that nuclear power alone can ‘solve’ climate change. According to a senior energy analyst with the International Atomic Energy Agency, Alan McDonald: “Saying that nuclear power can solve global warming by itself is way over the top”.3 Ian Hore-Lacy from the Uranium Information Centre (UIC) claims that a doubling of nuclear power would reduce greenhouse emissions in the power sector by 25%.4 That figure is reduced to a 7.5% reduction if considering the impact on overall emissions rather than just the power sector. The figure needs to be further reduced because the UIC makes no allowance for the considerable time that would be required to double nuclear output. Electricity generation is projected to increase over the coming decades so the contribution of a fixed additional input of nuclear power has a relatively smaller impact. Overall, it is highly unlikely that a doubling of global nuclear power would reduce emissions by more than 5%.

#### No runaway warming

- even high co2 levels not catastrophic

- plant growth checks

- water vapor checks

- negative feedbacks => one degree warming

- their authors exaggerate

Meyer 12 (Warren, “Understanding the Global Warming Debate,” Forbes, 2/9/12, <http://www.forbes.com/sites/warrenmeyer/2012/02/09/understanding-the-global-warming-debate/4/>, CMR)

So what’s the problem? Why the debate? Isn’t this admission a “game over” for the skeptics? Actually, no. To understand this, let us do a bit of extrapolation. Current CO2 concentrations in the atmosphere today are around 390ppm, or about 0.039%. But even if we were to hit a relatively pessimistic level of 800ppm by the end of the century, this would, by the numbers above, imply a warming of about one degree. While potentially undesirable, a degree of warming is hardly catastrophic. The catastrophe comes from the second chained theory.

The Positive Climate Feedback Theory

As the Earth warms, we expect there to be changes that may further accelerate or decelerate the warming. These are called feedbacks. Take one example — as the Earth warms, there will likely be less snow and ice coverage of the Earth. Snow and ice tend to reflect heat back into space more than does bare land or water, so that this loss could add additional warming above and beyond the initial warming from CO2. On the opposite end of the scale, many plants grow faster with warmer air and more airborne CO2, and such growth could in turn reduce atmospheric carbon and slow expected warming.

It turns out the critical feedback involves water vapor. While CO2 is indeed a greenhouse gas, it is a weak one when compared to water vapor. Rising temperatures may increase evaporation and therefore the amount of water vapor in the air, thus adding powerful greenhouse gasses to the atmosphere and accelerating warming. On the other hand, water evaporated by rising temperatures may form more clouds that shade the Earth and help to reduce temperatures. Whether future man-made global warming is catastrophic depends a lot on the balance of these effects.

The IPCC assumed that strong positive feedbacks dominated, and thus arrived at numbers that implied that feedbacks added an additional 2-4 degrees to the 1 degree from CO2 directly. So in the IPCC numbers, at least two thirds of the future warming comes not from the basic greenhouse gas effect but a second independent theory that the Earth’s climate is dominated by strong positive feedbacks. Other more alarmist scientists have come up with feedback numbers even higher. When Al Gore says that we will see a tipping point where temperatures will run away, he is positing that feedbacks will be nearly infinite (a phenomenon we can hear with loud feedback screeches from a microphone).

But the science of this positive climate feedback theory is far from settled. Just as skeptics are probably wrong to question the basic greenhouse gas effect of CO2, catastrophic global warming advocates are wrong to over-estimate our understanding of these feedbacks. Not only may the feedback number not be high, but it might be negative, as implied by some recent research, which would actually reduce the warming we would see from a doubling of CO2 to less than one degree Celsius. After all, most long-term stable natural systems (and that would certainly describe climate) are dominated by negative rather than positive feedbacks.

Nice Theory, But What Do We Actually See Happening?

At some point, theorizing becomes stale unless the theories are supported by observations. And the most important single observation relative to catastrophic man-made global warming theory is that the world has indeed warmed over the last century, by perhaps 0.7C, coincident with the period mankind has burned a lot of fossil fuels.

Some skeptics have tried, relatively futilely I think, to deny that the world is warming at all. Certainly skeptics have a lot of evidence that this measured warming may be exaggerated — there are some serious flaws in our surface temperature measurement system today and almost certainly much worse flaws in the numbers from, say, 1900 to which we are comparing current readings. But radically new technologies, such as satellites, that are not susceptible to these same flaws and coverage gaps have still measured an upward drift in temperatures over the last 30 years.

**It’s irreversible – feedbacks, China, natural gas**

**Mims ’12** (Christopher, “Climate scientists: It’s basically **too late** to stop warming”, March 26, <http://grist.org/list/climate-scientists-its-basically-too-late-to-stop-warming/>, CMR)

If you like cool weather and not having to club your neighbors as you battle for scarce resources, now’s the time to move to Canada, because the story of the 21st century is almost written, reports Reuters. Global warming is close to being **irreversible**, and in some cases that ship has already sailed. Scientists have been saying for a while that we have until between 2015 and 2020 to start radically reducing our carbon emissions, and what do you know: That deadline’s almost past! Crazy how these things sneak up on you while you’re squabbling about whether global warming is a religion. Also, our science got better in the meantime, so now we know that no matter what we do, we can say adios to the planet’s ice caps. For ice sheets — huge refrigerators that slow down the warming of the planet — the tipping point has probably **already** been **passed**, Steffen said. The West Antarctic ice sheet has shrunk over the last decade and the Greenland ice sheet has lost around 200 cubic km (48 cubic miles) a year since the 1990s. Here’s what happens next: Natural climate feedbacks will take over and, on top of our prodigious human-caused carbon emissions, send us over an irreversible tipping point. By 2100, the planet will be hotter than it’s been since the time of the dinosaurs, and everyone who lives in red states will pretty much get the apocalypse they’ve been hoping for. The subtropics will expand northward, the bottom half of the U.S. will turn into an inhospitable desert, and everyone who lives there will be drinking recycled pee and struggling to salvage something from an economy wrecked by the destruction of agriculture, industry, and electrical power production. Water shortages, rapidly rising seas, superstorms swamping hundreds of billions of dollars’ worth of infrastructure: It’s all a-coming, and anyone who is aware of the political realities knows that the odds are slim that our government will move in time to do anything to avert the biggest and most avoidable disaster short of all-out nuclear war. **Even if our government did act,** we can’t control the emissions of the developing world. China is now the biggest emitter of greenhouse gases on the planet and its inherently unstable autocratic political system demands growth at all costs. That means coal. Meanwhile, engineers and petroleum geologists are hoping to solve the energy crisis by harvesting and burning the nearly limitless supplies of natural gas frozen in **methane hydrates** at the bottom of the ocean, a source of atmospheric carbon previously considered so exotic that it didn’t even enter into existing climate models.

**No global economic collapse and it wouldn’t cause conflict**

**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 W**orld **T**rade **O**rganization**'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** 19**30's**. And, based on the data we've got, that's not going to happen.

