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#### The plan’s precedent causes further constraint --- undermines overall war powers

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Legacy Chains

Finegold & Skocpol (1995: 222) describe policy legacies: Past and present policies are connected in at least three different ways. First, past policies give rise to analogies that affect how public officials think about contemporary policy issues. Second, past policies suggest lessons that help us to understand the processes by which contemporary policies are formulated and implemented and by which the conse quences of contemporary policies will be determined. Third, past policies impose limitations that reduce the range of policy choices available as responses to contemporary problems. All three of the ways in which they connect past policy to present policy can be viewed as changes in the institutional context in which policy is made. These legacies are institutionalized in two different ways: first, through changes in formal rules or procedures, and second, in the 'taken for granteds', 'schemas', and accepted wisdom of policy makers and ordinary citizens alike (Sewell, 1992: 1-29). While a policy or event can leave multiple legacies, it often leaves a single major legacy. For example, the War Powers Resolution for mally changed the relationship between the president and the congress with regard to war-making and the deployment of troops. Subsequent military interventions were influenced by this change and have, in turn, left their own legacy (legal scholars might call it precedent) as a link in that chain. Legacy chains can be modified, trans formed, or reinforced as they step through each 'link' in the chain. As another example, US involvement in Vietnam left a legacy in the sphere of press/military relations which affected the intervention in Grenada in 1983 (the press was completely excluded for the first 48 hours of the operation). The press legacy chain begun in Vietnam also affected the Panama invasion of 1989 (a press pool was activated, in country, but excluded from the action), but the legacy had been trans formed slightly by the Grenada invasion (the press pool system itself grew out of complaint regarding press exclusion in Grenada) (Paul & Kim, 2004). Because of the different ways in which policy legacies are institutionalized, some legacies have unintended institutional cons quences. The War Powers Resolution was intended to curtail presidential war-making powers and return some authority to the con gress. In practice, the joint resolution failed to force presidents to include congressional participation in their intervention decision making, but it had the unintended conse quence of forcing them to change the way they planned interventions to comply with the letter of the law (see the extended ex ample presented later in the article).1

#### Causes nuclear war and bioterror---exec flex is key to successful fourth-gen warfare

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A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new. theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modem state] does not have a future in front of it.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

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#### Text: The President of the United States should not initiate non-defensive introduction of United States armed forces into hostilities against the Islamic Republic of Iran and should publicly declare that this is the policy of the United States. The President should clarify that the United States will not support an Israeli strike on Iran. The United States Congress should table all legislation threatening sanctions or US-backing of an Israel strike on Iran. The United States Congress should sign a public letter declaring its opposition to the following:

#### - introduction of United States armed forces into hostilities against the Islamic Republic of Iran

#### - sanctions on the Islamic Republic of Iran

#### - US-backing of an Israel strike on the Islamic Republic of Iran.

#### Counterplan solves international cred and the case

Adrian Vermeule 7, Harvard law prof - AND - Eric Posner - U Chicago law, The Credible Executive, 74 U. Chi. L. Rev. 865

\*We do not endorse gendered language

The Madisonian system of oversight has not totally failed. Some- times legislators overcome the temptation to free ride; sometimes they invest in protecting the separation of powers or legislative preroga- tives. Sometimes judges review exercises of executive discretion, even during emergencies. But often enough, legislators and judges have no real alternative to letting executive officials exercise discretion un- checked. The Madisonian system is a partial failure; compensating mechanisms must be adopted to fill the area of slack, the institutional gap between executive discretion and the oversight capacities of other institutions. Again, the magnitude of this gap is unclear, but plausibly it is quite large; we will assume that it is. It is often assumed that this partial failure of the Madisonian sys- tem unshackles and therefore benefits ill-motivated executives. This is grievously incomplete. The failure of the Madisonian system harms the well-motivated executive as much as it benefits the ill-motivated one. Where Madisonian oversight fails, the well-motivated executive is a victim of his own power. Voters, legislators, and judges will be wary of granting further discretion to an executive whose motivations are un- certain and possibly nefarious. The partial failure of Madisonian over- sight thus threatens a form of inefficiency, a kind of contracting failure that makes potentially everyone, including the voters, worse off. Our central question, then, is what the well-motivated executive can do to solve or at least ameliorate the problem. The solution is for the executive to complement his (well-motivated) first-order policy goals with second-order mechanisms for demonstrating credibility to other actors. We thus do not address the different question of what voters, legislators, judges, and other actors should do about an executive who is ill motivated and known to be so. That project involves shoring up or replacing the Madisonian system to block executive dictatorship. Our project is the converse of this, and involves finding new mechanisms to help the well-motivated executive credibly distinguish himself as such. ¶ IV. EXECUTIVE SIGNALING: LAW AND MECHANISMS ¶ We suggest that the executive’s credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well- motivated ones, thus distinguishing themselves from their ill- motivated mimics. Among the specific mechanisms we discuss, an important subset involves executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations. ¶ This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by “government” or govern- ment officials. In constitutional theory, it is often suggested that consti- tutions represent an attempt by “the people” to bind “themselves” against their own future decisionmaking pathologies, or relatedly, that constitutional prohibitions represent mechanisms by which govern- ments commit themselves not to expropriate investments or to exploit their populations.72 Whether or not this picture is coherent,73 it is not the question we examine here, although some of the relevant consid- erations are similar.74 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government. ¶ Furthermore, our question is subconstitutional: it is whether a well-motivated executive, acting within an established set of constitu- tional and statutory rules, can use signaling mechanisms to generate public trust. Accordingly, we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these con- straints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations. In general, the solution is to engage in actions that are less costly for good types than for bad types. ¶ We begin with some relevant law, then examine a set of possible mechanisms—emphasizing both the conditions under which they might succeed and the conditions under which they might not—and conclude by examining the costs of credibility. ¶ A. A Preliminary Note on Law and Self-Binding ¶ Many of our mechanisms are unproblematic from a legal per- spective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self- binding.75 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is yes, at least to the same extent that a legislature can. Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.76 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense pro- curement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of self-binding:

#### The counterplan maintains the benefits of the unitary executive while deterring excessive presidential adventurism

Neal Katyal 6, prof, Georgetown law, Internal Separation of Powers: Checking Today's Most Dangerous Branch from Within, 115 Yale L.J. 2314

This Essay's proposed reforms reflect a more textured conception of the presidency than either the unitary executivists or their critics espouse. In contrast to the unitary executivists, I believe that the simple fact that the President should be in control of the executive branch does not answer the question of how institutions should be structured to encourage the most robust flow of advice to the President. Nor does that fact weigh against modest internal checks that, while subject to presidential override, could constrain presidential adventurism on a day-to-day basis. And in contrast to the doubters of the unitary executive, I believe a unitary executive serves important values, particularly in times of crisis. Speed and dispatch are often virtues to be celebrated.¶ Instead of doing away with the unitary executive, this Essay proposes designs that force internal checks but permit temporary departures when the need is great. Of course, the risk of incorporating a presidential override is that its great formal power will eclipse everything else, leading agency officials to fear that the President will overrule or fire them. But just as a filibuster does not tremendously constrain presidential action, modest internal checks, buoyed by reporting requirements, can create sufficient deterrent costs.¶ [\*2319] Let me offer a brief word about what this Essay does not attempt. It does not propose a far-reaching internal checking system on all presidential power, domestic and foreign. Instead, this Essay takes a case study, the war on terror, and uses the collapse of external checks and balances to demonstrate the need for internal ones. In this arena, public accountability is low - not only because decisions are made in secret, but also because they routinely impact only people who cannot vote (such as detainees). In addition to these process defects, decisions in this area often have subtle long-term consequences that short-term executivists may not fully appreciate. n9

#### Preemption is inevitable globally because of states’ security interests---attempting to establish a binding norm against preemption is perceived as legal overreach which destroys support for overall international law restraining the use of force

Daniel H. Joyner 8, Associate Professor, University of Alabama School of Law, 2008, “Jus Ad Bellum in the Age of WMD Proliferation,” THE GEORGE WASHINGTON INTERNATIONAL LAW REVIEW, 40 Geo. Wash. Int'l L. Rev. 233

Notwithstanding this legal incongruity, the policy of counterproliferation-oriented preemption continues to be seen by a number of states as a necessary, final option to be used against WMD threats when no other tools appear to be working. n28 The idea that states must, per the text of Article 51 or the restrictive interpretation of anticipatory self-defense prescribed by customary law, wait for a WMD attack to have already taken place against them, or at least for indisputable evidence of a threat of use of WMD against them which leaves them "no choice of means and no moment for deliberation" before they are allowed to act in self-defense, is to the [\*245] minds of many policymakers a wholly unrealistic notion, and unworkable in practice.

This then exposes the heart of the problem facing modern states in their desires both to vigorously pursue policies seen as necessary to their national security, and at the same time to support and comply with international law, and comprises the cause of the current crisis in international use of force law. The U.N. Charter, now nearly sixty years old, is in the minds of many policymakers in states that are shifting their emphasis toward counterproliferation, an anachronism; a set of norms which, if accurately reflective of the principled universe which states inhabited within the context of the evolution of military technology and geopolitics in 1945, is currently unfit for the task of providing a set of workable and supportable principles for governing this most sensitive area of international relations.

These policymakers point not only to the proliferation of WMD technologies themselves, which have worked an evolution in the instruments of violence and the amount of damage that can be done in a single "armed attack," but also to the emergence of sophisticated non-state actors whom, it is feared, will be able to use these weapons, changing the rules on where states must look to predict and manage threats, as well as the effectiveness of classical doctrines such as deterrence and containment for managing these threats. n29 These doctrines, while employed with some success in inter-state security tensions, seem likely to be largely ineffective against the fluid assets and operative networks of international non-state actors, and particularly those driven by extreme ideological motives. n30 As Daniel Poneman has explained:

Obviously, deterrence depends on having a return address which one can target and send an opponent a response to that which has just been received. However, terrorists do not often leave return addresses. Moreover, deterrence depends on a particular view of human nature. If you read Hobbes's Leviathan, you understand that, at the least, you need a minimal sense of [\*246] self-preservation to rely upon if you expect notions of deterrence to obtain. In a terrorist context - in which, if not the leaders, then certainly the cannon fodder they send in to do the suicide bombings and therefore are not driven by the desire for self-preservation - you can no longer count on deterrence. n31

While some observers might characterize these views regarding the threat posed by WMD and the anachronistic character of existing international use of force law as extreme and reactionary, or perhaps even paranoid, the fact remains that many policymakers in couterproliferation-oriented states genuinely believe that it is necessary for the security of their states that they are able to use force preemptively against these new threats before they develop the qualities of demonstrable immediacy necessary to square such actions with existing use of force law. Moreover, it is clear that a number of these states will continue to act in pursuance of these beliefs, and of couterproliferation policies of preemption, regardless of the formal, technical requirements of international law.

This, then, is the heart of the crisis: a significant number of states now believe that their vital national security interests require them to act in a manner that is in breach of the laws governing international uses of force laid down in the U.N. Charter. This is not a temporary policy shift, nor are actions taken in pursuance of counterproliferation policies isolated or extraordinary events. Policies of counterproliferation-oriented preemptive use of force are a part of a systematic rethinking within a significant number of states about the security environment in which states find themselves, and the policy options those states feel they must maintain in order to defend themselves against modern threats, and to pursue their essential interests internationally. n32 This is a revision of thought that is likely to persist and mature within these states, and it is likely that, as WMD proliferation inevitably spreads and becomes more intimately a part of the security concerns of a growing number of states, those states too will arrive at the conclusion that traditional [\*247] non-proliferation efforts based in multilateralism and diplomacy, and utilizing strategies such as deterrence and containment, are not wholly sufficient to deal with these realities. They will likely conclude, as others have done, that policies of preemptive use of force against states and non-state actors that threaten them with WMD, and who will not sufficiently respond to or be managed by these classic strategies, are a necessary addition to the policy options at their disposal.

Therefore, at the heart of the current crisis in international use of force law is a continuing, and likely increasing gap between the provisions of existing law and the perceptions of a significant number of important states of the realities of the international political issue area that law is meant to regulate - a classic gap between law and reality caused by the law simply lagging behind the dynamics of technological and geo-political change. n33 Such a situation, in which the law is seen by its subjects to be out of touch with the "on the ground" realities of the decisions and actions it is intended to govern, in any area of the law, is simply unsustainable, and as in any other area of law the result of this gap is decreasing confidence in the law and its institutions of maintenance, a decreasing perception of the validity of the law, increasing antagonism toward the law, and resultant non-compliance with the reason-offending rules. n34 This indeed was one of the fundamental reasons underlying the decision by Western powers to invade Iraq in 2003, and is the reason that fears abound regarding future acts of force outside of the U.N. Charter use of force system by counterproliferation-oriented states, in places like Iran and North Korea.

#### Only adopting the plan’s constraint as a non-binding matter of policy sets a middle-ground norm that’s capable of actually restraining most instances of preemptive force

Daniel H. Joyner 8, Associate Professor, University of Alabama School of Law, 2008, “Jus Ad Bellum in the Age of WMD Proliferation,” THE GEORGE WASHINGTON INTERNATIONAL LAW REVIEW, 40 Geo. Wash. Int'l L. Rev. 233

This Article will discuss the normative question of what should be the character of the rules and institutions of international law covering international uses of force, in the age of proliferation of weapons of mass destruction (WMD) technologies. It will posit that international use of force law is currently in a state of crisis, precipitated by the proliferation of WMD technologies and the revised set of national security calculations, which determine when and why states choose to use force internationally, that have been thrust upon states as a result. It will review a number of options which have been proposed for changing the substance of international laws and institutions which currently regulate this area, in order to make them responsive to this change in international security realities, and more effective and useful to states. However it will conclude that none of these proposals truly grasps the nettle of the problems facing states in the post-proliferated age, and the challenge of designing and maintaining effective and supportable rules and institutions in this area. It will argue that more fundamental changes to the character of these rules and institutions are necessary if they are to fulfill a needed role in providing standards for international behavior in this most vital area of international relations. Using both international legal theory and international relations theory, it will argue specifically that international law regulating uses of force should be deformalized, and maintained not as legally binding rules, but as politically persuasive norms. This change in the character of rules in this area, it will be argued, would help to preserve the integrity of the rest of the formal corpus of international law, while accomplishing virtually the same results in influencing state behavior and in normativizing international relations in this area, as do the current formal rules of the jus ad bellum.