#### Grid is resilient and sustainable

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

In 2003, a simple physical breakdown occurred – trees shorted a power line and caused a fault – that had a cascading effect and caused a power blackout across the Northeast (Lewis 2010). This singular occurrence has been used as evidence that the electrical grid is fragile and subject to severe disruption through cyber-attack, a disruption that could cost billions of dollars, brings business to a halt, and could even endanger lives – if compounded by other catastrophic events (Brennan 2012). A power disruption the size of the 2003 blackout, the worst in American history at that time (Minkel 2008), is a worst case scenario and used as an example of the fragility of the U.S. energy grid. This perceived fragility is not real when viewed in the context of the robustness of the electrical grid. When asked about cyber-attacks against the electrical grid in April of 2012, the intelligence chief of U.S. Cyber Command Rear Admiral Samuel Cox stated that an attack was unlikely to succeed because of the “huge amounts of resiliency built into the [electrical] system that makes that kind of catastrophic thing very difficult” (Capaccio 2012). This optimistic view is supported by an electrical grid that has proven to be robust in the face of large natural catastrophes. Complex systems like the electrical grid in the U.S. are prone to failures and the U.S. grid fails frequently. Despite efforts to reduce the risk out power outages, the risk is always present. Power outages that affect more than 50,000 people have occurred steadily over the last 20 years at a rate of 12% annually and the frequency of large catastrophes remains relatively high and outages the size of the 2003 blackout are predicted to occur every 25 years (Minkel 2008). In a complex system that is always at risk of disruption, the effect is mitigated by policies and procedures that are meant to restore services as quickly as possible. The most visible of these policies is the interstate Emergency Management Assistance Compact, a legally binding agreement allowing combined resources to be quickly deployed in response to a catastrophic disaster such as power outages following a severe hurricane (Kapucu, Augustin and Garayev 2009). The electrical grid suffers service interruptions regularly, it is a large and complex system supporting the largest economy in the world, and yet commerce does not collapse (Lewis 2010). Despite blizzards, earthquakes, fires, and hurricanes that cause blackouts, the economy is affected but does not collapse and even after massive damage like that caused by Hurricane Katrina, national security is not affected because U.S. military capability is not degraded (Lewis 2010). Cyber-security is an ever-increasing concern in an increasingly electronic and interconnected world. Cyber-security is a high priority “economic and national security challenge” (National Security Council n.d.) because cyber-attacks are expected to become the top national security threat (Robert S. Mueller 2012). In response to the threat Congress is crafting legislation to enhance cyber-security (Brito and Watkins 2012) and the Department of Homeland Security budget for cyber-security has been significantly increased (U.S. Senate Committee on Homeland Security and Governmental Affairs 2012).

#### The grid is air-gapped

Michael Tanji 10, spent 20 years in the US intelligence community; veteran of the US Army; served in strategic and tactical assignments worldwide; participated in national and international analysis and policy efforts for the NIC, NSC and NATO; Claremont Institute Lincoln Fellow and Senior Fellow at the Center of Threat Awareness; lectures on intelligence issues at The George Washington University, 7/13/10, “Hacking the Electric Grid? You and What Army?,” <http://www.wired.com/dangerroom/2010/07/hacking-the-electric-grid-you-and-what-army/>

Grid-hacking is back in the news, with the unveiling of “Perfect Citizen,” the National Security Agency’s creepily named effort to protect the networks of electrical companies and nuclear power plants. People have claimed in the past to be able to turn off the internet, there are reports of foreign penetrations into government systems, “proof” of foreign interest in attacking U.S. critical infrastructure based on studies, and concerns about adversary capabilities based on allegations of successful critical infrastructure attacks. Which begs the question: If it’s so easy to turn off the lights using your laptop, how come it doesn’t happen more often? The fact of the matter is that it isn’t easyto do any of these things. Your average power grid or drinking-water system isn’t analogous to a PC MARKor even to a corporate network. The complexityof such systems, and the use of proprietary operating systems and applications that are not readily available for study by your average hacker, make the development of exploits for any uncovered vulnerabilitiesmuch more difficult than using Metasploit. To start, these systems arerarely connected directly to the public internet. And that makes gaining access to grid-controlling networks a challenge for all but the most dedicated, motivated and skilled — nation-states, in other words.

## 2NC

### 2NC – One Condo

#### The neg should get one conditional advocacy – minimizes their offense

#### 1. Neg innovation – neg teams won’t read untested arguments if they could get stuck with it. Key to education and prevents stale debates.

#### 2. Time and strat skew is inevitable – more disads or T args have the same effect.

#### 3. Neg flex – we need to be able to test the aff from multiple angles. Neg flex ows aff flex because they get the 2ar and pick the topic.

### O/V

#### Prefer our impact:

#### a.) Speed – aff impacts are long-term and can be resolved by future policymakers – 1NC internal link indicates sanctions would be quick once negotiations failed – here is more ev

Klass, 12/31/13 – retired USAF Colonel; Lt. General (USA Ret.) Robert Gard, the chairman of the Center for Arms Control and Non-Proliferation, contributed to this piece (Richard, Huffington Post, “The Road to Wars” <http://www.huffingtonpost.com/richard-klass/the-road-to-wars_b_4524280.html>)

Senator Robert Menendez (D-NJ), chairman of the Senate Foreign Relations Committee, has introduced legislation that sets the United States on the road to war with Iran and the road to an internal war within the Democratic Party. The bill (S.1881), which has many Democratic co-sponsors, increases the chances for war in two major ways. First, it undercuts ongoing negotiations to build on the first-step nuclear agreement with Iran by adding additional sanctions before the current six month negotiating period plays out. Iran has threatened to withdraw from these negotiations if a bad faith act, such as adding new sanctions, transpires. The U.S. would do the same if, for example, Iran's parliament passed legislation to open a new nuclear production facility. If the first-step deal collapses, there will be no problem in quickly instituting new sanctions. And there will certainly be calls for military action, no matter how short-term the results would be. But if the collapse is triggered by a U.S. unilateral action, the coalition now enforcing those sanctions could well collapse. This undermining of the president's negotiating authority and international cooperation is as unprecedented as it is dangerous. The second danger in this bill is that it encourages an Israeli attack on Iran. The bill states that "... if the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide ..., diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence...." While the language is "should," not "must," and there are bows to the Constitution and congressional authority, this is a clear signal to Israel that it can count on U.S. support for a "unilateral" air strike. And Iran cannot be blamed if it takes it that way. No one should doubt who will determine if the Iranian program provides an existential threat to Israel. The Israeli government's position is that any enrichment in Iran is such a threat. Yet reaching any agreement with Iran will undoubtedly require some residual domestic enrichment capability. Military experts agree that Israel would need substantial U.S. help for any effective attack. This would include not only intelligence and aerial refueling, but also combat search and rescue for downed Israeli pilots, possible suppression of enemy air defenses and other direct combat missions. In short, war. This language, while not requiring that the U.S. support an Israeli attack, certainly will be taken that way in Israel and Iran. Also, it just might be enough to doom a diplomatic settlement and unleash the dogs of war.

#### b.) Scope – uncontrollable escalation enhanced by economic turmoil – draws-in the US, Russia, and China – only extinction scenario

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.

#### Talks key to US credibility and leadership

Graham F. West 11/5 (MA student at the George Washington University’s Elliott School for International Affairs and a Research Intern for the Project on Middle East Democracy) “Obama in Iran with the GOP”, <http://muftah.org/obama-in-iran-with-the-gop/>

Drawing on historical analogy can be a perilous exercise in international relations. Yet given the recent and rapid progress in U.S.-Iranian relations, it is impossible not to reflect on Richard Nixon’s surprising state visit to China in 1972.¶ Indeed, the allure of such a comparison has proven irresistible for many foreign policy analysts.¶ While the opening of relations with Beijing was a deft political move intended to drive a wedge between China and the Soviet Union at the height of the Cold War, increased engagement between the United States and Iran could produce far more strategic benefits.¶ An easing of tensions between the two countries would enable much-needed progress on two major international crises: the ongoing Syrian conflict and the question of Iranian nuclear ambitions.¶ Like Nixon did with China, President Obama should seize on positive Iranian gestures, as well as encouraging discussions recently held between Iran and the P5+1 in Geneva, to push for a historic, high-level government visit to Tehran.¶ An Iranian Opening¶ In advance of his September address to the United Nations General Assembly in New York, Iranian President Hassan Rouhani and senior officials in his administration launched what many deemed, often disparagingly, as a “charm offensive.”¶ As a part of this strategy, the new Iranian president appealed directly to the American people in a number of U.S. media appearances.¶ In an interview conducted in Tehran on September 18, Rouhani assured NBC’s Ann Curry that “under no circumstances would [Iran] seek any weapons of mass destruction, including nuclear weapons.”¶ Two days later, he wrote an op-ed for the Washington Post arguing that “rather than focusing on how to prevent things from getting worse, we need to think—and talk—about how to make things better.”¶ Cautious desire for bilateral engagement emerged during Rouhani’s visit to New York. The prospects for such engagement were initially explored in a private meeting between U.S. Secretary of State John Kerry and Iranian Foreign Minister Mohammad Javad Zarif.¶ Hope was cemented with a celebrated eleventh hour phone call between Presidents Obama and Rouhani on September 27 as the latter was preparing to return home.¶ The beginnings of dialogue in New York were followed by bilateral discussions during P5+1 negotiations in Geneva between U.S. Under Secretary of State Wendy Sherman and Iran’s Deputy Foreign Minister Abbas Araqchi, which were purportedly “useful” in beginning to overcome the deep mistrust that has defined the U.S.-Iranian impasse for over three decades.¶ All this engagement appears aimed at fulfilling Rouhani’s major campaign promise to seek “constructive interaction with the world.”¶ Perhaps even more important than Rouhani’s diplomatic efforts, however, are whisperings about its reception within Iran’s domestic political sphere.¶ Supreme Leader Ayatollah Ali Khamenei gave a speech on September 16 where he appeared to endorse the Rouhani administration’s efforts.¶ Khamenei spoke of what he has previously termed “heroic leniency,” comparing engagement with the West to a wrestler “who has to show flexibility sometimes” while still remembering his primary objective.¶ This expression of support is critical to Rouhani’s efforts – after all, Iran’s executive branch is ultimately subservient to the office of the Supreme Leader.¶ Thus far, both the Iranian parliament and public seem supportive of Rouhani’s outreach, as reflected by the positive reception he received upon returning home from New York.¶ A formal state visit by the United States would validate not only Rouhani’s recent efforts at engagement, but also the campaign platform that the Iranian people endorsed by electing him. It would signal respect for the sovereignty and legitimacy of the Islamic republic, thereby working against the atmosphere of suspicion and derision that feed Rouhani’s hard-liner rivals.¶ Arguments that the United States is only interested in fostering regime change would gain less traction; the Iranian government could present a visit by Obama as a form of Western capitulation and admission of defeat of over three decades of hostility, validating the revolutionary ideology of resistance to both Eastern and Western influence and domination.¶ As such, perhaps like never before, the time would seem ripe, for a U.S. government trip to Iran.¶ Appealing to Obama’s Real Adversaries: Republicans¶ A state visit to Tehran would have benefits for the United States as well.¶ Despite the opposition of American partners such as Israel and Saudi Arabia to improved US-Iran relations, direct engagement would bolster the United State’s lagging credibility in the region—the start of a long, uphill battle, but a start nonetheless. It would also solidify the importance of U.S. leadership in Western efforts to negotiate with Iran.

### UQ

#### Extend Leverett and Leverett – Obama’s political strength will solidify democratic unity for diplomacy – blocks GOP sanction pushes, and gives the perception of a strong president in negotiations with Iran – that is critical to providing negotiations a foundation of cooperation that is necessary to secure a long term deal

#### And, the fracturing of the president will place Rouhani and Zarif in a diplomatic box, forced to negotiate with toughness instead of concessionary cooperation to protect against Iranian hardliners – that’s Goldberg

#### Obama has stalled new Iran sanctions – political strength is key to democratic unity over US-Iran talks

Rebecca Shimoni Stoil 2/6 “Republicans said set to push Iran bill to a vote”, The Times of Israel”, <http://www.timesofisrael.com/republicans-said-set-to-push-iran-bill-to-a-vote/>

WASHINGTON — After days in which political insiders here tried to write the obituary for the Senate bill that would impose additional sanctions on a recalcitrant Iran, Republican senators were poised Thursday to renew their push on the legislation. In a letter, Senate Republicans called on Senate Majority Leader Harry Reid (D-NV) to allow the bill, which has driven a wedge between some Democrats and the administration, to come to a vote.¶ The Daily Beast reported that Republican senators were planning on utilizing procedural tools on Thursday to pressure Reid into allowing the bipartisan Nuclear Weapon Free Iran Act to be voted upon. The Obama administration has been adamant in its opposition to the legislation, which was initiated in December by Senators Mark Kirk (R-IL) and Robert Menendez (D-NJ).¶ The bill currently has 59 co-sponsors, hovering just below a veto-proof majority in the upper house. While 13 Democrats support the bill, a number have chosen to sit on the fence in a struggle that pits the administration against powerful lobbying groups such as AIPAC.¶ Although the bill is on the Senate calendar, Reid has refused thus far to schedule a vote on the legislation, which has driven a wedge among Democrats who hold a thin majority in the upper house. In their letter, Senate Republicans called on Reid to bring the bill to a vote – not just because of the significance of the legislation itself, but as a matter of democratic principle.¶ “You have already taken unprecedented steps to take away the rights of the minority in the Senate,” the senators wrote to Reid. “Please do not take further steps to take away the rights of a bipartisan majority as well.”¶ In the letter, the senators also noted that “the American people – Democrats and Republicans alike – overwhelmingly support this legislation.”¶ Senators can use the floor to publicly call out Reid and the Democratic leadership for refusing to allow a vote, or can tack the bill on as an amendment to other pieces of legislation deemed important by the Senate leadership. They can also refuse to support legislation if the bill is not brought to a vote.¶ In last week’s State of the Union address, President Barack Obama warned that “if this Congress sends me a new sanctions bill now that threatens to derail these talks, I will veto it.”¶ Supporters say the bill reinforces rather than undermines presidential authority by allowing the president to waive future sanctions either by certifying Iranian compliance with the interim agreement with Iran reached in Geneva late last year, or in the event that a final agreement is reached. At the same time, it sets basic terms for a deal, mandating that a final arrangement must dismantle Iran’s nuclear infrastructure.¶ The bill’s reported demise came following repeated lobbying efforts both by the administration as well as by a coalition of lobbying groups including J Street, Americans for Peace Now, the National Iranian American Council, the American Security Project and the Atlantic Council, coordinated under the leadership of the Ploughshares Fund.¶ Under pressure from the administration, at least four Democratic co-sponsors of the bill, including Chris Coons (D-DE), Kirsten Gillibrand (D-NY), Joe Manchin (D-WV), and Richard Blumenthal (D-CT) all have indicated that they are willing to put the bill on ice – at least for the time being.¶ In an interview with MSNBC last month, Manchin said that he “did not sign it with the intention that it would ever be voted upon or used upon while we were negotiating.”¶ Saying that it would be good to “give peace a chance,” Manchin said he co-sponsored the bill “because I wanted to make sure the president had a hammer if he needed it and showed them how determined we were to do it and use it if we had to.”¶ Republicans will attempt to force Democrats to stake a position on record, creating a catch-22 situation for the Democratic legislators who will have to vote against a bill they co-sponsored or go against a Democratic administration.¶ Iran on January 20 stopped enriching uranium to 20 percent and started neutralizing its existing stockpile of that grade — just steps away from weapons material — in order to fulfill commitments reached under an interim deal in Geneva. The US and the European Union also lifted some sanctions in response to the Iranian moves.¶ The interim Geneva accord will last for six months as Iran and the six-nation group — the five permanent members of the UN Security Council plus Germany — negotiate a final deal. Those talks are to start February 18 in Vienna.