[\*234] A word on the intent of this Article before proceeding. The analysis and proposals in this Article are the result of long deliberation regarding the crisis moment which the jus ad bellum currently faces largely as a result of WMD proliferation. The resulting analysis and proposals will no doubt be considered by some to be somewhat revolutionary, and perhaps even radical. While they are indeed intended to be new and challenging, it will be argued that they are in fact based upon sound theoretical underpinnings, to be found in both international legal theory and international relations theory. It will further be argued that they are a rational product of a realistic assessment of the current crisis and its consequences for international legal regulation in this area.

It cannot be overemphasized that the proposals contained herein are not intended to undermine international law. Quite the contrary, they are specifically intended to bring the character of international law in the area of international uses of force into harmony with the reality of the modern security landscape which states face, and thus ultimately to strengthen the formal corpus of international law generally. With regard specifically to the jus ad bellum, the deformalization thesis advanced herein should be understood not simply as a normative regression, but rather as a tactical normative retreat made necessary by fundamental changes in circumstance. This normative direction could, and should, be reversed in the future when the infrastructure of the international legal system is better able to provide effective regulation in this most sensitive and important area of international relations.

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#### Current Presidential control sets a ceiling on how much the Tea Party can materially affect foreign policy---empowering Congress means empowering isolationist Tea Partiers

Bruce Stokes 14, director of global economic attitudes at the Pew Research Center, 2/12/14, “The Tea Party's worldview,” http://www.europeanvoice.com/article/2014/february/the-tea-party-s-worldview/79627.aspx

About half of Tea Party sympathisers among Republicans and Independents who lean Republican say the United States is doing too much in solving world problems, according to a recent Pew Research Centre survey. This wariness of an activist American foreign policy merely mirrors the sentiment of the broader public.

Similarly, roughly eight in ten Tea Party supporters say it is more important for President Barack Obama to focus on domestic issues rather than foreign policy. In turning inward, the Tea Party is no different from the American public at large.

But such neo-isolationist sentiment should not be equated with protectionism. Tea Party backers agree with the broader public that trade is good for the United States and that American involvement in the global economy is a good thing.

However, Tea Party adherents are far more concerned about declining American influence around the world than is the public at large: 86% say the US plays a less important role today, compared with just 53% of the public who are so concerned.

This is particularly galling to Tea Party supporters because nearly three in four say the United States should be the world's only military superpower, while over half the general public puts a priority on such defence superiority. And Tea Party sympathisers are willing to back up their concerns with spending. Nearly half want to increase the Pentagon's budget, while only about a quarter of the public would do so.

One distinguishing characteristic of Tea Party foreign-policy beliefs is their animosity toward some US foes and the fierceness of their support for traditional friends.

Roughly three-quarters of Tea Party adherents have an unfavourable view of China, compared with the negative view of just over half of the general public. And two-thirds see China's emergence as a world power as a threat to the US. Roughly half the public agrees.

Iran is a particular Tea Party concern: 39% say that the country poses the gravest danger to the US. The general public is less troubled. (Tea Party sympathisers are more concerned about Iran than about China.) And they are far more sceptical about current efforts to curb Tehran's nuclear programme: 84% of Tea Party adherents say Iranian leaders are not serious about addressing international concerns about their country's nuclear enrichment programme compared with 60% of the public that is sceptical.

At the same time, 86% of Tea Party backers have a favourable opinion of Israel, compared with the pro-Israel sentiment by 61% of the general public. This may be one reason 38% of Tea Party supporters say the US should be more involved in resolving the dispute between Israel and the Palestinians. Just 21% of the general public agrees.

Tea Party members of Congress do not set American foreign policy. That is a presidential prerogative in the United States. And Tea Party sympathisers represent only a minority of Congress, although their influence in the Republican party belies the number of their supporters. But their foreign-policy views do have an impact on the US's posture in the world, through the budgetary process. And Tea Party voters and their views of the world shape the US political debate.

So the Tea Party worldview bears watching in 2014. It has global implications.

#### Empowering Congress triggers an isolationist withdrawal from global engagement---extinction

Nicholas Burns 14, professor of the practice of diplomacy and international politics at Harvard’s Kennedy School of Government, 1/30/14, “The new American isolationism,” https://www.bostonglobe.com/opinion/2014/01/30/new-american-isolationism/Kvnzv4gNdDCOabdWgdjAKP/story.html

ARE AMERICANS turning inward, tiring of our immense global responsibilities, just when our leadership may be needed most?

That is the unsettling conclusion from a poll conducted last autumn by The Pew Research Center and Council on Foreign Relations (where I serve on the board of directors). The poll found:

■ 53 percent of respondents say the United States is less powerful than a decade ago;

■ 70 percent believe the United States is less respected;

■ 52 percent agreed that “the US should mind its own business internationally and let other countries get along the best they can on their own.”

For Bruce Stokes, director of Global Economic Attitudes at Pew, these findings describe “an unprecedented lack of support for American engagement with the rest of the world.”

On the surface, American public skepticism about our global role is understandable. Since the 9/11 attacks, the United States has fought two deeply unpopular land wars in Afghanistan and Iraq — the longest in our history. We suffered through the most damaging economic crisis since the Great Depression and watched as pressures rose on the poor and middle class. President Obama spoke for millions of Americans when he said in 2011 that it was “time to focus on nationbuilding here at home.”

But there are worrisome signs that support for US international leadership is breaking down in Congress. On the far left of the Democratic Party, there is visibly less support for sustaining world-class military and diplomatic capabilities. Meanwhile, the Tea Party sometimes gives the impression it wants to dig a giant moat around the country with drawbridges pulled up — permanently — to separate us from the rest of the world.

The problem with this line of thinking, of course, is that while isolation and retreat may have been perfectly rational responses to the world of 1814, they are recipes for foreign policy failure in the more highly integrated world of 2014. The Atlantic and Pacific oceans did not stop the 9/11 hijackers and won’t deter cyber criminals and terrorists waiting to strike in the future. The global economy knits together every nation on earth. That is why an increasing number of American jobs depend on our ability to export, trade, and invest competitively overseas.

In a very real way, the fate of every person on earth is now linked as never before. That is the tangible import of climate change, human trafficking, and the drug and crime cartels that plague every country in the world.

The United States serves, as Princeton’s John Ikenberry puts it, as the global “system operator.” By any metric of power — political, military, economic — the United States is still, by far, the most influential country in the world. China, India, and Brazil — the three great rising powers — are neither ready nor willing to replace us. And we should not want to live in a world dominated in the future by an autocratic and bullying Beijing.

In her gripping 2013 book, “Those Angry Days,” Lynne Olson chronicled the titanic public battle between the isolationist hero Charles A. Lindbergh and the interventionist President Franklin D. Roosevelt on the eve of the Second World War. It was not at all a given in 1939 to 1941 that FDR would finally defeat the isolationists who would have kept us criminally neutral in the battle against Hitler.

Fortunately, we face no isolationist movement in 2014 as dramatically powerful as Lindbergh and his allies in the US Senate before Pearl Harbor. The main lesson of that time, however, applies today. The United States needs to lead internationally, however burdensome that may sometimes be.

But, many of America’s closest friends are worried about us. In London last week, I listened to a litany of concerns about the consistency and durability of US global leadership. Could it be, some wondered, that in our understandable desire to withdraw from Iraq and Afghanistan, we may have pulled back too much from the rest of the Middle East, especially Syria and Egypt?

In a recent column that should be read carefully in Washington’s corridors of power, the influential British Financial Times columnist Philip Stephens warned starkly: “The US remains the only power that matters everywhere, but Washington no longer thinks that everywhere matters.”

### 1NC

#### Momentum for patent reform now – Obama’s pushing and PC is key

David Kravets, WIRED senior staff writer, 3-20-2014, "History Will Remember Obama as the Great Slayer of Patent Trolls," Threat Level, http://www.wired.com/threatlevel/2014/03/obama-legacy-patent-trolls/

But Obama will leave another gift to posterity, one not so obvious, one that won’t be felt until years after his term ends: The history ebooks will remember the 44th president for setting off a chain of reforms that made predatory patent lawsuits a virtual memory. Obama is the patent troll slayer. Even now, a perfect storm of patent reform is brewing in all three branches of government. Over time, it could reshape intellectual property law to turn the sue-and-settle troll mentality into a thing of the past. “If these reforms go into effect, they will be felt only minimally during the Obama administration,” says Joe Gratz, a San Francisco-based patent lawyer who is representing Twitter in a patent dispute. “They will be felt quite strongly well after the Obama administration.” “The president is a strong leader on these issues. We haven’t really seen that before,” says Julie Samuels, the executive director of startup advocacy group Engine. “I do think that this could be one of the legacies of this administration.” A patent troll is generally understood to be a corporation that exists to stockpile patents for litigation purposes, instead of to build products. Often taking advantage of vague patent claims and a legal system slanted in the plaintiff’s favor, the company uses the patents to sue or threaten to sue other companies, with an eye to settling out of court for a fraction of what they were originally seeking. The nation’s legal dockets are littered with patent cases with varying degrees of merit, challenging everything from mobile phone push notifications and podcasting to online payment methods and public Wi-Fi. Some 2,600 companies were targeted in new patent lawsuits last year alone. Against that backdrop, Obama issued five executive orders on patent reform last summer. Among other things, they require the Patent and Trademark Office to stop issuing overly broad patents, and to force patent applicants to provide more details on what invention they are claiming. One of the orders opens up patent applications for public scrutiny — crowdsourcing — while they are in the approval stage, to help examiners locate prior art and assist with analyzing patent claims. Since a patent is binding for 20 years, the impact of the new rules won’t be felt for some time. But they will be felt, says Gratz, a litigator who defends technology-heavy patent lawsuits. “The supply of overly broad, vague patents will start to dry up as new rules get put into place,” he says. In January, Obama became the first president to elevate patent reform to a national meat-and-potatoes issue, when he used the State of the Union address to urge Congress to “pass a patent reform bill that allows our businesses to stay focused on innovation, not costly and needless litigation.” The market is already reacting to the wind change. Shares of patent-litigation firm Acacia dropped sharply following Obama’s State of the Union, and are hovering near 52-week lows. Shares of VirnetX are in a similar tailspin. RPX, another intellectual-property concern, has seen its share prices slashed in half over the past three years. The House passed major patent reform legislation last year, on a 325-91 vote, in a bid to even out the litigation playing field. Among other things, the Innovation Act requires plaintiffs in lawsuits to be more specific about what they believe is being infringed, and to identify the people who have financial interests behind a company. Perhaps most significantly, it requires that plaintiffs pay litigation expenses if they lose at trial. The bill also prohibits patent holders from suing mere users of a technology that allegedly infringes on an invention, like restaurants offering Wi-Fi access to their diners. The Senate is debating similar legislation in a piecemeal manner. Whatever it finally approves, the package will have to go back to the House for final approval before landing on the president’s desk.

#### Restrictions on war powers deplete political capital and trade off with the rest of the agenda

Douglas L. Kriner 10, Assistant Professor of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 68-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital

Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea."¶ While congressional support leaves the president's reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president's foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president's political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War.60¶ In addition to boding ill for the president's perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson's dream of a Great Society also perished in the rice paddies of Vietnam. Lacking both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush's highest second-term domestic priorities, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61

#### Reform that targets patent trolling is key to the entire green tech sector

Adam Gerschel-Clarke 13, independent design strategist specialising in the societal aspects of design and a contributing writer at Sustainable Brands, 11/14/13, “Are patent trolls strangling sustainable innovation?,” http://www.theguardian.com/sustainable-business/patent-trolls-sustainable-innovation

Disputes over intellectual property have risen dramatically over the last few years and, despite the global advantage green technologies offer, they have not been immune from these battles over ownership.

According to the latest figures published by the World Intellectual Property Organisation, applications to patent greentech have risen by over 6% since 2011, making it one of the leading growth areas for IP. Over the same period we've seen increasingly urgent global efforts to preserve the environment and avert lasting impact on society. So how is the volatile IP climate affecting the development of green technologies and the pace of progress towards a sustainable future?

Patents were originally conceived as temporary defensive measures to protect and promote innovation. They grant the holder exclusive rights to make, use or sell an invention for up to 20 years. The aim was to ensure businesses investing time and effort into developing technology have the opportunity to commercialise it without competition from firms that haven't made the same commitment.

Trolling

However, the ability to sell or licence patents for a fee has led to a slow proliferation of patent 'trolling' which is now threatening the creation of new sustainable systems and products.

Patent trolls are non-manufacturing companies which acquire and exploit libraries of patents to extract licensing fees from creative firms. Small entities, such as entrepreneurs, are particularly at risk from trolling, as their limited budgets often prevent them from contesting spurious claims. Although multi-million pound battles between wealthy technology firms may dominate media coverage, recent figures suggest that 60% of patent litigation is now brought by patent trolls mostly against firms with low annual incomes.

For sustainable development, the danger is that trolling replaces the financial protection that patents offer with financial encumbrance. This reduces the incentive to turn green ideas into green technology and impairs the creativity that is at the core of sustainable progress.

Stifling green growth

But there are even greater risks with the patent system. By using patents on essential components and concepts, established manufacturers can keep a tight grip on emerging new technology as well as on creative talent in the field.

Potential innovators and entrepreneurs – the driving force behind economic progress - are faced with the choice of either starting a business at the risk of being crushed by patent litigation, or going to work for one of the same companies that would have sued them. And to add insult to injury, the price of choosing the latter often includes complete surrender of those ideas - Matt Stanford, 2012

Often it is not in the interests of incumbent firms to develop new technology. This is especially true of sustainable development, where progress can involve the retirement of serviceable and profitable technology, in favour of alternatives that may threaten existing revenue streams or that cannot yet offer the same economies of scale. This conflict of interest between progress and profit can mean that socially and environmentally beneficial technology is shelved. Worse, it can also provide a temptation to strategically purchase sustainable innovation purely to obstruct its development.

In 1989, for example, innovator Stanford Ovshinsky invented a new nickel-based battery that was cheaper, safer and more powerful than contemporary battery technology. In 1994 he sold the patent to General Motors, to help develop the world's first mass-produced electric car, the EV1.