#### Obama will maintain diplomacy now – political strength necessary to keep democrats in line

Mark Landler 2/5 “Pro-Israel group holds less sway in Washington”, The Sydney Morning Herald,

<http://www.smh.com.au/world/proisrael-group-holds-less-sway-in-washington-20140205-hvb7k.html>

Washington: The last time the nation's most potent pro-Israel lobbying group lost a major showdown with the White House was when President Ronald Reagan agreed to sell AWACS surveillance planes to Saudi Arabia over the group's bitter objections.¶ Since then, the group, the American Israel Public Affairs Committee, has run up an impressive record of legislative victories in its quest to rally US support for Israel, using a robust network of grass-roots supporters and a rich donor base to push a raft of bills through Congress. Typically, they pass by unanimous votes.¶ But now AIPAC, as the group is known, once again finds itself in a very public standoff with the White House. Its top priority, a Senate bill to impose new sanctions on Iran, has stalled after stiff resistance from President Barack Obama, and in what amounts to a tacit retreat, AIPAC has stopped pressuring Senate Democrats to vote for the bill.¶ Officials at the group insist it never called for an immediate vote and say the legislation may yet pass if Mr Obama's effort to negotiate a nuclear agreement with Iran fails or if Iran reneges on its interim deal with the West. But for the moment, Mr Obama has successfully made the case that passing new sanctions against Tehran now could scuttle the nuclear talks and put the US on the road to another war.¶

#### Obama has halted sanctions for the time being with democratic support, however, lawmakers can reverse course if the equation is changed – war powers debates undermine Obama, causing defections

Peter Weber 1/30 (senior editor at TheWeek.com) “What sank the Senate's Iran sanctions bill? After Obama's State of the Union speech, it looks like Democrats are going to give peace a chance, after all”, http://theweek.com/article/index/255771/what-sank-the-senates-iran-sanctions-bill]

If there is any momentum on the bill now, it's on the other side. Obama reiterated his veto threat in the very public setting of his State of the Union address on Tuesday night, saying that "for the sake of our national security, we must give diplomacy a chance to succeed." Jan. 20 marked the beginning of a six-month period of negotiations between the U.S., Iran, and five other world powers aimed at preventing Iran from developing a nuclear bomb.¶ The negotiations won't be easy, and "any long-term deal we agree to must be based on verifiable action," not trust, Obama said. But "if John F. Kennedy and Ronald Reagan could negotiate with the Soviet Union, then surely a strong and confident America can negotiate with less powerful adversaries today."¶ After the speech, at least four Democratic cosponsors — Sens. Chris Coons (Del.), Kirsten Gillibrand (N.Y.), Joe Manchin (W.Va.), and Ben Cardin (Md.) — said they didn't want to vote on the bill while negotiations are ongoing. Sen. Richard Blumenthal (D-Conn.) had already adopted that position earlier in the month.¶ The distance these cosponsors put between themselves and the bill wasn't uniform. Cardin punted to Sen. Harry Reid (D-Nev.), who is opposed to bringing the bill to the floor for a vote. (Cardin "wants to see negotiations with Iran succeed," a spokeswoman's said. "As for timing of the bill, it is and has always been up to the Majority Leader.")¶ Manchin, on the other hand, told MSNBC that he didn't sign on to the bill "with the intention that it would ever be voted upon or used upon while we were negotiating," but rather "to make sure the president had a hammer if he needed it." He added: "We've got to give peace a chance here."¶ With the list of Democratic cosponsors willing to vote for the bill shrinking by five, the dream of a veto-proof majority in the next six months appears to be dead. Even Republican supporters of the legislation are pessimistic of its chances: "Is there support to override a veto?" Sen. Jim Inhofe (R-Okla.), the top Republican on the Senate Armed Services Committee, told National Journal on Wednesday. "I say, 'No.'"¶ So, what happened to the Iran sanctions bill? The short version: Time, pressure, and journalism.¶ The journalism category encompasses two points: First, reporters actually read the legislation, and it doesn't quite match up with the claims of lead sponsors Sen. Robert Menendez (D-N.J.) and Sen. Mark Kirk (R-Ill.), who say the sanctions would only take effect if Iran was found to be negotiating in bad faith. A much-cited analysis by Edward Levine at the Center for Arms Control and Non-Proliferation showed that the Iran sanctions would kick in unless Obama certified a list of impossible or deal-breaking conditions.¶ Journalists also started asking the cosponsors about their intentions. It's possible there were never 59 votes for the bill, but the legislation was filed right before Christmas and many reporters (not unreasonably) conflated cosponsorship with support for the bill, regardless of what was happening with the negotiations. They only asked on Tuesday night and Wednesday because Obama brought up the issue in his State of the Union speech.¶ Time without action always saps momentum, but with the Iran sanctions bill it also allowed events to catch up with the proponents of new sanctions. When they filed the bill Dec. 20, the interim Iran deal was just a talking point; a month later it was reality. The Obama administration, U.S. intelligence community, and outside analysts agree that new sanctions would scuttle the deal, and its harder to take that risk when that deal is in effect.¶ Finally, critics of the bill — including the White House and J Street, the liberal pro-Israel lobbying group — had time to mount a counterattack. Starting Jan. 6, J Street and other groups opposed to the legislation "reached out to senators who were on the fence and senators who'd cosponsored on day one," says Slate's David Weigel. "The message was the same: Have you guys read this thing?" Dylan William, J Street's director of government relations, describes the strategy in more depth:¶ We made especially prodigious use of our grass tops activists. These are people who have longstanding relationships with members of Congress to express two things. One: The bill is bad policy. Two: There was no political reason that these senators should feel they need to support the bill. There is deep political support in communities for members of Congress and senators who want to reserve this peaceably. [Slate]¶ So take a bow, J Street — for now, the David of the Israel lobby has slain its Goliath, the American Israel Public Affairs Committee (AIPAC), which is pushing for the legislation. That could all change if the interim Iran deal falls apart or some other event intercedes to change the equation for lawmakers. But momentum is hard to un-stall, and lawmakers are now considering changing the bill into a non-binding resolution.¶ John Judis at The New Republic is relieved, and counts Obama's veto threat Tuesday night as the boldest part of his speech. "If these negotiations with Iran fail, the United States will be left with very unsatisfactory alternatives," he writes:¶ Use military force to stop Iran, which might only delay Iran's acquisition of nuclear weapons, and will potentially inflame the region in a new war, or allow Iran to go ahead and hope to contain Iran as we have contained other potentially hostile nuclear powers. Obama may not be able to secure authorization for the first alternative... and if he opts for the second, he will leave open the possibility of regional proliferation or of Israel going to war against Iran. It's in America's interest — and, incidentally, Israel's as well — to allow the current negotiations to take their course — without malignant interference from Congress and AIPAC. [New Republic]

#### Obama needs political strength to keep his base

Cassata 1-21 (Donna, “Dems signal willingness to wait on Iran sanctions,” <http://www.denverpost.com/breakingnews/ci_24957275/senate-dems-divided-over-new-iran-sanctions>, CMR)

Under pressure from the Obama administration, **Senate Democrats** who favor a new batch of sanctions on Iran **signaled a willingness to hold off on** levying **penalties** to give diplomatic negotiations a chance. Majority Leader Harry Reid, D-Nev., made clear that a vote on a package of penalties pushed by Sens. Bob Menendez, D-N.J., and Mark Kirk, R-Ill., wouldn't occur anytime soon despite a call for a vote from Republican leader Mitch McConnell and a daunting number of backers for the legislation—59. "We're going to wait and see how this plays out," Reid told reporters on Tuesday. Obama has argued that a **new** round of **penalties would derail sensitive talks with Tehran**, and Reid ensured no Senate votes late last year during debate on a defense policy bill. **The administration has faced a** tougher task **trying to persuade** **the growing number of** more than a dozen **Democrats who have signed** **onto** the **Menendez-Kirk** legislation.

#### Even a small risk triggers the link – iran hardliners will jump on perceived weaknesses to get major concessions, risking stalling talks – Rouhani political position lacks foundation to push back hardliners –

Diane Barnes 10/15/2013(Global Security Newswire Policy Analyst) “Nuclear Hardliners Could Derail Push for Iran Deal”, NTI Global Security Newswire, <http://www.nti.org/gsn/article/nuclear-hardliners-could-derail-push-iran-deal/>

WASHINGTON -- As Iran starts its renewed push to peacefully defuse international tensions surrounding its nuclear program, hardliners in both Tehran and Washington are threatening to pounce on failures in the negotiations to wring major concessions from their foreign counterparts, issue experts said.¶ Iran's political establishment could rein in its new, relatively moderate leaders if negotiations launched on Tuesday with six other nations promise no fast relief from global sanctions. Hawkish U.S. lawmakers, though, are pressing for new economic steps to punish Tehran.¶ The closely watched two-day meeting in Geneva brings Iran together with the United States and five other countries seeking to clear up fears that the Middle Eastern nation is pursuing a nuclear-arms capability under the guise of a peaceful nuclear program. Attendees include Iranian Foreign Minister Mohammad Javad Zarif, U.S. Under Secretary of State Wendy Sherman, and Catherine Ashton, the European Union's top diplomat and chief interlocutor for the six powers negotiating with Tehran.¶ At a Monday panel discussion in Washington, a former Obama administration official said Tehran's conservatives "will use any failure in diplomacy to bludgeon" Zarif and Iranian President Hassan Rouhani.¶ Meanwhile, "hawks" in Washington appear ready to "go all in on sanctions with the approach of regime change," said Colin Kahl, who was assistant secretary of Defense for the Middle East from 2009 to 2011.¶ A veteran U.N. negotiator, speaking with Kahl at the National Iranian American Council's Third Annual Leadership Conference, voiced doubt that Washington's "major centers of power have reached a conclusion that a deal must be struck" with the government in Tehran.¶ Proponents of further sanctions in Congress are "going to complicate the negotiation process significantly," said Giandomenico Picco, a former assistant U.N. secretary general for political affairs.¶ He added: "Those in the leadership of Iran who are suspicious of American intentions are going to become even more suspicious."¶ The potential for Iran to enrich uranium into nuclear-bomb fuel makes its growing capacity to refine the material a key concern for the five permanent U.N. Security Council member nations and Germany.¶ Tehran insists the effort would strictly generate material for energy production and other nonmilitary atomic activities.¶ Steps by U.S. lawmakers in the House of Representatives to further tighten Iran's economic isolation, by broadening sanctions against the country, could leave Rouhani with little room to negotiate a compromise, according to participants on the panel at the Washington conference.

### Intrinsicness

#### Link proves the DA is intrinsic – Obama will have to spend political capital to get the plan done.

#### We should evaluate the politics DA as an intrinsic cost of the plan

#### Decisionmaking – Willpower is a finite resource both in Congress and our personal lives – debating the politics DA lets us practice being realistic about our ability to make and stick to tough choices.

#### Negotiations – Politics gives us a unique opportunity to learn about how negotiations operate – that’s an essential skill for good advocates.

#### Especially important for this topic – Learning about domestic backlash to contentious Middle East policies equips us to design policies with better chances of implementation – the politics DA is often the only good neg ground.

### Sanctions Good

#### Talks are critical to neutralize Israeli air strikes, they have motivation and capability - prefer this evidence it cites a prominent Israeli military affairs analyst

Joseff Federman 10/2 “US-Iran Diplomacy Neutralizes Israel's Threat Of Attack” <http://www.businessinsider.com/us-iran-diplomacy-neutralizes-israels-threat-of-attack-2013-10>