After testing the technology GM opted to stick with their conventionally powered vehicles and sold the battery patent to Texaco, an oil retailer. Ovshinsky's battery technology has since been licensed by a succession of petrochemical companies. The licence conditions for his batteries limit their application in hybrid vehicles and effectively prohibit use in fully electric vehicles.

The effect of this restriction can be seen in the pace of EV development today. Lithium-based batteries, used in contemporary vehicles such as the Nissan Leaf and Mitsubishi i-MiEV, are only just approaching the range and performance of the original EV1 technology and they cost considerably more to produce.

Even though it seems the patents are failing to promote and protect sustainable innovation, arguably sustainable development would be worse off without them. The system includes an obligation to publish details of protected technology. Without patents, manufacturers may keep valuable scientific and technological knowledge secret, starving the global community of the building blocks of future innovation.

Future of sustainable technology

We need to update the existing patent system to reflect the changing face of innovation. The process of finding solutions and meeting societal needs has become a community undertaking, increasingly motivated by concerns over human and environmental welfare, alongside potential profit.

The traditional influence of financiers on the innovation process is diminishing as crowdfunding platforms enable communities to develop products and services without banks and loans. Similarly in business, social enterprises have grown in strength and look set to play a significant role in our future economy.

An effective system to promote and protect innovation must recognise the complete spectrum of stakeholders in technological development, valuing innovation for environmental and social benefit as highly as for financial gain. We need a better regulation of the patent system, to restore the protection and incentives that patents were intended to offer all innovation. This means reducing the influence of incumbent manufacturers and trolls on emerging green technologies by limiting the breadth of patents and regulating licences on basic technologies.

A new protection system for socially and environmentally valuable technology should be set up. We must devise a better IP protection strategy for greentech, such as a royalty or prize fund system to make sustainable knowledge available to all potential innovators and still ensure that those who push technology forward for human and environmental good are financially rewarded.

Whatever strategy we adopt, tackling the negative effects of the present system on innovation must be a priority for the sustainable development community. Without action, as the market for greentech grows, we face the prospect that our journey towards a sustainable future will become ever slower and more difficult.

#### U.S. green tech leadership’s key to overall hegemony and preventing warming---extinction

Klarevas 9 –Louis Klarevas, Professor for Center for Global Affairs @ New York University, 12/15, “Securing American Primacy While Tackling Climate Change: Toward a National Strategy of Greengemony,” http://www.huffingtonpost.com/louis-klarevas/securing-american-primacy\_b\_393223.html

As national leaders from around the world are gathering in Copenhagen, Denmark, to attend the United Nations Climate Change Conference, the time is ripe to re-assess America's current energy policies - but within the larger framework of how a new approach on the environment will stave off global warming and shore up American primacy. By not addressing climate change more aggressively and creatively, the United States is squandering an opportunity to secure its **global primacy** for the next few generations to come. To do this, though, the U.S. must rely on innovation to help the world escape the coming environmental meltdown. Developing the key technologies that will save the planet from global warming will allow the U.S. to outmaneuver potential great power rivals seeking to replace it as the international system's hegemon. But the greening of American strategy must occur soon. The U.S., however, seems to be stuck in time, unable to move beyond oil-centric geo-politics in any meaningful way. Often, the gridlock is portrayed as a partisan difference, with Republicans resisting action and Democrats pleading for action. This, though, is an unfair characterization as there are numerous proactive Republicans and quite a few reticent Democrats. The real divide is instead one between realists and liberals. Students of realpolitik, which still heavily guides American foreign policy, largely discount environmental issues as they are not seen as advancing national interests in a way that generates relative power advantages vis-à-vis the other major powers in the system: Russia, China, Japan, India, and the European Union. ¶ Liberals, on the other hand, have recognized that global warming might very well become the greatest challenge ever faced by [hu]mankind. As such, their thinking often eschews narrowly defined national interests for the greater global good. This, though, ruffles elected officials whose sworn obligation is, above all, to protect and promote American national interests. What both sides need to understand is that by becoming a lean, mean, green fighting machine, the U.S. can actually bring together liberals and realists to advance a collective interest which benefits every nation, while at the same time, securing America's global primacy well into the future. To do so, the U.S. must re-invent itself as not just your traditional hegemon, but as history's first ever green hegemon. Hegemons are countries that dominate the international system - bailing out other countries in times of global crisis, establishing and maintaining the most important international institutions, and covering the costs that result from free-riding and cheating global obligations. Since 1945, that role has been the purview of the United States. Immediately after World War II, Europe and Asia laid in ruin, the global economy required resuscitation, the countries of the free world needed security guarantees, and the entire system longed for a multilateral forum where global concerns could be addressed. The U.S., emerging the least scathed by the systemic crisis of fascism's rise, stepped up to the challenge and established the postwar (and current) liberal order. But don't let the world "liberal" fool you. While many nations benefited from America's new-found hegemony, the U.S. was driven largely by "realist" selfish national interests. The liberal order first and foremost benefited the U.S. With the U.S. becoming bogged down in places like Afghanistan and Iraq, running a record national debt, and failing to shore up the dollar, the future of American hegemony now seems to be facing a serious contest: potential rivals - acting like sharks smelling blood in the water - wish to challenge the U.S. on a variety of fronts. This has led numerous commentators to forecast the U.S.'s imminent fall from grace. Not all hope is lost however. With the impending systemic crisis of global warming on the horizon, the U.S. again finds itself in a position to address a transnational problem in a way that will benefit both the international community collectively and the U.S. selfishly. The current problem is two-fold. First, the competition for oil is fueling animosities between the major powers. The geopolitics of oil has already emboldened Russia in its 'near abroad' and China in far-off places like Africa and Latin America. As oil is a limited natural resource, a nasty zero-sum contest could be looming on the horizon for the U.S. and its major power rivals - a contest which threatens American primacy and global stability. Second, converting fossil fuels like oil to run national economies is producing irreversible harm in the form of carbon dioxide emissions. So long as the global economy remains oil-dependent, greenhouse gases will continue to rise. Experts are predicting as much as a 60% increase in carbon dioxide emissions in the next twenty-five years. That likely means more devastating water shortages, droughts, forest fires, floods, and storms. In other words, if global competition for access to energy resources does not undermine international security, global warming will. And in either case, oil will be a culprit for the instability. Oil arguably has been the most precious energy resource of the last half-century. But "black gold" is so 20th century. The key resource for this century will be green gold - clean, environmentally-friendly energy like wind, solar, and hydrogen power. Climate change leaves no alternative. And the sooner we realize this, the better off we will be. What Washington must do in order to avoid the traps of petropolitics is to convert the U.S. into the world's first-ever green hegemon. For starters, the federal government must drastically increase investment in energy and environmental research and development (E&E R&D). This will require a serious sacrifice, committing upwards of $40 billion annually to E&E R&D - a far cry from the few billion dollars currently being spent. By promoting a new national project, the U.S. could develop new technologies that will assure it does not drown in a pool of oil. Some solutions are already well known, such as raising fuel standards for automobiles; improving public transportation networks; and expanding nuclear and wind power sources. Others, however, have not progressed much beyond the drawing board: batteries that can store massive amounts of solar (and possibly even wind) power; efficient and cost-effective photovoltaic cells, crop-fuels, and hydrogen-based fuels; and even fusion. Such innovations will not only provide alternatives to oil, they will also give the U.S. an edge in the global competition for hegemony. If the U.S. is able to produce technologies that allow modern, globalized societies to escape the oil trap, those nations will eventually have no choice but to adopt such technologies. And this will give the U.S. a tremendous economic boom, while simultaneously providing it with means of leverage that can be employed to keep potential foes in check. The bottom-line is that the U.S. needs to become green energy dominant as opposed to black energy independent.

## Solvency

### 1NC---Yes Motive/Capability

#### Obama has motive and capability to circumvent the plan

Jeffrey Crouch 13, assistant professor of American politics at American University, Mark J. Rozell, acting dean and a professor of public policy at George Mason University, and Mitchel A. Sollenberger, associate professor of political science at the University of Michigan-Dearborn, December 2013, The Law: President Obama's Signing Statements and the Expansion of Executive Power, Presidential Studies Quarterly 43.4

Signing statements are a natural result of the vast growth in the exercise of unilateral presidential powers in the modern era. Presidents increasingly seek methods for governing by avoiding the traditional constraints provided by a system of separated powers. The rise of an increasingly powerful and virtually unchecked executive has been aided by various factors, including what Gene Healy (2008) calls a “cult of the presidency” in which power-seeking presidents are seen as the norm and even the ideal. It is hard to imagine a president today suggesting the need to give greater deference to the other branches of government.¶ Nonetheless, the Bush era witnessed a remarkably open and critical national debate over the limits of presidential powers. In 2007-08, presidential candidate Obama made no secret of his disagreement with President Bush's conception of executive powers. Through his pledges during the campaign, Senator Obama gave clear signals that he would not push the outer limits of executive power and that he would respect the system of checks and balances. Maybe he was not exactly promising to scale back the presidency, but he left the unmistakable impression that he would not continue the Bush era trend of runaway executive powers.¶ It is therefore appropriate to criticize President Obama for the actions we have described here because he had promised a higher standard of conduct than that practiced by his predecessors. Longtime observers of the modern presidency should not be surprised, though, as his actions fall into a customary pattern: when a new president sees the utility of a particular power established by his predecessors, he is not going to give that power away. On several occasions now, what President Obama has not been able to achieve through the normal ebb and flow of deliberations with the legislative branch, he has stipulated through the issuance of a signing statement. He has even made quips about how he looks for ways to govern without direct congressional involvement (Savage 2012).¶ The “Unitary Executive” Theory¶ During the George W. Bush presidency, there was substantial scholarly debate over what had been termed the “unitary executive” theory, defined by Stephen Skowronek as the claim “that the Constitution mandates an integrated and hierarchical administration—a unified executive branch—in which all officers performing executive business are subordinate to the President, accountable to his interpretations of their charge, and removable at his discretion” (2009, 2077). Skowronek's definition is drawn from four crucial constitutional provisions relating to presidential power. First, the “executive power” vested in the president by Article II is interpreted broadly by unitary executive theory proponents to justify vast authority over the rest of the executive branch. Second, the “vesting” clause of Article II, which does not contain the “herein granted” language of Article I, seems to imply greater executive power than the explicit words of the Constitution may suggest. Third, the president's oath of office is his responsibility to “preserve, protect and defend the Constitution.” Finally, the “take care” clause—the idea that the president has total control over his subordinates in the executive branch and is responsible to the entire nation for the implementation of the laws—rounds out the list (Skowronek 2009, 2076; see Kelley, forthcoming, 12-13).¶ For legal scholars Steven Calabresi and Christopher Yoo “all of our nation's presidents have believed in the theory of the unitary executive” (2008, 4). Along similar lines, although looking at the question from a political development perspective, Skowronek casts the unitary executive theory backers as the latest in a long line of insurgents. In the past progressives extolled the virtues of a strong presidency; more recently the rebels have been conservatives who see the unitary executive theory as a way to gather power and avoid accountability (Skowronek 2009).¶ The unitary executive theory—at least, in its current form—was essentially a creation of conservative attorneys in the Ronald Reagan Justice Department. As Christopher Kelley and Bryan Marshall note, presidents from Reagan onward have, to some degree, exhibited a belief in the unitary executive theory (2007, 144). After Watergate, the presidency faced unprecedented scrutiny from the public and the mass media, and Congress had passed a series of laws intended to check presidential power, including the Congressional Budget and Impoundment Control Act, the Ethics in Government Act, and the War Powers Resolution (Kelley 2010, 108; see Kelley 2003, 23; Rudalevige 2006). To fight back, lawyers in the Reagan OLC devised plans for the president to act unilaterally, even if against Congress's wishes (Kelley forthcoming, 6).¶ Their actions stimulated a debate over the constitutional powers of the presidency. One prominent critic, Cass Sunstein, writes, “It has become a pervasive view within the executive branch, and to a large degree within the courts, that the original vision of the Constitution put the President on top of a pyramid, with the administration below him. This vision, set out in numerous documents by the Department of Justice's Office of Legal Counsel, my former home, is not an accurate interpretation of the Constitution. It is basically a fabrication by people of good intentions who have spoken ahistorically” (Sunstein 1993-94, 300).¶ Similarly, it is obvious to Louis Fisher that the president does not have complete control over the executive branch. The Constitution assumes that others will share in the workload: “The Constitution does not empower the President to carry out the law. That would be an impossible assignment. It empowers the President to see that the law is faithfully carried out” (Fisher 2009-10, 591). In the separation of powers system, those executive branch agencies actually executing the laws necessarily have relationships with—and are responsible to—the other branches of government and to the laws passed by Congress, not just the president.¶ The “Decider” Model¶ Peter Shane argues that a different presidential model took hold during the Bush years. Shane contends that the traditional understanding of the president's role is that of the chief executive regarding himself as the “overseer” of the executive branch responsible for “general oversight” and able to “indirectly” influence his subordinates. In contrast, Bush believed more in the “decider” model, which gave him direct input into everything his subordinates might do, “without regard to any limitations Congress might try to impose on the President's power of command” (Shane 2009, 144-45). Shane concludes that the “decider” model is “profoundly undemocratic and deeply dangerous” (2009, 144). It is also contrary to law. Executive officials carry out numerous mandatory and adjudicatory duties pursuant to statutory policy. Presidents and White House aides may not intervene to change the outcomes of those decisions. Many attorneys general have advised presidents that they may not interfere with statutory duties assigned to particular executive officials (Fisher 2009-10, 576-79).¶ Signing statements comfortably fit the “decider” model of presidential power. Scholars identify signing statements as among the current litany of unilateral presidential powers (see Cooper 2002; Moe and Howell 1999), and some see no danger in the exercise of this practice (Ostrander and Sievert 2013a, 2013b). The trouble is that some presidents have used signing statements to revise legislative intent or even to alter the balance of power between the political branches and have thus undermined democratic controls on executive power (Pfiffner 2008, 196; see also Korzi 2011, 197; Fisher 2006, 1).

#### Self-defense justification in the plan text means it’s easily circumvented

Sitkowski 6 (Andrzej, Independent Researcher and Consultant – United Nations, UN Peacekeeping: Myth and Reality, p. 14)

Non-use of force except in self-defense is the sole principle directly related to armed contingents and is the most ambiguous. According to the UN interpretation, self-defense includes armed response to forceful actions of the warring parties preventing the peacekeepers from discharging their mandate. It boils down to nothing less than a blanket authorization to use force in defense of the mandates, thus. But as if an effort to offset such a conclusion, the Secretariat pronounces every use of force other than in self-defense to constitute peace enforcement which is inconsistent with peacekeeping and should be avoided at any costs: "The logic of peacekeeping Hows from premises that are quite distinct from enforcement and the dynamics of the latter are incompatible with the political process that peacekeeping is intended to facilitate. To blur the distinction between the two can undermine the viability of peacekeeping operation and endanger its personnel."4 The distinction looks good as long it is not exposed to the logic of war, the only logic to which the warring parties normally subscribe. Is removing by force of an illegal roadblock to enable the progress of a UN convoy an act of self-defense against an obstruction in discharging a peacekeeping mandate or an offensive action in peace enforcement? The UN distinction between the defensive and offensive use of force is blurred at the outset.

### Offense

#### Obama’s attempt to circumvent the aff results in a massive *interbranch standoff* that destroys cooperation over foreign policy

Jules Lobel 8, Professor of Law @ University of Pittsburgh, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War,” Ohio State Law Journal, Vol. 69

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly embolden the President to ignore Congress’s strictures. The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53¶ The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—wartime reality often favors a strong President who will overwhelm both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and ignore legislative enactments that seek to restrict their wartime authority.¶ Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an intractable dispute over the statute’s constitutionality that saps the nation’s energy, diverts focus from the political issues in dispute, and endangers the rule of law.¶ Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary. ¶ If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the crisis, chaos, and stalemate that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute.¶ Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so essential to success in wartime. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, modern social science research suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This self-serving bias hardens each side’s position and allows the dispute to drag on, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

#### Foreign policy based on *cooperation* between Congress and the Executive is critical to solve a laundry list of existential threats

Hamilton 2 – Lee H., President and Director of the Woodrow Wilson International Center for Scholars, Vice Chairman of the 9/11 Commission, President's Homeland Security Advisory Council, Former Member of the United States House of Representatives for 34 Years, Co-Chair of the Iraq Study Group, Formerly Special Assistant to the Director at the Woodrow Wilson Center, A Creative Tension: The Foreign Policy Roles of the President and Congress, p. 3-7

We face many dangers, however. The diversity of the security and economic threats around the globe is daunting. Terrorism, which has already struck the united states brutally, will be a continuing threat in the years ahead, and it may become more deadly if weapons of mass destruction proliferate and reach the wrong hands. the greatest security threat might be the danger that nuclear weapons or materials in russia could be stolen and sold to terrorists or hostile nations and used against americans at home or abroad. groups and individuals that do not wish us well will also attempt to attack us with weapons of mass disruption, such as information warfare, which could assault our economic, financial, communications, information, transportation, or energy infrastructures. there are numerous other threats to national security. The world's population will increase substantially during the first half of the twenty-first century, placing added strain on natural resources, including water, and possibly intensifying interstate conflicts and civil strife. Economic crises will likely be a regular occurrence, throwing some nations into turmoil and occasionally creating widespread financial instability. International crime, the illegal drug trade, global warming, infectious diseases, and other transnational problems will challenge national sovereignty and threaten our security, prosperity, and health. yet these dangerous threats are balanced by many opportunities. as the world's most powerful nation, the United States has a tremendous capacity to influence the world for good—to protect international peace, root out terrorism, resolve conflicts, spread prosperity, and advance democracy and freedom. Other nations look to us for leadership and to set an example of responsible and principled international action. our values of freedom, justice, the rule of law, and equality of opportunity are increasingly the values of peoples around the globe. in the coming decades, the spread of these values and incredible advances in science and technology will give us the capacity to disseminate knowledge, cure diseases, reduce poverty, protect the environment, and create jobs in the farthest-flung corners of the world. so our new world is as full of hope as it is of danger. To meet the threats and take advantage of the opportunities, the United States will need strong leadership, expertise in many fields, and large measures of foresight and resolve. again and again, i have been impressed with the need for u.s. leadership on the most pressing international challenges. if something important has to be done—from fighting international terrorism to bringing peace to the middle east—no other country can take our place. we may not get it right every time, but our leadership is usually constructive and helpful. we must, however, be aware of the limits to american power. the united states is neither powerful enough to cause all of the world's ills, nor powerful enough to cure them. so it is critical that we maintain good relations with our international allies and friends, manage prudently our sometimes difficult relationships with russia and china, and support and strengthen international institutions. a world that is committed to working together through effective international institutions and partnerships will be the world most capable of protecting peace and security and advancing prosperity and freedom. Equally important for a successful foreign policy will be cooperation between the president and Congress. today's moment of u.s. preeminence has not come to this nation by chance. sound policies shaped by past presidents and congresses helped to place us in this desirable position. to remain secure, prosperous, and free, the united states must continue to lead. that leadership requires the president and Congress to live up to their constitutional responsibilities to work together to craft a strong foreign policy. the great constitutional scholar edward corwin noted that the constitution is an invitation for the president and congress to struggle for the privilege of directing foreign policy. although the president is the principal foreign policy actor, the Constitution delegates more specific foreign policy powers to congress than to the executive. it designates the president as commander-in-chief and head of the executive branch, whereas it gives Congress the power to declare war and the power of the purse. the president can negotiate treaties and nominate foreign policy officials, but the senate must approve them. congress is also granted the power to raise and support armies, establish rules on naturalization, regulate foreign commerce, and define and punish offenses on the high seas. This shared constitutional responsibility presupposes that the president and Congress will work together to develop foreign policy, and it leaves the door open to both of them to assert their authority. on some basic foreign policy issues, the president and congress agree on their respective roles. for instance, congress generally does not question the president's power to manage diplomatic relations with other nations, and presidents accept that congress must appropriate funds for diplomacy and defense. but on a panoply of other issues—from oversight of foreign aid and responsibility for trade policy to authorization of military deployments and funding for international institutions—Congress and the president battle intensely to exert influence and advance their priorities. Of course, I approach the executive–legislative relationship from the perspective i gained during my congressional experience. That experience has convinced me that Congress plays a very important role in foreign policy, but does not always live up to its constitutional responsibilities. Its tendency too often has been either to defer to the president or to engage in foreign policy haphazardly. I recognize that political pressures, institutional dynamics, and the heavy domestic demands placed on congress can make it difficult for it to exercise its foreign policy responsibilities effectively. But I believe that Congress could improve its foreign policy performance markedly if it made a concerted effort to do so. Although the president is the chief foreign policy maker, Congress has a responsibility to be both an informed critic and a constructive partner of the president. the ideal established by the founders is neither for one branch to dominate the other nor for there to be an identity of views between them. Rather, the founders wisely sought to encourage a creative tension between the president and Congress that would produce policies that advance national interests and reflect the views of the American People. Sustained consultation between the president and congress is the most important mechanism for fostering an effective foreign policy with broad support at home and respect and punch overseas. in a world of both danger and opportunity, we need such a foreign policy to advance our interests and values around the globe.

## 1---Israel

### Squo Solves

#### No internal link---their ev is not about a bill, it’s about a LETTER Republicans signed that is actually much more moderate than the recent past---it says they’ll support negotiations and sanctions ONLY IF talks fail---means squo solves the impact

#### No US backing or war mandate in squo

SDJW 3-27 – San Diego Jewish World, 3/27/14, “House, Senate subtly diverge on Iran,” http://www.sdjewishworld.com/2014/03/27/house-senate-subtly-diverge-iran/

An analysis of recent letters sent by members of the U.S. Senate and House of Representatives to President Barack Obama pledging support for the administration’s ongoing negotiations on Iran’s nuclear program reveal subtle, but crucial differences in tone.

Though the idea of a letter on Iran occupied a key position in the agenda at the American Israel Public Affairs Committee’s annual policy conference in early March, the day the letters were delivered to the White House on March 18, the self-labeled “pro-Israel, pro-peace” lobby J Street—whose positions on the Iran issue have been more in line with Obama administration policy—claimed victory, stating that the conversation had moved away from “saber-rattling” to support of American-led diplomacy.

Dylan Williams, J Street’s director of government affairs, drew attention to the fact that the letters do not list any prerequisites for a final deal and also would allow Iran to develop a civilian nuclear energy program.

“This started in mid-December as an effort to impose sanctions and conditions as a matter of law through a bill,” said Williams. “That effort failed. Then it transformed into an effort to get a resolution, a bipartisan resolution, laying down parameters and final conditions for a deal. That effort failed.”

“Then there was an effort to get a letter which laid down parameters and conditions, including zero [uranium] enrichment,” he continued. “That effort failed. So then you have a letter that will only be called bipartisan if it is genuinely supportive of the administration’s efforts and does not impose any onerous conditions on the negotiators.”

Both letters, which were signed by an overwhelming majority of senators and House members from both parties, expressed support for the P5+1 negotiations in Geneva, while reasserting the belief that Congress should have a role in any final agreement.

### Negotiations A/C

#### Alt cause to negotiations failure---inspections disputes

**MEB 3/24**, Middle East Briefing, a weekly publication of the Orient Advisory Group, “Iran Talks Survive despite Renewed Opposition in Tehran and Washington,” http://mebriefing.com/?p=577

A more **difficult roadblock**, however, has emerged over Iran’s continued blocking of International Atomic Energy Agency (IAEA) inspections of the Iranian Revolutionary Guard Corps (IRGC) run Parchin military facility, a site where missile testing and research and development have been going on for years. British and American intelligence officials believe that a full disclosure of the work at Parchin could provide a “smoking gun” proving that Iran has been developing a delivery system for nuclear warheads. According to one MEB source, U.S. intelligence has far more detailed information on the activities of the Pakistani nuclear weapons designer A.Q. Khan, including his interactions with Iranian IRGC officials.¶ Iranian hard-liners have **escalated their resistance** to cooperation with the IAEA, a **crucial factor** in the “technical” negotiations overseen by the P5+1. The former head of Iran’s Atomic Energy Organization under former President Ahmadinejad, Fereydoun Abbasi-Davani accused the IAEA last week of failing to secure Iranian data and of sharing it with hostile Western intelligence agencies who have carried out sabotage of Iran’s legitimate nuclear enrichment program. Abbasi-Davani charged that IAEA has shared vital intelligence provided in Design Information Questionnaires with the CIA, MI6 and other agencies, allowing them to pressure commercial contractors to tamper with key imported parts.¶ Then President Hassan Rouhani **publicly accused** the IAEA of violating the **N**on-**P**roliferation **T**reaty by covertly passing along Iranian data. On March 15, Asghar Zarean, the head of security for Iran’s Atomic Energy Organization, announced that his agency had successfully prevented active sabotage against the Arak facility in recent weeks. He did not provide details on whether the attempted sabotage was a cyber attack like the Stuxnet computer virus or sabotage of physical part.

### AT: Israel Strikes

#### Israel won’t be aggressive---multiple constraints

Ravid ‘11—diplomatic correspondent for Haaretz newspaper (Barak, Netanyahu tells cabinet, <http://www.haaretz.com/print-edition/news/netanyahu-tells-cabinet-israel-lacks-legitimacy-for-major-gaza-operation-1.380121>)

The cabinet voted Monday to refrain from any action that could lead to an escalation in the south and to cooperate indirectly with the truce Hamas declared on Sunday. So far, the truce has largely held, although three rockets did hit southern Israel from the Gaza Strip on Monday.

The cabinet meeting began at about 11 P.M. Sunday and adjourned at about 3 A.M. Monday morning. The ministers were briefed by senior defense officials, but were not asked to approve any further military action. Instead, the meeting focused on ways to contain the situation and prevent an escalation.

Prime Minister Benjamin Netanyahu and Defense Minister Ehud Barak offered various arguments for why Israel must exercise restraint - its international isolation, the fact that the Iron Dome rocket interception system still offers only partial defense, and the fear of worsening the diplomatic crisis with Egypt. Under these circumstances, Netanyahu said, all-out war against Hamas-run Gaza would be inadvisable.

Prior to the cabinet meeting, several ministers had called for a harsher Israeli response to the rocket fire; and that is largely what prompted Netanyahu to convene the cabinet Sunday night: By having the full cabinet approve the decision to refrain from further military action, he hoped to block criticism from within the government.

What emerged most clearly from Netanyahu's and Barak's statements to the cabinet was that Israel lacks the international legitimacy needed for a large-scale operation in Gaza. The diplomatic crisis with Egypt further constrains Israel's freedom of action.

"The prime minister thinks it would be wrong to race into a total war in Gaza right now," one of Netanyahu's advisors said. "We are preparing to respond if the fire continues, but Israel will not be dragged into places it doesn't want to be."

Several Netanyahu aides detailed the constraints on Israeli military action, most of which are diplomatic.

"There's a sensitive situation in the Middle East, which is one big boiling pot; there's the international arena; there's the Palestinian move in the Untied Nations in September," when the Palestinians hope to obtain UN recognition as a state, one advisor enumerated. "We have to pick our way carefully."

But there were also military constraints, the aides noted. For one, the Israel Defense Forces do not yet have enough Iron Dome batteries to defend the home front.

"If we had even one more battery, we could defend another medium-sized city," one aide said. "That's precisely why we need to prepare instead of rushing into war."