US dialogue with Iran neutralizes Israeli threat to take military action¶ JERUSALEM (AP) — President Barack Obama's decision to open a dialogue with Iran's new president appears to have robbed Israel of a key asset in its campaign to prevent the Islamic Republic from developing a nuclear weapon: the threat of unilaterally attacking Iranian nuclear facilities.¶ Despite some tough rhetoric in a speech to the U.N. by Israeli Prime Minister Benjamin Netanyahu, it will be all but impossible for Israel to take military action once negotiations between Iran and world powers resume.¶ As a result, Israel could find itself sidelined in the international debate over how to handle the suspect Iranian nuclear program over the coming months and reliant on the United States at a time when American credibility in the region is in question.¶ For years, Netanyahu has warned that Iran is steadily marching toward the development of nuclear weapons, an assessment widely shared by the West. While welcoming international sanctions and diplomacy to engage Iran, Netanyahu has repeatedly said these efforts must be backed by a "credible" military threat. Iran says its nuclear program is solely for peaceful purposes.¶ Addressing the U.N. General Assembly on Tuesday, Netanyahu repeated his mantra that Israel is prepared to act alone if it determines diplomacy has failed.¶ "Israel will never acquiesce to nuclear arms in the hands of a rogue regime that repeatedly promises to wipe us off the map. Against such a threat, Israel will have no choice but to defend itself," he said. "I want there to be no confusion on this point. Israel will not allow Iran to get nuclear weapons. If Israel is forced to stand alone, Israel will stand alone."¶ Israel considers a nuclear-armed Iran a threat to its very survival, given repeated Iranian assertions that the Jewish state should not exist. Israel has a long list of other grievances against Iran, citing its support for hostile Arab militant groups, its development of long-range missiles and alleged Iranian involvement in attacks on Israeli targets around the world.¶ Yet behind Netanyahu's rhetoric, his options appear to be limited as a consequence of Iranian President Hassan Rouhani's outreach to the West.¶ At the U.N. last week, Rouhani delivered a conciliatory speech in which he said Iran has no intention of building a nuclear weapon and declared his readiness for new negotiations with world powers.¶ Capping off the visit, Rouhani and Obama held a 15-minute phone call as the Iranian leader was traveling to the airport. It was the first conversation between the nations' leaders in 34 years and raised hopes that a breakthrough on the nuclear issue could portend even deeper ties between the U.S. and Iran.¶ Netanyahu has greeted Rouhani's outreach with deep skepticism, expressing fears that Iran will use upcoming nuclear talks as a ploy to get the world to ease painful economic sanctions while secretly pressing forward with its nuclear program. In his address Tuesday, Netanyahu urged the world to step up the pressure on Iran until its nuclear weapons program is dismantled.¶ At a White House meeting on Monday, Obama sought to calm the visiting Israeli leader, saying the U.S. will never allow Iran to produce a nuclear weapon.¶ "Our hope is that we can resolve this diplomatically," Obama said. "But as president of the United States, as I've said before and I will repeat, that we take no options off the table, including military options."¶ Such words may provide little comfort in Israel, where many are questioning Obama's willingness to take military action following his recent handling of the Syrian chemical weapons crisis. After threatening to attack Syria over its apparent use of chemical weapons against civilians, Obama backed down in exchange for pledges to dismantle Syria's chemical arsenal. Netanyahu has greeted the Russia-brokered deal on the Syrian chemical weapons with only lukewarm support.¶ Danny Yatom, a former director of Israel's Mossad intelligence service, said the about-face tarnished U.S. credibility in the region. "I think in the eyes of the Syrians and the Iranians, and the rivals of the United States, it was a signal of weakness, and credibility was deteriorated," he said.¶ Now, as Iran and world powers move toward talks, Israel will likely be forced to watch from a distance for fear of being considered a spoiler. The U.S. has pledged to keep Israel updated on progress.¶ "There is no way that Israel could strike while the U.S. and Iran are engaging. That would be a disaster," said Reuven Pedatzur, a prominent Israeli military affairs analyst. "Israel would only consider an attack if intelligence pointed to Iran being just a few weeks from having an actual bomb." Many analysts have long questioned whether Israel could realistically attack Iran’s nuclear facilities. Such a mission would be extremely complicated, requiring long-distance flights and the refueling of warplanes above potentially hostile airspace. Iran also possesses sophisticated anti-aircraft systems, and its nuclear facilities are scattered throughout the country, in some places deep below ground, raising questions over how much damage Israel could inflict.¶ Yet **Israel has a long history of daring air raids over enemy airspace**. In 1981, **Israeli warplanes destroyed an Iraqi nuclear reactor**, and in 2007, **Israel** is believed to have **attacked a nascent nuclear reactor** being built **in** neighboring **Syria**. **More recently**, **Israel** is believed to have **bombed** **arms shipments in Sudan and Syria**.¶ Amos Yadlin, a former Israeli military intelligence chief and one of the pilots in the 1981 Iraqi bombing, wrote in a policy paper this week that Netanyahu faces a tough mission as he seeks to maintain the pressure on Iran without being seen as “the obstacle” to an agreement. Preserving the military option will be key, he said.¶ “It is important to understand, influence, and if possible reach a conclusion on what America’s policy will be if the negotiations fail or the agreement is violated in the future, and how effective levers of influence on Iran — sanctions and a credible military option — can be preserved, as only they are capable of changing the Iranian behavior,” Yadlin wrote.¶ Yatom, the ex-Mossad chief, concurred that **it would be extremely difficult for Israel to attack while negotiations are ongoing. But** he said **Israel’s** capability **to strike** remains intact, and **there should be** little risk **of Iran progressing toward weapons capability as long as the** talks proceed **quickly.**¶ “**It is vital** that the negotiations start as soon as possible, and we will see immediately if the Iranians mean business or they continue to drag their feet,” Yatom said. “I don’t think the world is that stupid to negotiate for years and at the same time will allow the Iranians to proceed with a nuclear program.”

#### Sanctions will collapse talks and jumpstart an Israeli air strike

Gharib, 12/18/13 (Ali, The Cable – a Foreign Policy blog, “Exclusive: Top Senate Democrats Break with White House and Circulate New Iran Sanctions Bill” <http://thecable.foreignpolicy.com/posts/2013/12/18/exclusive_top_senate_democrats_break_with_white_house_and_circulate_new_iran_sancti>)

Critics of imposing new sanctions fear that the bill will violate either the spirit or the letter of the Joint Plan of Action signed in Geneva. The interim deal allows some flexibility, mandating that "the U.S. administration, acting consistent with the respective roles of the President and the Congress, will refrain from imposing new nuclear-related sanctions." Administration officials have mounted a so-far successful effort to stall new sanctions in the Senate. (The House overwhelmingly passed new sanctions in the summer.) Previous rumors of a bill in the Senate were said to contain a six-month delay that would prevent the legislation from taking effect while talks continued, but this iteration of the legislation doesn't contain that kind of fail-safe. Asked this month by Time what would happen if a bill, even with a delay, passed Congress, Iran's Foreign Minister Javad Zarif said, "The entire deal is dead."¶ "The law as written comes close to violating the letter [of the Geneva agreement] since the sanctions go into effect immediately unless the administration immediately waives them," said Colin Kahl, who stepped down in 2011\* as the Pentagon's top Mideast policy official. "There is no question the legislation violates the spirit of the Geneva agreement and it would undoubtedly be seen by the Iranians that way, giving ammunition to hard-liners and other spoilers looking to derail further progress."¶ Though a fact-sheet circulating with the new bill says it "does not violate the Joint Plan of Action," critics allege it would mark a defeat for the administration and the broader push for a diplomatic solution to the Iran crisis.¶ "It would kill the talks, invalidate the interim deal to freeze Iran's nuclear program, and pledge U.S. military and economic support for an Israel-led war on Iran," said Jamal Abdi, the policy director for the Washington-based National Iranian American Council, a group that supports diplomatic efforts to head off the Iranian nuclear crisis. "There is no better way to cut Iranian moderates down, empower hardliners who want to kill the talks, and ensure that this standoff ends with war instead of a deal."

### Fiat Solves

#### 1. Even if you win this argument – there’s still backlash to the plan which drains Obama’s capital and triggers the link

#### 2. Fiat is the least means necessary – Obama changes his mind and pushes it, that’s the most likely. Your interpretation would have every senator/representative change their mind.

#### 3. Politics DAs are good – key to neg ground, net benefit to tons of counterplans, the only way to access current events education. Important because debaters become policymakers. Defer to link specificity – this is a no risk unwarranted arg by the aff.

### Capital Irellevant

#### Fracturing of the president’s political strength will place Rouhani and Zarif in a diplomatic box, forced to negotiate with toughness instead of concessionary cooperation to protect against Iranian hardliners – that’s Goldberg