### AT: Middle East War

#### No impact to ME war

Cook 7**—**CFR senior fellow for Mid East Studies. BA in international studies from Vassar College, an MA in international relations from the Johns Hopkins School of Advanced International Studies, and both an MA and PhD in political science from the University of Pennsylvania(Steven, Ray Takeyh, CFR fellow, and Suzanne Maloney, Brookings fellow, 6 /28, Why the Iraq war won't engulf the Mideast, http://www.iht.com/bin/print.php?id=6383265, AG)

Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, **the region has** also **developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.**

## 2---Negotiations

### AT: Iran Prolif

#### No impact to Iran prolif, it’s all posturing and no one will use weapons

Copley 13

[Gregory, director of Australia’s new grand strategy research organization, the Future Directions Institute (FDI) (originally known as the Centre for International Strategic Analysis: CISA), in Perth, Western Australia. He remains actively involved with FDI, and is currently a Director of the organization and Chairman of its Research Committee, “The Transition Beyond Strategic Nuclear War”, 1/8/13, <http://oilprice.com/Geopolitics/International/The-Transition-Beyond-Strategic-Nuclear-War.html>]

One government which successfully acquired nuclear weapons did not see possession of that asset protect it against externally-supported overthrow. South Africa, which successfully developed, test- ed, and built such weapons, surrendered those weapons when they proved useless in defending the state or its government. The USSR, too, saw itself “defeated” in the Cold War and its governmental structure collapsed by 1991, despite having the biggest arsenal of nuclear weapons on earth. The DPRK and Iranian governments have noted quietly that if Iraqi Pres. Saddam Hussein, or Libyan leader Mu’ammar al-Qadhafi, had possessed a credible nuclear force they would not have been overthrown. It is certainly clear that possession of a demonstrated nuclear capability would have helped deter foreign direct military action against them. It was for this reason that the DPRK and Iran have both — in harmony — attempted to prove their nuclear credentials in order to deter foreign attack (ostensibly by the United States and/or, in the case of Iran, by Israel). The DPRK has successfully achieved recognition as a nuclear weapons state, although the US Government attempted for more than a decade to pretend not to notice this reality simply because recognition of it would have meant a transformation of what US political leaders could achieve in coercing Pyongyang. Iran — which only has imported nuclear weapons at this stage; its indigenous production of such weapons is not yet a reality — has attempted to hint at its nuclear power status, but has been unwilling to do so too bluntly for fear that the US/Israel would move against it before indigenous production of nuclear weapons was achieved. As a result, the US has been free to pretend that Iran does not have a deployed nuclear strike capability, thereby allowing Washington to pursue what would otherwise be risky political behavior in imposing swingeing economic sanctions on Iran. And yet the reality is that Iran cannot use its nuclear weapons for any practical warfighting purposes, any more than the US can use its own nuclear forces. Nuclear weapons are not in themselves war-winning weapons (unlike, potentially, cyber weapons). If Iran was to unleash a number of nuclear warheads against Israel, for example, and supposing some of them penetrated Israel’s now-demonstrably capable IAI/Elta Arrow 2/Green Pine anti- ballistic missiles (and attendant sensors and command and control), and Iron Dome counter- rocket defense system, **what then?** Israel would retaliate with its own nuclear weapons, but both sides lack the capability to follow up to achieve strategic victory. There is strong evidence that the leadership of Iran’s Revolutionary Guard (the Pasdaran) understands this reality. Certainly, most policy- level officials in Israel recognize it, although the public postures of Israeli Prime Minister Binyamin Net- anyahu and Iranian Pres. Mah- mud Ahmadi-Nejad deny such an understanding (well, they would, wouldn’t they? This is about psycho-political posturing).

### AT: Middle East Prolif

#### No spillover to Middle East prolif

Steven A. Cook 12, Hasib J. Sabbagh Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations, "Foreign Policy: Don't Fear A Nuclear Armed Iran," April 3, <http://www.npr.org/2012/04/03/149906811/foreign-policy-dont-fear-a-nuclear-armed-iran>

This logic was undoubtedly at work when Pakistan embarked on a nuclear program in 1972 to match India's nuclear development program. Yet for all its tribulations, the present-day Middle East is not the tinderbox that South Asia was in the middle of the 20th century. Pakistan's perception of the threat posed by India — a state with which it has fought four wars since 1947 — is far more acute than how either Egypt or Turkey perceive the Iranian challenge. And while Iran is closer to home for the Saudis, the security situation in the Persian Gulf is not as severe as the one along the 1,800-mile Indo-Pakistani border.¶ Most important to understanding why the Middle East will not be a zone of unrestrained proliferation is the significant difference between desiring nukes and the actual capacity to acquire them. Of all three states that Shavit mentioned, the one on virtually everyone's list for possible nuclear proliferation in response to Iran is Turkey. But the Turkish Republic is already under a nuclear umbrella: Ankara safeguards roughly 90 of the United States' finest B61 gravity bombs at Incirlik airbase, near the city of Adana. These weapons are there because Turkey is a NATO member, and Washington's extended deterrence can be expected to at least partially mitigate Turkey's incentives for proliferation.¶ But even if the Turks wanted their own bomb, they have almost no capacity to develop nuclear weapons technology. Indeed, Turkey does not even possess the capability to deliver the 40 B61 bombs at Incirlik that are allocated to Turkish forces in the event of an attack, according to a report released by the Carnegie Endowment for International Peace.¶ Given the changes in Turkey's foreign policy and its drive for global influence, it is conceivable that it will want to develop a Turkish version of France's force de frappe. However, Ankara would literally be starting from scratch: Turkey has no fissile material, cannot mine or enrich uranium, and does not possess the technology to reprocess spent fuel, all of which are required for nuclear weapons development.¶ This does not mean that Turkey is not interested in nuclear technology. Yet Ankara's efforts, to the extent that they exist beyond the two small-scale facilities in Ankara and Kucukcekmece, are directly related to the country's predicted energy shortfall resulting from the combination of a booming economy and growing population. The Turkish government has announced plans for civilian nuclear power to provide a quarter of Turkey's electricity needs by 2040. But even this three-decade timeline seems overly optimistic given the inchoate nature of Turkey's nuclear research.¶ The Egyptians are way ahead of the Turks in developing nuclear infrastructure, but don't expect to see the rise of a nuclear power on the Nile anytime soon. Egypt's nuclear program is actually older than India's, and was established only three years after Israel founded its Atomic Energy Commission. The Egyptian Atomic Energy Commission, which Gamal Abdel Nasser established in 1955, was exclusively dedicated to the development of peaceful atomic energy, though there were suspicions to the contrary. The 1956 nuclear cooperation agreement with the Soviet Union transferred to Egypt a 2-megawatt light water reactor that only produced small amounts of plutonium.¶ There were, of course, worrying signs about the Egyptian program — specifically Cairo's refusal to open the Inshas reactor to International Atomic Energy Agency (IAEA) inspection until after the peace treaty with Israel. Yet neither President Anwar Sadat nor his successor, the recently deposed Hosni Mubarak, ever made any effort to develop nuclear weapons technology. Sadat signed the Nuclear Non-Proliferation Treaty in 1980, and Mubarak negotiated with the United States, France, Canada, and Germany for reactors and funding for Egypt's nuclear program. Nothing, however, ever came of these discussions because of the 1986 Chernobyl disaster — and the fact that the Egyptians never signed what is known as the Additional Protocol, which gives the IAEA enhanced powers to inspect nuclear facilities. Given the trajectory of Egypt's nuclear development, Cairo's rejection of the Additional Protocol had more to do with politics and sovereignty than plans for a clandestine weapons program.¶ Even after Mubarak's son Gamal triumphantly declared at the ruling party's 2006 convention that Egypt was going to ramp up its nuclear development program, it is hard to believe that Egyptians ever really took him seriously. Mubarak spent $160 million on consultants to tell him where to build 10 planned nuclear power plants, and selected a location along the Mediterranean for the first one. But each of the power plants comes with a price tag of $1.5 billion — and this is a country that in the last 15 months has spent approximately $26 billion of its $36 billion foreign currency reserves just to stay afloat.¶ One has to wonder about the pundits' warning of an Egyptian bomb: Have they even been to Egypt lately? If so, they might have a better grasp of Egypt's ramshackle infrastructure and the dire state of its economy, neither of which can support a nuclear program.¶ What about Saudi Arabia, then, the Sunni power that is on the tip of most analysts' tongues when it comes to Shiite Iran getting the bomb? Saudi Arabia has the cash to make large-scale investments in nuclear technology. Indeed, the only factor that makes warnings about Saudi proliferation — such as that delivered by former Ambassador the United States Prince Turki al-Faisal last year — even remotely credible is the resources the Saudis can muster to buy a nuclear program. Yet, while Riyadh can outfit itself with nuclear facilities with ease, it does not have the capacity to manage them. Mohamed Khilewi, a former Saudi diplomat, claims that the kingdom has been developing a nuclear arsenal to counter Israel since the mid-1970s — but he offers no substantiated evidence to support these claims.¶ In fact, the country has no nuclear facilities and no scientific infrastructure to support them. It's possible that Saudi Arabia could import Pakistanis to do the work for them. But while Saudis feel comfortable with Pakistanis piloting some of their warplanes and joining their ground forces, setting up a nuclear program subcontracted with Pakistani know-how — or even acquiring a nuclear device directly from Islamabad — poses a range of political risks for the House of Saud. No doubt there would be considerable international opprobrium. Certainly Washington, which implicitly extends its nuclear umbrella to Saudi Arabia, would have a jaundiced view of a nuclear deal between Riyadh and Islamabad. Moreover, it's one thing to hand the keys to an F-15 over to a foreigner, but letting them run your nuclear program is another matter altogether.¶ The concern about Saudi proliferation stems from fears that the kingdom would be forced to act if both Iran and Israel possessed a nuclear arsenal. "We cannot live in a situation where Iran has nuclear weapons and we don't," an unnamed Saudi official declared to the Guardian on the sidelines of a meeting between Prince Turki al Faisal and NATO officials in June 2011. "It's as simple as that. If Iran develops a nuclear weapon, that will be unacceptable to us and we will have to follow suit."¶ Yet given the fact that the Saudis have very little nuclear infrastructure to speak of, this kind of statement is little more than posturing designed to force the U.S. hand on Iran. Unlike similar warnings by Israel, which has the capacity to follow through on its threat to attack Iran's nuclear sites, Riyadh's rhetoric about acquiring nuclear weapons is empty. What is amazing is how many people take the Saudis seriously. If Khilewi had been telling the truth, now would seem like a good time for the Riyadh to give Tehran a look at what the royal family has been hiding in the palace basement all these years — but so far, we have only heard crickets.¶ Despite its flimsiness, it is hard to ignore the utility of the Middle East's nuclear dominoes theory. For those who advocate a preventive military strike on Iran, it provides a sweeping geopolitical rationale for a dangerous operation. But the evidence doesn't bear this argument out: If Washington decides it has no other option than an attack, it should do so because Iran is a threat in its own right, and not because it belives it will thwart inevitable proliferation in places like Turkey, Egypt, and Saudi Arabia. It won't, for the simple reason that there is no reason to believe these countries represent a proliferation risk in the first place.

#### Effective C & C will prevail in the Middle East – organizational biases won’t lead to war or escalation

**Seng 98** (Jordan, PhD Candidate in Pol. Sci. – U. Chicago, Dissertation, “STRATEGY FOR PANDORA'S CHILDREN: STABLE NUCLEAR PROLIFERATION AMONG MINOR STATES”, p. 415-417)

Pessimists worry that that minor proliferators will experience command and control disasters because they do not have advanced control technologies, because they face extreme pressures to hair-trigger their arsenals, and because they could suffer greatly from the biases of powerful military constituencies. But I have argued that the small and simple arsenals of minor nuclear states will allow them to rely on technologically and organizationally simple control systems characterized by ride-it-out and retaliate strategies based around concealment, delegation, and organizationally insulated nuclear decisionmaking. We have already seen how both Israel and Iraq have made use of concealment strategies which, as my theoretical discussions have made clear, are time insensitive strategies. So, the heavy reliance on concealment strategies is one positive sign in terms of command and control stability. But it is only one positive sign among several. The historical evidence also shows that control systems in the Middle East are not compromised by militaries' organizational biases, and it supports the view that minor proliferators are nor prone to hair-triggered launch procedures. There are no indications of pernicious militarism in Israel's nuclear control systems, but rather quite the opposite. As in India, nuclear weapon have been expressly kept our of the Israeli military's warfighting strategies, and nuclear decisionmaking has been solidly insulated from military officers. Further, what we know of Israeli command systems indicates that there is a sensible structure of checks and balances. Yair Evron has worried that the pattern of frequent warfare in the Middle East may lead proliferators to integrate nuclear weapons into war-fighting doctrines, and thereby increase the chances of nuclear escalation even in relatively minor conflicts: "the military establishments (in the Middle East), because of their inbuilt bureaucratic conservatism, and because of the centrality of the war-fighting mission for the armed forces, may consider nuclear weapons as instruments for warfare rather than as deterrents." 132 But, as Evron himself has discussed in print, 133 Israel's nuclear policymaking has shown a firm tendency to exclude nuclear weapons from war-fighting strategies. The foundations for Israeli nuclear doctrine were laid at a famous 1962 Cabinet meeting, which we have already mentioned above. At the meeting, Ben-Gurion, though sold on the general value of a nuclear option, listened to guidance on nuclear strategy. The prevailing view was chat championed by Yigal Allon and Israel Galili, who were themselves closely allied with the Israeli military establishment. As with the military establishments in the U.S. and India, Allon's camp argued against the military efficacy of nuclear weapons and for the exclusion of nuclear bombs from military doctrine in general. Among the arguments against nuclear integration into war-fighting strategies were those stipulating that it would weaken the military's self-image, destroy morale and corrupt military resource allocation. It was also recognized that nuclear weapons were poor instruments for taking and protecting territo ry. I34 The upshot of the meeting was that nuclear weapons would in no way be integrated into standard military operations. Recent scholarship indicates that this condition has held to the present and shows no signs of changing. 135 Even Evron plainly agrees that nuclear weapons are "not incorporated into Israeli military doctrine."

# 2NC

## CP

### Solves

#### CP sends the most powerful signal (while avoiding Congressional confrontation)

Zbigniew Brzezinski 12, national security advisor under U.S. President Jimmy Carter, Obama's Moment, www.foreignpolicy.com/articles/2012/12/03/obamas\_moment

In foreign affairs, the central challenge now facing President Barack Obama is how to regain some of the ground lost in recent years in shaping U.S. national security policy. Historically and politically, in America's system of separation of powers, it is the president who has the greatest leeway for decisive action in foreign affairs. He is viewed by the country as responsible for Americans' safety in an increasingly turbulent world. He is seen as the ultimate definer of the goals that the United States should pursue through its diplomacy, economic leverage, and, if need be, military compulsion. And the world at large sees him -- for better or for worse -- as the authentic voice of America.

To be sure, he is not a dictator. Congress has a voice. So does the public. And so do vested interests and foreign-policy lobbies. The congressional role in declaring war is especially important not when the United States is the victim of an attack, but when the United States is planning to wage war abroad. Because America is a democracy, public support for presidential foreign-policy decisions is essential. But no one in the government or outside it can match the president's authoritative voice when he speaks and then decisively acts for America.

This is true even in the face of determined opposition. Even when some lobbies succeed in gaining congressional support for their particular foreign clients in defiance of the president, for instance, many congressional signatories still quietly convey to the White House their readiness to support the president if he stands firm for "the national interest." And a president who is willing to do so publicly, while skillfully cultivating friends and allies on Capitol Hill, can then establish such intimidating credibility that it is politically unwise to confront him. This is exactly what Obama needs to do now.

### Doesn’t Link

#### Avoids politics---turf battles over authority are key

James A. Baker 11, was secretary of state from 1989 to 1992. Lee H. Hamilton is a former Democratic representative from Indiana who chaired the House Committee on Foreign Affairs, Breaking the war powers stalemate, www.washingtonpost.com/opinions/breaking-the-war-powers-stalemate/2011/06/08/AGX0CrNH\_story.html

Breaking the war powers stalemate¶ With our country engaged in three critical military conflicts, the last thing that Congress and the White House should be doing is squabbling over which branch of government has the final authority to send American troops to war. But that is exactly what has been happening, culminating with the House’s rebuke of the Obama administration last Friday for the way it has gone about the war in Libya.¶ On one hand is a bipartisan group of House members who argue that President Obama overreached because he failed to seek congressional approval for the military action in Libya within 60 days of the time the war started, as required by the War Powers Resolution. The lawmakers are particularly upset because the administration sought, and received, support from the United Nations — but not from them.¶ On the other hand is the White House, which argues that history is on its side. The 1999 NATO-led bombing over Kosovo lasted 18 days longer than the resolution’s 60-day requirement before the Serbian regime relented.¶ Stuck in the middle are the American people, particularly our soldiers in arms. They would be best served if our leaders debated the substantive issues regarding the conflict in Libya — and those of Afghanistan and Iraq — rather than engaging in turf battles about who has ultimate authority concerning the nation’s war powers.¶ There is, unfortunately, no clear legal answer about which side is correct. Some argue for the presidency, saying that the Constitution assigns it the job of “Commander in Chief.” Others argue for Congress, saying that the Constitution gives it the “power to . . . declare war.” But the Supreme Court has been unwilling to resolve the matter, declining to take sides in what many consider a political dispute between the other branches of government.¶ We believe there is a better way than wasting time disputing who is responsible for initiating or continuing war.¶ Almost three years ago, we were members of the Miller Center’s bipartisan National War Powers Commission, which proposed a pragmatic framework for consultation between the president and Congress. Co-chaired by one of us and the late Warren Christopher, the commission could not resolve the legal question of which branch has the ultimate authority. Only the court system can do that. Instead, the commission strove to foster interaction and consultation, and reduce unnecessary political friction. The commission — which represented a broad spectrum of views, from Abner Mikva on the liberal end to Edwin Meese on the conservative end — made a unanimous recommendation to the president and Congress in 2008.¶ The commission’s proposed legislation would repeal and replace the War Powers Resolution. Passed over a presidential veto and in response to the Vietnam War, the 1973 resolution was designed to give Congress the ability to end a conflict and force the president to consult more actively with the legislative branch before engaging in military action. The resolution, a hasty compromise between competing House and Senate plans, stated that the president must terminate a conflict within 90 days if Congress has not authorized it. But no president has ever accepted the statute’s constitutionality, Congress has never enforced it and even the bill’s original sponsors were unhappy with the end product. In reality, the resolution has only further complicated the issue of war powers.

## Tea Party DA

### 2NC Conditionality Good – C/I Dispositionality

#### We should get 1 conditional advocacies

#### A) They destroy cost benefit analysis ---Limiting the neg to 1 advocacy artificially insulates the aff from defending against multiple competitive options when constructing policies.

#### B) Key to tactical choices---forces the 2ac to recognize and respond to strategic interactions---critical skill for practical advocacy defense because of the inevitability of strategic opponents---solves time and strat skew

#### C) Advocacy construction---makes the aff consider all opportunity-costs to a proposal-- inability to simultaneously defend against a variety of proposals props up bad affs that should lose in the free market of ideas

#### D) Err neg---2ar persuasion, aff picks the focus of the debate, the topic is huge, and the 2nr has to answer theory and substance while the 2ar can pick

#### E) Don’t vote on theory---causes substance crowd-out and incentivizes cheap-shot theory args based on marginal differentials---just because debate could be better doesn’t mean we should lose.

#### Dispo doesn’t solve---the neg can add uncompetitive planks to force permutation. It also doesn’t solve any of our standards.

### Heg Defense

US key --- Burns

#### **U.S. hegemony is vital to global stability --- decline causes nuclear great power war --- best scholarship proves**

Brooks, Ikenberry, and Wohlforth 13 (Stephen, Associate Professor of Government at Dartmouth College, John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College “Don’t Come Home America: The Case Against Retrenchment,” International Security, Vol. 37, No. 3 (Winter 2012/13), pp. 7–51)

A core premise of deep engagement is that it prevents the emergence of a far more dangerous global security environment. For one thing, as noted above, the United States’ overseas presence gives it the leverage to restrain partners from taking provocative action. Perhaps more important, its core alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their incentive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas. The contention that engaged U.S. power dampens the baleful effects of anarchy is consistent with influential variants of realist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge absent the “American Pacifier” is provided in the works of John Mearsheimer, who forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive war temptations, regional rivalries, and even runs at regional hegemony and full-scale great power war. 72 How do retrenchment advocates, the bulk of whom are realists, discount this benefit? Their arguments are complicated, but two capture most of the variation: (1) U.S. security guarantees are not necessary to prevent dangerous rivalries and conflict in Eurasia; or (2) prevention of rivalry and conflict in Eurasia is not a U.S. interest. Each response is connected to a different theory or set of theories, which makes sense given that the whole debate hinges on a complex future counterfactual (what would happen to Eurasia’s security setting if the United States truly disengaged?). Although a certain answer is impossible, each of these responses is nonetheless a weaker argument for retrenchment than advocates acknowledge. The first response flows from defensive realism as well as other international relations theories that discount the conflict-generating potential of anarchy under contemporary conditions. 73 Defensive realists maintain that the high expected costs of territorial conquest, defense dominance, and an array of policies and practices that can be used credibly to signal benign intent, mean that Eurasia’s major states could manage regional multipolarity peacefully without the American pacifier. Retrenchment would be a bet on this scholarship, particularly in regions where the kinds of stabilizers that nonrealist theories point to—such as democratic governance or dense institutional linkages—are either absent or weakly present. There are three other major bodies of scholarship, however, that might give decisionmakers pause before making this bet. First is regional expertise. Needless to say, there is no consensus on the net security effects of U.S. withdrawal. Regarding each region, there are optimists and pessimists. Few experts expect a return of intense great power competition in a post-American Europe, but many doubt European governments will pay the political costs of increased EU defense cooperation and the budgetary costs of increasing military outlays. 74 The result might be a Europe that is incapable of securing itself from various threats that could be destabilizing within the region and beyond (e.g., a regional conflict akin to the 1990s Balkan wars), lacks capacity for global security missions in which U.S. leaders might want European participation, and is vulnerable to the influence of outside rising powers. What about the other parts of Eurasia where the United States has a substantial military presence? Regarding the Middle East, the balance begins to swing toward pessimists concerned that states currently backed by Washington— notably Israel, Egypt, and Saudi Arabia—might take actions upon U.S. retrenchment that would intensify security dilemmas. And concerning East Asia, pessimism regarding the region’s prospects without the American pacifier is pronounced. Arguably the principal concern expressed by area experts is that Japan and South Korea are likely to obtain a nuclear capacity and increase their military commitments, which could stoke a destabilizing reaction from China. It is notable that during the Cold War, both South Korea and Taiwan moved to obtain a nuclear weapons capacity and were only constrained from doing so by a still-engaged United States. 75 The second body of scholarship casting doubt on the bet on defensive realism’s sanguine portrayal is all of the research that undermines its conception of state preferences. Defensive realism’s optimism about what would happen if the United States retrenched is very much dependent on its particular—and highly restrictive—assumption about state preferences; once we relax this assumption, then much of its basis for optimism vanishes. Specifically, the prediction of post-American tranquility throughout Eurasia rests on the assumption that security is the only relevant state preference, with security defined narrowly in terms of protection from violent external attacks on the homeland. Under that assumption, the security problem is largely solved as soon as offense and defense are clearly distinguishable, and offense is extremely expensive relative to defense. Burgeoning research across the social and other sciences, however, undermines that core assumption: states have preferences not only for security but also for prestige, status, and other aims, and they engage in trade-offs among the various objectives. 76 In addition, they define security not just in terms of territorial protection but in view of many and varied milieu goals. It follows that even states that are relatively secure may nevertheless engage in highly competitive behavior. Empirical studies show that this is indeed sometimes the case. 77 In sum, a bet on a benign postretrenchment Eurasia is a bet that leaders of major countries will never allow these nonsecurity preferences to influence their strategic choices. To the degree that these bodies of scholarly knowledge have predictive leverage, U.S. retrenchment would result in a significant deterioration in the security environment in at least some of the world’s key regions. We have already mentioned the third, even more alarming body of scholarship. Offensive realism predicts that the withdrawal of the American pacifier will yield either a competitive regional multipolarity complete with associated insecurity, arms racing, crisis instability, nuclear proliferation, and the like, or bids for regional hegemony, which may be beyond the capacity of local great powers to contain (and which in any case would generate intensely competitive behavior, possibly including regional great power war). Hence it is unsurprising that retrenchment advocates are prone to focus on the second argument noted above: that avoiding wars and security dilemmas in the world’s core regions is not a U.S. national interest. Few doubt that the United States could survive the return of insecurity and conflict among Eurasian powers, but at what cost? Much of the work in this area has focused on the economic externalities of a renewed threat of insecurity and war, which we discuss below. Focusing on the pure security ramifications, there are two main reasons why decisionmakers may be rationally reluctant to run the retrenchment experiment. First, overall higher levels of conflict make the world a more dangerous place. Were Eurasia to return to higher levels of interstate military competition, one would see overall higher levels of military spending and innovation and a higher likelihood of competitive regional proxy wars and arming of client states—all of which would be concerning, in part because it would promote a faster diffusion of military power away from the United States. Greater regional insecurity could well feed proliferation cascades, as states such as Egypt, Japan, South Korea, Taiwan, and Saudi Arabia all might choose to create nuclear forces. 78 It is unlikely that proliferation decisions by any of these actors would be the end of the game: they would likely generate pressure locally for more proliferation. Following Kenneth Waltz, many retrenchment advocates are proliferation optimists, assuming that nuclear deterrence solves the security problem. 79 Usually carried out in dyadic terms, the debate over the stability of proliferation changes as the numbers go up. Proliferation optimism rests on assumptions of rationality and narrow security preferences. In social science, however, such assumptions are inevitably probabilistic. Optimists assume that most states are led by rational leaders, most will overcome organizational problems and resist the temptation to preempt before feared neighbors nuclearize, and most pursue only security and are risk averse. Confidence in such probabilistic assumptions declines if the world were to move from nine to twenty, thirty, or forty nuclear states. In addition, many of the other dangers noted by analysts who are concerned about the destabilizing effects of nuclear proliferation—including the risk of accidents and the prospects that some new nuclear powers will not have truly survivable forces—seem prone to go up as the number of nuclear powers grows. 80 Moreover, the risk of “unforeseen crisis dynamics” that could spin out of control is also higher as the number of nuclear powers increases. Finally, add to these concerns the enhanced danger of nuclear leakage, and a world with overall higher levels of security competition becomes yet more worrisome. The argument that maintaining Eurasian peace is not a U.S. interest faces a second problem. On widely accepted realist assumptions, acknowledging that U.S. engagement preserves peace dramatically narrows the difference between retrenchment and deep engagement. For many supporters of retrenchment, the optimal strategy for a power such as the United States, which has attained regional hegemony and is separated from other great powers by oceans, is offshore balancing: stay over the horizon and “pass the buck” to local powers to do the dangerous work of counterbalancing any local rising power. The United States should commit to onshore balancing only when local balancing is likely to fail and a great power appears to be a credible contender for regional hegemony, as in the cases of Germany, Japan, and the Soviet Union in the midtwentieth century. The problem is that China’s rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term. As Mearsheimer notes, “The United States will have to play a key role in countering China, because its Asian neighbors are not strong enough to do it by themselves.” 81 Therefore, unless China’s rise stalls, “the United States is likely to act toward China similar to the way it behaved toward the Soviet Union during the Cold War.” 82 It follows that the United States should take no action that would compromise its capacity to move to onshore balancing in the future. It will need to maintain key alliance relationships in Asia as well as the formidably expensive military capacity to intervene there. The implication is to get out of Iraq and Afghanistan, reduce the presence in Europe, and pivot to Asia— just what the United States is doing. 83 In sum, the argument that U.S. security commitments are unnecessary for peace is countered by a lot of scholarship, including highly influential realist scholarship. In addition, the argument that Eurasian peace is unnecessary for U.S. security is weakened by the potential for a large number of nasty security consequences as well as the need to retain a latent onshore balancing capacity that dramatically reduces the savings retrenchment might bring. Moreover, switching between offshore and onshore balancing could well be difªcult. Bringing together the thrust of many of the arguments discussed so far underlines the degree to which the case for retrenchment misses the underlying logic of the deep engagement strategy. By supplying reassurance, deterrence, and active management, the United States lowers security competition in the world’s key regions, thereby preventing the emergence of a hothouse atmosphere for growing new military capabilities. Alliance ties dissuade partners from ramping up and also provide leverage to prevent military transfers to potential rivals. On top of all this, the United States’ formidable military machine may deter entry by potential rivals. Current great power military expenditures as a percentage of GDP are at historical lows, and thus far other major powers have shied away from seeking to match top-end U.S. military capabilities. In addition, they have so far been careful to avoid attracting the “focused enmity” of the United States. 84 All of the world’s most modern militaries are U.S. allies (America’s alliance system of more than sixty countries now accounts for some 80 percent of global military spending), and the gap between the U.S. military capability and that of potential rivals is by many measures growing rather than shrinking. 85

#### Political commitment to pursue hegemony’s inevitable

Barry R. Posen 13, the Ford International Professor of Political Science and Director of the Security Studies Program at the Massachusetts Institute of Technology, January/February 2013, “Pull Back: The Case for a Less Activist Foreign Policy,” Foreign Affairs

Despite a decade of costly and indecisive warfare and mounting fiscal pressures, the long-standing consensus among American policymakers about U.S. grand strategy has remained remarkably intact. As the presidential campaign made clear, Republicans and Democrats may quibble over foreign policy at the margins, but they agree on the big picture: that the United States should dominate the world militarily, economically, and politically, as it has since the final years of the Cold War, a strategy of liberal hegemony. The country, they hold, needs to preserve its massive lead in the global balance of power, consolidate its economic preeminence, enlarge the community of market democracies, and maintain its outsized influence in the international institutions it helped create.