### Israel will Strike

#### Sanctions bill commits US support for Israeli air strike

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

Presidential press secretary Jay Carney uttered 10 words the other day that represent a major presidential challenge to the American Israel lobby and its friends on Capitol Hill. Referring to Senate legislation designed to force President Obama to expand economic sanctions on Iran under conditions the president opposes, Mr. Carney said: “If it were to pass, the president would veto it.” For years, there has been an assumption in Washington that you can’t buck the powerful Israel lobby, particularly the American Israel Public Affairs Committee, or AIPAC, whose positions are nearly identical with the stated aims of Israeli Prime Minister Benjamin Netanyahu. Mr. Netanyahu doesn’t like Mr. Obama’s recent overture to Iran, and neither does AIPAC. The result is the Senate legislation, which is similar to a measure already passed by the House. With the veto threat, Mr. Obama has announced that he is prepared to buck the Israel lobby — and may even welcome the opportunity. It isn’t fair to suggest that everyone who thinks Mr. Obama’s overtures to Iran are ill-conceived or counterproductive is simply following the Israeli lobby’s talking points, but Israel’s supporters in this country are a major reason for the viability of the sanctions legislation the president is threatening to veto. It is nearly impossible to avoid the conclusion that the Senate legislation is designed to sabotage Mr. Obama’s delicate negotiations with Iran (with the involvement also of the five permanent members of the U.N. Security Council and Germany) over Iran’s nuclear program. The aim is to get Iran to forswear any acquisition of nuclear weapons in exchange for the reduction or elimination of current sanctions. Iran insists it has a right to enrich uranium at very small amounts, for peaceful purposes, and Mr. Obama seems willing to accept that Iranian position in the interest of a comprehensive agreement. However, the Senate measure, sponsored by Sens. Robert Menendez, New Jersey Democrat; Charles E. Schumer, New York Democrat; and Mark Kirk, Illinois Republican, would impose potent new sanctions if the final agreement accords Iran the right of peaceful enrichment. That probably would destroy Mr. Obama’s ability to reach an agreement. Iranian President Hasan Rouhani already is under pressure from his country’s hard-liners to abandon his own willingness to seek a deal. The Menendez-Schumer-Kirk measure would undercut him and put the hard-liners back in control. Further, the legislation contains language that would commit the United States to military action on behalf of Israel if Israel initiates action against Iran. This language is cleverly worded, suggesting U.S. action should be triggered only if Israel acted in its “legitimate self-defense” and acknowledging “the law of the United States and the constitutional responsibility of Congress to authorize the use of military force,” but the language is stunning in its brazenness and represents, in the view of Andrew Sullivan, the prominent blogger, “an appalling new low in the Israeli government’s grip on the U.S. Congress.” While noting the language would seem to be nonbinding, Mr. Sullivan adds that “it’s basically endorsing the principle of handing over American foreign policy on a matter as grave as war and peace to a foreign government, acting against international law, thousands of miles away.” That brings us back to Mr. Obama’s veto threat. The American people have made clear through q`polls and abundant expression (especially during Mr. Obama’s flirtation earlier this year with military action against Bashar Assad’s Syrian regime) that they are sick and weary of American military adventures in the Middle East. They don’t think the Iraq and Afghanistan wars have been worth the price, and they don’t want their country to engage in any other such wars. That’s what the brewing confrontation between Mr. Obama and the Israel lobby comes down to — war and peace. Mr. Obama’s delicate negotiations with Iran, whatever their outcome, are designed to avert another U.S. war in the Middle East. The Menendez-Schumer-Kirk initiative is designed to kill that effort and cedes to Israel America’s war-making decision in matters involving Iran, which further increases the prospects for war. It’s not even an argument about whether the United States should come to Israel’s aid if our ally is under attack, but whether the decision to do so and when that might be necessary should be made in Jerusalem or Washington.

#### Israeli strikes only happen in a world of the link

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.

### Nuke Power Not Solve

#### Can’t solve for transportation emissions

Squassoni 12 (Susan, Director and Senior Fellow of the Proliferation Prevention Program at CSIS, (FAS and WASHINGTON and LEE UNIVERSITY The Future of Nuclear Power in the United States, Edited by Charles D. Ferguson and Frank A. Settle, February, http://www.fas.org/pubs/\_docs/Nuclear\_Energy\_Report-lowres.pdf)

In response to mitigating climate change, many countries will ﬁnd that nuclear power is neither the least-cost nor the quickest approach to reducing carbon dioxide emissions.1 Until nuclear energy is able to produce hydrogen or process heat, or until transportation sectors are electriﬁed, nuclear energy’s potential contribution to reducing carbon dioxide emissions will be somewhat limited.

## 1NR

### Solvency

#### OLC opinions are presumptively binding and solve the case

Trevor Morrison 11, Professor of Law at Columbia Law School, “LIBYA, ‘HOSTILITIES,’ THE OFFICE OF LEGAL COUNSEL, AND THE PROCESS OF EXECUTIVE BRANCH LEGAL INTERPRETATION,” Harvard Law Review Forum Vol.124:42, http://www.harvardlawreview.org/media/pdf/vol124\_forum\_morrison.pdf

Deeply rooted traditions treat the Justice Department’s Office of Legal Counsel (OLC) as the most important source of legal advice wit h- in the executive branch. A number of important norms guide the provision and handling of that advice. OLC bases its answers on its best view of the law, not merely its sense of what is plausible or arguable. 6 To ensure that it takes adequate account of competing perspectives within the executive branch, it typically requests and fully considers the views of other affected agencies before answering the questions put to it. Critically, once OLC arrives at an answer, it is treated as binding within the executive branch unless overruled by the Attorney General or the President. That power to overrule, moreover, is wielded extremely rarely — virtually never. As a result of these and related norms, and in spite of episodes like the notorious “torture memos,” OLC has earned a well-deserved reputation for providing credible, authoritative, thorough and objective legal analysis. The White House is one of the main beneficiaries of that reputation. When OLC concludes that a government action is lawful, its conclusion carries a legitimacy that other executive offices cannot so readily provide. That legitimacy is a function of OLC’s deep traditions and unique place within the executive branch. Other executive offices — be they agency general counsels or the White House Counsel’s Office — do not have decades-long traditions of providing legal advice based on their best view of the law after fully considering the competing positions; they have not generated bodies of authoritative precedents to inform and constrain their work; and they do not issue legal opinions that, whether or not they favor the President , are treated as presumptively binding within the executive branch. (Nor should those other offices mimic OLC; that is not their job.) Because the value of a favorable legal opinion from OLC is tied inextricably to these aspects of its work, each successive presidential administration has a strong incentive to respect and preserve them.

#### Solves perception and precedent

Johnsen, professor of law at Indiana University, August 2007

(Dawn, “The Role of Institutional Context in Constitutional Law: Faithfully Executing the Laws: Internal Legal Constraints on Executive Power,” 54 UCLA L. Rev. 1559, Lexis)

Perhaps most essential to avoiding a culture in which OLC becomes merely an advocate of the administration's policy preferences is transparency [\*1597] in the specific legal advice that informs executive action, as well as in the general governing processes and standards. The Guidelines state that "**OLC should publicly disclose its written legal opinions** in a timely manner, absent strong reasons for delay or nondisclosure." n151 The Guidelines describe several values served by a presumption of public disclosure, beyond the general public accountability that accompanies openness in government. **The likelihood of public disclosure will encourage both** the reality andthe appearance **of governmental adherence to the rule of law by** deterring "excessive claims of executive authority" and promoting public confidence **that executive branch action actually is taken with regard to legal constraints**. n152 The Guidelines note as well that public discourse and "the development of constitutional meaning" may benefit from the executive's important voice, valuable perspective, and expertise. n153

#### OLC rulings hold binding precedential value --- the President has an incentive to defer to those rulings in order to maintain a unitary voice on executive legal policy.

Arthur Garrison, 2013. Assistant Professor of Criminal Justice at Kutztown University. Dr. Garrison received a B.S. from Kutztown University, a M.S. from West Chester University, and a Doctor of Law and Policy from Northeastern University. “THE OPINIONS BY THE ATTORNEY GENERAL AND THE OFFICE OF LEGAL COUNSEL: HOW AND WHY THEY ARE SIGNIFICANT,” Albany Law Review, 76 Alb. L. Rev. 217, Lexis.