To this end, the U.S. government has expanded its sprawling Cold War-era network of security commitments and military bases. It has reinforced its existing alliances, adding new members to NATO and enhancing its security agreement with Japan. In the Persian Gulf, it has sought to protect the flow of oil with a full panoply of air, sea, and land forces, a goal that consumes at least 15 percent of the U.S. defense budget. Washington has put China on a watch list, ringing it in with a network of alliances, less formal relationships, and military bases.

#### DA solves it

#### US economic dynamics and youthful demographic ensures sustainable primacy

Stelzer 11 Irwin M, senior fellow and director of Hudson Institute's economic policy studies group, September 3, 2011, “America's Demographics and Dynamism,” http://www.weeklystandard.com/blogs/americas-demographics-and-dynamism\_592119.html

There is gloom and then there is doom. We Americans have plenty of reason for the former as we say goodbye to summer on this holiday weekend on which I am told the last gin and tonic of the season is consumed by those so inclined. Confidence in the economy is plunging at the fastest rate since the collapse of Lehman Brothers; the national debt is rising as spending in this period of supposed austerity easily tops last year’s; a recent blip notwithstanding, house prices are somewhere between stagnant and falling; foreclosures are up and home sales are down despite historically low interest rates; share prices fluctuate wildly; a vast majority feels America is on the wrong track; and economists are scrambling to lower their growth forecasts, and not by a little bit.

The final shard in the broken dream of a prosperous America is the jobs market: for the first time since February 1945 the economy did not create a single net new job in August. Preliminary job creation figures for the past two months were revised down by 58,000. Average hourly earnings fell, the unemployment rate is stuck at 9.1%, and 25 million Americans, 16.2% of the work force, are looking for full time work. Gloom enough to satisfy the most pessimistic of us.

But doom is quite another matter from gloom. That’s what Federal Reserve Board chairman Ben Bernanke was hinting at when he told his central bank colleagues from around the world, “The growth fundamentals of the United States do not appear to have been permanently altered by the shocks of the past four years. It may take some time, but we can reasonably expect to see a return to growth rates and employment levels consistent with those underlying fundamentals.” Translation: if we get our policies right, there is no reason America can’t recapture the optimism and energy that we once called “the American dream”.

Or, as Sharmin Mossavar-Rahmani, a highly respected analyst and head of investment strategy in Goldman Sachs’ private wealth management group puts it, “The current crisis has not dealt a fatal blow to the US as the preeminent economic and global power.”

**MARKED**

The American economy still produces more goods and services than the next three largest economies (Japan, China and Germany) combined. And is likely to hold that position as successive Japanese governments wrestle with decades of stagnation, China attempts to cope with the problems created by its centralized economic management and currency manipulation, and Germany wallows in a eurozone financial crisis that seems to worsen by the day. America’s per capita GDP exceeds that of emerging rivals such as China and India, by more than ten and almost fifty times, countries that declinists say will soon overtake us economically and in other ways.

Then there is the good demographic picture. The American population is expanding “in the midst of a global demographic slowdown,” according to Joel Kotkin, distinguished presidential fellow at Chapman University. In a developed country such as the US, he notes after analyzing reams of data, a growing population “offers the hope of expanding markets, new workers and entrepreneurial innovation” -- new hands and brains to produce things, rather than merely the mouths to feed that so worried Thomas Malthus.

Better still for America’s long-run prospects in a globalized economy, by 2050 about one-in-three citizens of most developed countries in both Europe and East Asia will be older than 65, compared with only one-in-five Americans. Yes, our baby boomers will soon want the joints and organs needed to keep their golf games up to par. But in relative terms, concludes Kotkin, America “will maintain a youthful, dynamic demographic”.

Some measure -- albeit an imperfect one -- of the benefits of that “youthful, dynamic demographic” can be seen by counting the US patents issued to inventors, by country of origin. Between 1997 and 2010, the number of patents issued to American-based inventors exceeded by far all other patents issued to all other countries in the world combined. Americans received 2.3 million patents, with Germany in second place with 286,000. Inventors in Britain and Taiwan were the only other countries to receive more than 100,000 patents.

Which doesn’t begin to capture the edge America’s entrepreneurial culture and rule of law gives it in the long run. Tales of Silicon Valley are legendary: foreigners from British prime minister David Cameron to Russian president Dmitry Medvedev travel there to see how they might duplicate American dynamism. It is a special feature of the United States that its entrepreneurs, many immigrants, boast that a person hasn’t taken enough risks if he has not gone bankrupt at least once by the age of 35.

This dynamic feature of the US economy is no passing thing, even if the current state of the economy has small start-ups reluctant to expand until uncertainties about health care costs, regulations and future tax levels are dispelled. Alexander Groh, Heinrich Liechtenstein and Karsten Lieser of the business school of the University of Navarra in Spain have done a massive study of conditions in eighty countries in order to construct “The Global Venture Capital and Private Equity Attractiveness Index.” The criteria used to develop the rankings are corporate governance, depth of capital markets, economic activity, taxation, the human and social environment, and entrepreneurial culture. The United States ranks number one in attractiveness to venture capitalists and private equity deal makers.

America also comes out top of the heap in a study of over 10,000 firms in 20 countries. A team from the Harvard Business School, the London School of Economics, Stanford, and McKinsey & Co. found that when it comes to overall management, American firms outperform all others. That doesn’t mean that other countries don’t have well-managed firms: they do. But overall our tough levels of competition, use of human capital and flexible labor markets rank us number one.

And what of the BRICs (Brazil, Russia, India and China), the group with the snappy acronym touted by some as a wave of the future that will swamp America? It seems that inadequate protection of investors’ rights, high levels of perceived corruption, and low levels of innovation “remain investment obstacles in BRIC”, according to the Navarra research team.

## Solvency

### IBC

#### IBC between Congress and the Executive prevents successful Afghanistan strategy

Lieberman 10—Independent Democratic senator from Connecticut [Joseph I. Leiberman, “Back to a Bipartisan Foreign Policy,” Wall Street Journal, November 16, 2010, pg. http://tinyurl.com/m5z623w]

This year's midterm elections marked the first time since 9/11 that national security was not a major consideration for American voters. But it is precisely in the realm of foreign policy and national security that we may have the greatest opportunities for bipartisan cooperation between President Obama and resurgent Republicans in Congress. ¶ Seizing these opportunities will require both parties to break out of a destructive cycle that has entrapped them since the end of the Cold War and caused them to depart from the principled internationalist tradition that linked Democratic presidents like Truman and Kennedy with Republican presidents like Nixon and Reagan.¶ During the 1990s, too many Republicans in Congress reflexively opposed President Clinton's policies in the Balkans and elsewhere. Likewise, during the first decade of the 21st century, too many Democrats came to view the post-9/11 exercise of American power under President Bush as a more pressing danger than the genuine enemies we faced in the world.¶ The larger truth was that the foreign policy practices and ideals of both President Clinton and Bush were within the mainstream of American history and values. And if one can see through the fog of partisanship that has continued to choke Washington since President Obama was elected in 2008, the same is true of the new administration as well.¶ President Obama has moved to the internationalist center on several key issues of national security. Although both parties are hesitant to acknowledge it, the story of the Obama administration's foreign policy is as much continuity as change from the second term of the Bush administration—from the surge in Afghanistan to the reauthorization of the Patriot Act, and from drone strikes against al Qaeda to a long-term commitment to Iraq.¶ Republicans have also stayed loyal to the internationalist policies they supported under President Bush. When they have criticized the Obama administration, it has reflected this worldview—arguing that the White House has not been committed enough in its prosecution of the war in Afghanistan or done enough to defend human rights and democracy in places like Iran and China. ¶ The critical question now, as we look forward to the next two years, is whether this convergence of the two parties towards the internationalist center can be sustained and strengthened. There are three national security priorities where such a consensus is urgently needed.¶ The first is the war in Afghanistan. To his credit, President Obama last December committed more than 30,000 additional troops to Afghanistan as part of a comprehensive counterinsurgency campaign, despite opposition within the Democratic Party. ¶ Having just returned from Afghanistan, I am increasingly confident that the tide there is turning in our favor, with growing signs of military progress. But as Gen. David Petraeus, the top U.S. commander in Afghanistan, has warned, success will come neither quickly nor easily, and there is still much tough fighting ahead. It is all but certain that no more than a small number of U.S. forces will be able to withdraw responsibly in July 2011, and that success in Afghanistan is going to require a long-term commitment by the U.S. beyond this date. ¶ Sustaining political support for the war in Afghanistan therefore will increasingly require President Obama and Republicans in Congress to stand together. Failure to sustain this bipartisan alliance runs the risk that an alternative coalition will form in Congress, between antiwar Democrats and isolationist Republicans. That would be the single greatest political threat to the success of the war effort in Afghanistan, which remains critical to our security at home.

#### Failure in Afghanistan triggers global nuclear war

Carafano 10 – James Jay is a senior research fellow for national security at The Heritage Foundation and directs its Allison Center for Foreign Policy Studies, “Con: Obama must win fast in Afghanistan or risk new wars across the globe,” Jan 2 http://gazettextra.com/news/2010/jan/02/con-obama-must-win-fast-afghanistan-or-risk-new-wa/

We can expect similar results if Obama’s Afghan strategy fails and he opts to cut and run. Most forget that throwing South Vietnam to the wolves made the world a far more dangerous place. The Soviets saw it as an unmistakable sign that America was in decline. They abetted military incursions in Africa, the Middle East, southern Asia and Latin America. They went on a conventional- and nuclear-arms spending spree. They stockpiled enough smallpox and anthrax to kill the world several times over. State-sponsorship of terrorism came into fashion. Osama bin Laden called America a “paper tiger.” If we live down to that moniker in Afghanistan, odds are the world will get a lot less safe. Al-Qaida would be back in the game. Regional terrorists would go after both Pakistan and India—potentially triggering a nuclear war between the two countries. Sensing a Washington in retreat, Iran and North Korea could shift their nuclear programs into overdrive, hoping to save their failing economies by selling their nuclear weapons and technologies to all comers. Their nervous neighbors would want nuclear arms of their own. The resulting nuclear arms race could be far more dangerous than the Cold War’s two-bloc standoff. With multiple, independent, nuclear powers cautiously eyeing one another, the world would look a lot more like Europe in 1914, when precarious shifting alliances snowballed into a very big, tragic war. The list goes on. There is no question that countries such as Russia, China and Venezuela would rethink their strategic calculus as well. That could produce all kinds of serious regional challenges for the United States. Our allies might rethink things as well. Australia has already hiked its defense spending because it can’t be sure the United States will remain a responsible security partner. NATO might well fall apart. Europe could be left with only a puny EU military force incapable of defending the interests of its nations.

## Israel Adv

### Squo Solves

#### SDJW evidence – new bill

**Sanctions are dead---letters prove**

Jonathan S. **Tobin 3/19**, Senior Online Editor and principal political blogger of COMMENTARY magazine, “Senate Iran Letter Ends Sanctions Fight, » http://www.commentarymagazine.com/2014/03/19/senate-iran-letter-ends-sanctions-fight-nuclear/

Supporters of tough sanctions on Iran hailed the publication of a letter from 83 members of the U.S. Senate to President Obama calling on him to negotiate a deal with the Islamist regime that would preclude any chance that it could gain a nuclear weapon. The letter said that any agreement reached with Iran must deny it the right to uranium enrichment, dismantle its enrichment and nuclear military research facilities as well as its plutonium plant, and be subjected to the kind of inspections that would prevent it from evading detection of violations and receive no further sanctions relief until the other terms are satisfied. AIPAC praised it as an “overwhelming demonstration by the U.S. Senate of its determination to prevent Iran from achieving nuclear weapons capability.”¶ But those who are dismissing the letter as the **last gasp** of a once formidable congressional coalition on behalf of sanctions on Iran **are right**. As the Al Monitor crowed in the headline of its article on the letter, what had happened was not so much a reaffirmation of principle but recognition that Congress had given the president “a window for Iran talks.” The terms laid down in the letter for an Iran nuclear deal are sufficient to stop Tehran. But the **amorphous language** it employs about what would happen if the agreement the administration produces with Iran falls short of that standard left **considerable doubt** as to whether failure would result in the passage of the crippling sanctions that the Senate tried but failed to pass earlier this year. Combined with the **weaker language** of a similar Iran letter signed by 395 members of the House of Representatives, the administration will interpret these developments as **a green light** to pursue a deal with Iran that will fall considerably short of the standard set in the Senate letter.¶ It was no accident that the overwhelming bipartisan turnout for the Senate letter had one significant omission: Majority Leader Harry **Reid**. While Reid had previously been a stalwart supporter of AIPAC and the pro-Israel community, the majority leader was able to exercise an **effective veto** on further Iran sanctions legislation this year. **Reid’s opposition** combined with a threat of a presidential **veto** of new sanctions on Iran sent many Democrats **running for cover**, despite the fact that 58 members of the Senate had endorsed the bill.¶ What happened this year **surprised** many in the pro-Israel community who assumed that a bipartisan coalition in favor of tougher sanctions on Iran could not be stopped. With Democrat Robert Menendez, chair of the Senate Foreign Relations Committee, championing the bill and a clear majority of the Senate ready to vote for legislation that had already been passed last year by the House, opponents seemed outgunned.¶ The new sanctions would have tightened the noose around Iran’s still booming international oil sales, but they would not have gone into effect until the next stage of diplomacy had clearly failed. Yet even that was too much for President Obama, who claimed that even sanctions that were based on a hypothetical would “break faith” with his Iranian partners. The administration, which had fought the sanctions that brought Iran to the table tooth and nail in his first term, wanted nothing that would strengthen the hands of the Western negotiators in the P5+1 talks.¶ The refusal to even contemplate more sanctions has sent a message to Iran that they have little to fear if they stand their ground in the talks and insist on retaining their nuclear program. The Senate letter won’t change their minds. They already know the president will ignore the Senate’s advice on acceptable terms for a nuclear deal since the interim agreement signed by Secretary of State Kerry last November already flouted those principles by tacitly recognizing an Iranian right to enrichment and beginning the process by which international sanctions will start to unravel. The failure to include language that would ensure that Congress would pass the additional sanctions if the deal fails to meet those standards tells Obama and the Iranians the letter can be **safely** deposited in the circular file and **forgotten**.¶ Those worried about an administration push for diplomacy that seems more like a drive for détente with Iran than an effort to stop their nuclear program should take no comfort from these congressional letters. What has just happened is the **end of an important fight** that **ended in defeat** for the forces most concerned with averting the peril of an Iranian bomb. The president has been given all the time he needs to reach a deal with Iran that will keep his promise to halt their nuclear quest. If, as is most likely, he breaks his promise, it will be up to Congress to take up the issue again and not be talked out of doing the right thing by a president who is willing to do anything to avoid accountability on this vital issue.