Various Attorneys General have reflected on the approach of Wirt and Legare that an Attorney General opinion should be approached in similar matter to that of a judge. [n48](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n48) Similar to a judge, the Attorney General is bound to make determinations of law, [n49](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n49) not to rule on hypothetical cases, [n50](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n50) and prior Attorneys General opinions have precedential authority on subsequent Attorneys General. [n51](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n51) Attorney General William Moody summarized the prevailing view on the authority of an Attorney General opinion when he opined in 1904: Of course the opinion of the Attorney-General, when rendered in a proper case - as must be the presumption [\*231] always from the fact that it is rendered - must be controlling and conclusive, establishing a rule for the guidance of other officers of the Government, and must not be treated as nugatory and ineffective… If a question is presented to the Attorney-General in accordance with law - that is, if it is submitted by the President or the head of a Department - if it is a question of law and actually arises in the administration of a Department, and the Attorney-General is of opinion that the nature of the question is general and important ... and therefore conceives that it is proper for him to deliver his opinion, I think it is final and authoritative under the law, and should be so treated .... ... I entertain no doubt whatever that the Attorney-General's opinion should not only be justly persuasive ... but should be controlling and should be followed ... unless contrary to some authoritative judicial decision which puts the matter at rest. It is always to be assumed that an Attorney-General would not overlook or ignore such a decision in announcing his own conclusion. [n52](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n52) An opinion issued by past Attorneys General and those by the OLC serve as precedent that governs current opinion-making by the OLC. [n53](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n53) One significant attribute of the two centuries of Attorneys General and OLC opinions is that they create an institutional legal foundation and tradition that governs current opinion-making regardless of the personal views of a current Attorney General or head of OLC. [n54](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n54) Legal opinions need not nor should not be guided by the personal, political, or academic opinions held by the writer of [\*232] the opinion. Both precedent and institutional tradition obligate the writer to produce opinions that provide the best view of the law taking into account past opinions by the OLC and Attorneys General so as to protect the continuity of the law. [n55](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n55) As Walter Dellinger, in addressing the difference in his views on presidential power to deploy the military without prior congressional approval when he was a professor and when he was head of the OLC, observed, I expect that I would have seen a distinction between the planned deployment in Haiti and the sending of half a million troops into battle against one of the world's largest and best-equipped armies. Even apart from that, however, I am not sure I agree with the apparent assumption of Professor Tribe's letter and the Washington Times editorial - that it would be wrong for me to take a different view at the Office of Legal Counsel from the one I would have been expected to take as an academic. It might well be the case that I have actually learned something from the process of providing legal advice to the executive branch - both about the law (from the career lawyers at the Departments of Justice, State, and Defense and the National Security Council) and about the extraordinary complexity of interrelated issues facing the executive branch in general and the President in particular. Moreover, unlike an academic lawyer, an executive branch attorney may have an obligation to work within a tradition of reasoned, executive branch precedent, memorialized in formal written opinions. Lawyers in the executive branch have thought and written for decades about the President's legal authority to use force. Opinions of the Attorneys General and of the Office of Legal Counsel, in particular, have addressed the extent of the President's authority to use troops without the express prior approval of Congress. Although it would take us too far from the main subject here to discuss at length the stare decisis effect of these opinions on executive branch officers, the opinions do count for something. When lawyers who are now at the Office of Legal Counsel begin to research an issue, they are not expected to turn to what I might have written or said in a floor [\*233] discussion at a law professors' convention. They are expected to look to the previous opinions of the Attorneys General and of heads of this office to develop and refine the executive branch's legal positions. That is not to say that prior opinions will never be reversed, only that there are powerful and legitimate institutional reasons why one's views might properly differ when one sits in a different place. [n56](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n56) Both tradition and fidelity to the rule of law are important in justifying the authority of the Attorney General to issue legal opinions which are binding on the operations of the executive branch. [n57](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n57)Another reason is protection of the unitary President and the power of the President to control the operation of the executive branch. As General Bell observed, as a matter of good government, it is desirable generally that the executive branch adopt a single, coherent position with respect to the legal questions that arise in the process of government. Indeed, the commitment of our government to due process of law and to equal protection of the laws probably requires that our executive officers proceed in accordance with a coherent, consistent interpretation of the law, to the extent that it is administratively possible to do so. It is thus desirable for the President to entrust the final responsibility for interpretations of the law to a single officer or department. The Attorney General is the one officer in the executive branch who is charged by law with the duties of advising the others about the law and of representing the interests of the United States in general litigation in which questions of law arise. The task of developing a single, coherent view of the law is entrusted to the President himself, and by delegation to the Attorney General. That task is consistent with the nature of the office of Attorney General. [n58](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n58) As discussed below, the traditional view of the Office of the Attorney General regarding the quasi-judicial authority and status of legal opinions issued by the Attorney General is institutionalized within the OLC, the Department of Justice, and the executive [\*234] branch.

### Perm do CP

#### It’s severance—

#### The counterplan is neither “statutory” nor “judicial” and it doesn’t restrict authority – it addresses executive practice but leaves authority in place

#### Severance is a voting issue – the stable plan is the sole focus of the debate. We test one policy at a time. Scrapping it in the 2AC kills neg strategy

#### Authority is power vested in an agent by a principal

Oxford Dictionary of Law 2009

(“Authority,” Oxford University Press via Oxford Reference, Georgetown University Library)

authority

n.

1 Power delegated to a person or body to act in a particular way. The person in whom authority is vested is usually called an agent and the person conferring the authority is the principal.

#### Changing authority requires the principal – the agent only operates within the powers it has been given

Hohfeld 1919 (Wesley, Yale Law, http://www.hku.hk/philodep/courses/law/HohfeldRights.htm)

Many examples of legal powers may readily be given. Thus, X, the owner of ordinary personal property "in a tangible object" has the power to extinguish his own legal interest (rights, powers, immunities, etc.) through that totality of operative facts known as abandonment; and-simultaneously and correlatively-to create in other persons privileges and powers relating to the abandoned object,-e. g., the power to acquire title to the latter by appropriating it. Similarly, X has the power to transfer his interest to Y, that is to extinguish his own interest and concomitantly create in Y a new and corresponding interest. So also X has the power to create contractual obligations of various kinds. Agency cases are likewise instructive. By the use of some metaphorical expression such as the Latin, qui facit per alium, facit per se\* the true nature of agency relations is only too frequently obscured. **The creation of an agency relation involves**, inter alia, **the grant of legal powers to the so-called agent**, and the creation of correlative liabilities in the principal. That is to say, one party, P, has the power to create agency powers in another party, A,-for example, the power to convey P's property, the power to impose (so called) contractual obligations on P, the power to discharge a debt owing to P, the power to "receive" title to property so that it shall vest in P, and so forth. In passing, it may be well to observe that **the term** "**authority**," so frequently used in agency cases, **is** very ambiguous and **slippery in its connotation**. Properly employed in the present connection, the word seems to be an abstract or qualitative term corresponding to the concrete "authorization," the latter consisting of a particular group of operative facts taking place between the principal and the agent. All too often, however, the term in question is so used as to blend and confuse these operative facts with the powers and privileges thereby created in the agent. A careful discrimination in these particulars would, it is submitted, go far toward clearing up certain problems in the law of agency.

### AT: CP Links PTX

#### The CP certainly doesn’t link to politics --- the CP has the President’s legal advisors deciding to advocate that he enforces a law differently. The president chooses to comply precisely in order to avoid political backlash. None of their evidence assumes this mechanism.

#### 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