### Their Evidence

#### Reid’s still not sure

UPI 2-7 United Press International; “U.S. pro-Israel group: Wait before Iran sanctions vote” *United Press International*; February 7, 2014; http://www.upi.com/Top\_News/US/2014/02/07/US-pro-Israel-group-Wait-before-Iran-sanctions-vote/UPI-51421391752800/?spt=rln&or=1

The main pro-Israel U.S. lobby came out against an immediate vote on imposing sanctions on Iran, hours after 42 Republican senators demanded a vote within days.¶ The American Israel Public Affairs Committee, which advocates pro-Israel policies to Congress and the White House, said it supported Senate Foreign Relations Committee Chairman Robert Menendez, D-N.J., co-author of the Senate sanctions bill, who suggested the GOP lawmakers' demand for a vote next week was turning a national security matter into a "partisan political issue."¶ "We agree with the chairman that stopping the Iranian nuclear program should rest on bipartisan support and that there should not be a vote at this time on the measure," AIPAC said in a statement.¶ "We have not and are not calling for [an] immediate vote," an AIPAC official told the Washington newspaper the Hill.¶ The New York Times said AIPAC previously pressured Senate Democrats to vote for the bill.¶ Menendez, who made his remarks about the sanctions vote in a Senate floor speech, did not explicitly call for a delay.¶ "I have long thought of this as a bipartisan national security issue, not a partisan political issue," he said. "And, at the end of the day, a national security issue that we must approach in a spirit of bipartisanship and unity, which has been the spirit for which we have worked together on this matter."¶ "I hope that we will not find ourselves in a partisan process trying to force a vote on a national security matter before its appropriate time."¶ His remarks came several hours after 42 of the 43 Republican co-sponsors of the sanctions bill wrote to Senate Majority Leader Harry Reid, D-Nev., demanding he schedule a vote on the measure next week.¶ None of the 16 Democrats who signed on to the bill signed the letter.¶ President Obama argues passing a sanctions bill now would doom talks aimed at preventing Iran from developing a nuclear weapon -- and put the United States on the road to another war.¶ He and other White House officials have urged senators to wait until after the six months of negotiations with Tehran play out.¶ Former President Bill Clinton added his voice to those urging no legislation at a private Senate Democratic retreat Wednesday night, the Washington publication Politico reported. Former Secretary of State Hillary Clinton has also sided with Obama on the matter.¶ Reid lashed out at the Republicans who wrote the letter to him Thursday.¶ "It's not a partisan issue -- it's a serious, serious situation," Reid said in remarks quoted by Politico. "For me to receive a totally partisan letter, we should not make this a partisan issue, and that's what 42 Republicans have done. And I think it's wrong."¶ Reid wouldn't respond when asked if he would schedule the sanctions measure for a vote before the negotiations conclude.¶

#### AIPAC trumps their warrants

Bennis 2-8 Phyllis, Fellow and the Director of the New Internationalism Project at the Institute for Policy Studies; “States of the Union, States of War, States of the Middle East – Challenging All” *The Real News*; February 8, 2014; http://therealnews.com/t2/component/content/article/51-phyllis/1959-states-of-the-union-states-of-war-states-of-the-middle-east--challenging-all

So the agreement is in place, and for now it’s holding. That’s all good, but it still faces some danger. Despite opposition from Iran’s own hard-liners (whose position the Washington Post says “mirrors that of Republicans in the U.S. Congress”) Tehran has welcomed UN nuclear inspectors, and is in the process of implementing the various requirements of the agreement. (In case you missed it, you can read my analysis of the agreement here in The Nation.) Washington and its allies haven’t yet begun releasing the small amount of Iran’s assets authorized in the agreement, or begun easing any of the few sanctions the agreement calls for reducing. Hard-core opponents of the agreement, led by Democrat Robert Menendez, remain committed to war over diplomacy. And AIPAC hasn’t given up. The pressure remains. Senate Majority Leader Harry Reid’s refusal to put the new sanctions resolution on the table, President Obama’s threat to veto any new sanctions bill, the 70+ members of the House who have signed a letter supporting the Iran agreement and opposing new sanctions – all could collapse unless public pressure is maintained against AIPAC’s powerful arsenal of bribes and threats. That’s our job – we can’t count on official Washington to do it. Sign the petition here for a start.

#### The bill is coming—eighty three senators are on board and a super majority have already co-signed it

Stoil 3/18/2014, "Large senate majority warns of Iran sanctions slippage”, Rebecca Shimoni Stoil, March 18, 2014, Times of Israel

http://www.timesofisrael.com/huge-senate-majority-warns-of-iran-sanctions-slippage/

WASHINGTON — Over four-fifths of the US Senate sent a letter Tuesday to President Barack Obama in which they insisted that Iran give up its capacity to break out to a nuclear weapon and warned of the circumvention of existing sanctions under the interim deal with Tehran.¶ A bipartisan majority of 83 senators signed on to the letter, which was circulated in recent weeks by Senate Foreign Relations Committee Chairman Robert Menendez (D-NJ) and Sens. Lindsey Graham (R-SC), Charles Schumer (D-NY), Mark Kirk (R-IL), Christopher Coons (D-DE) and Kelly Ayotte (R-NH).¶ In the letter, the senators emphasized their support for the ongoing negotiations between the six world powers and Iran, but insisted that 20 years’ worth of Congressional commitment to sanctions against Iran were what brought the Iranians to the negotiating table in the first place.¶ Those negotiations resumed Tuesday morning with a meeting in Geneva between EU policy chief Catherine Ashton and Iranian Foreign Minister Mohammad Javad Zarif. The new round of talks is the second in a planned series of meetings this year that aims to transform November’s interim deal between Iran and the world powers — the five permanent members of the UN Security Council plus Germany – into a lasting accord by July.¶ The letter was a victory for AIPAC, whose activists had pushed for it during a legislative action day two weeks ago. The organization said in a statement Tuesday that it “applauds this overwhelming demonstration by the US Senate of its determination to prevent Iran from achieving nuclear weapons capability.”¶ In the letter, senators warned that in order to achieve a successful diplomatic outcome, Washington must “couple our willingness to negotiate with a united and unmistakable message to the Iranian regime.”¶ The letter addressed recent reports that even under the limited sanctions relief offered by the interim agreement, Iran’s economy was improving beyond predictions made by US administration figures.¶ “Iran must not be allowed during these negotiations to circumvent sanctions,” the senators wrote. “We view this period as one fraught with the danger of companies and countries looking to improve their commercial position in Tehran, especially given recent reports of rising purchases of Iranian oil. Iran cannot be allowed to be open for business.”¶ The senators emphasized that “Congress has a continuing role to play to improve the prospects for success in the talks with Iran” and promised that as negotiations proceed, they would “outline our views about the essential goals of a final agreement with Iran, continue oversight of the interim agreement and the existing sanctions regime, and signal the consequences that will follow if Iran rejects an agreement that brings to an end its nuclear weapons ambitions.”¶ The letter laid out core principles that the senators believe should delineate American positions in final status talks, including denying Iran any “right to enrichment under the Nuclear Proliferation Treaty” and calling on Iran to dismantle its entire alleged nuclear weapons program. The letter specified that the latter included denying Iran the ability to create a bomb using either enriched uranium or plutonium, which could be produced by the heavy water plant in Arak. The senators specifically called for the regime to give up the Arak reactor and to “fully explain the questionable activities in which it engaged at Parchin and other facilities.” The military base at Parchin is suspected of being a site for testing delivery systems for nuclear weapons.¶ The office of Menendez, the Senate Foreign Relations Committee chairman, emphasized the line in the letter that said that “most importantly, Iran must clearly understand the consequences of failing to reach an acceptable final agreement. We must signal unequivocally to Iran that rejecting negotiations and continuing its nuclear weapon program will lead to much more dramatic sanctions, including further limitations on Iran’s exports of crude oil and petroleum products.”¶ Although the administration has pushed Senate Democrats not to sign on to the Nuclear Weapons Free Iran Act, which would delineate the sanctions to be imposed should Iran back away from talks, a number of senators who have not co-sponsored the bill signed on to Tuesday’s letter. Menendez, together with Senator Mark Kirk (R-IL) are the original sponsors of the bill, which has 67 other Senate co-sponsors.

It’ll pass – senators are under huge pressure

Glass 3-25 Jacob, Truman-Albright Fellow, Woodrow Wilson Center; “As Iran Nuclear Negotiations Begin, Threat of Increased Sanctions Looms Large” *Huffington Post*; March 25, 2014; http://www.huffingtonpost.com/jacob-glass/as-iran-nuclear-negotiati\_b\_5024604.html

¶ Last week Iran and the so-called P5+1 countries -- Russia, China, Britain, France, the U.S., plus Germany -- began a new round of negotiations in the Austrian capital of Vienna. While perhaps overshadowed by tensions on the Crimean Peninsula and missing Malaysian Flight 370, the talks mark a significant step towards resolving the Iranian nuclear crisis. Yet misguided calls by Congress to increase sanctions on Iran threaten to scuttle progress, and underscore the fragility of the negotiating process.¶ ¶ Over the past three decades, Iran has faced crippling sanctions imposed by America and the international community. Trade restrictions have steadily increased to block Iran's lucrative petroleum export market as well as the country's participation in the global banking system. All told, international sanctions have cost Iran over $100 billion in lost oil profits alone.¶ ¶ So called "carrot and stick" policies have long been fundamental to international diplomacy. The "stick" has been a sharp one, and has finally brought the Iranians to the negotiating table.¶ ¶ During his September visit to the UN General Assembly in New York, Iranian President Hassan Rouhani spoke with President Obama over the phone, marking the first direct communication between an American and Iranian president since 1979. On November 24, an interim "first-step" deal was reached to freeze Iran's nuclear development program and pave the way for a comprehensive agreement. The deal halts uranium enrichment above 3.5 percent and puts international observers on the ground in Iran, all but ensuring that negotiations cannot be used as a delay tactic.¶ ¶ Yet amid these positive signs that diplomacy is working, members of Congress have advocated for even more sanctions to be levied against Iran, specifically in the form of Senate Bill 1881, sponsored by Illinois Republican Mark Kirk and New Jersey Democrat Robert Menendez.¶ ¶ New sanctions would torpedo the Vienna talks and reverse the diplomatic progress that has been made.¶ ¶ Iranian officials have already promised to abandon negotiations if new sanctions are passed. Even our own allies, along with Russia and China, have opposed the move. Passing unilateral sanctions will splinter the fragile international coalition, needlessly antagonize Iranian negotiators, and make a violent conflict with Iran more likely. Diplomatic victory will only be achieved if the international community stands united before Iran.¶ ¶ To this point, the Obama administration has avoided a vote on SB 1881 by threatening a veto of the bill, and the administration's full court press to prevent Senate Democrats from supporting new sanctions has bought international negotiators time. Several influential Democrats, including Senator Richard Blumenthal from Connecticut, have agreed to postpone a vote on the bill, contingent on productive negotiations.¶ ¶ Although legislation imposing new sanctions has been avoided thus far, the pressure on Congressional Democrats to act will intensify as talks in Vienna move forward. This round of negotiations is widely projected to be more difficult than the November deal, and inflammatory rhetoric from Tehran is likely. Nevertheless, sanctions are not the answer. Instead, we must continue to let diplomacy run its course.¶ ¶ Sanctions have done their job by bringing Iran to the table. In return, Iran expects to be rewarded with sanctions relief. The passage of new trade restrictions would effectively withdraw the carrot, and hit Iran with another stick. Consider the negotiations over.¶ ¶ The risks of delaying new sanctions is slight. The sanctions relief Iran is receiving is valued between $6 and $7 billion, and represents only a small fraction of the remaining restrictions blocking Iran from using the international banking system and selling oil. Should Iran prove to be a dishonest negotiating partner, sanctions can be renewed and ratcheted up. Most importantly, international observers will be on the ground in Iran to prevent Tehran from racing towards a nuclear weapon while negotiations are ongoing.¶ ¶ At the same time, the benefits of successful diplomacy are immense, as a comprehensive deal would be a dramatic victory for U.S. non-proliferation efforts. Further, the dismantling of Iran's nuclear program would significantly ease tensions between its two biggest rivals in the region, Israel and Saudi Arabia.¶ ¶ Our congressional leaders must not be so confident as to think Iran is desperate for a deal. The unprecedented overtures of President Rouhani to the West are widely seen as a test to gauge if a favorable solution can be negotiated with the international community. Should he fail to do so, hardliners within the Iranian government will be empowered to revert back to a pre-Rouhani foreign policy dominated by isolation from the West and an aggressive nuclear development program.¶ ¶ Our senators are facing significant political pressure to resist multilateralism and pursue increased sanctions based on an uncompromising mistrust of Iran. But history judges leaders not upon their conformity with party politics, but upon the ultimate results they achieve. It's time to negotiate with the Iranians on good faith, and begin the serious work of establishing a meaningful nuclear agreement that could signal the beginning of a new era in Iranian-Western relations.

#### Gaining momentum

Benari 3-23 Elad, reporter, Israeli National News; “Senators Urge Obama to Stand Firm Against Iran” *Israeli National News*; March 23, 2014; http://www.israelnationalnews.com/News/News.aspx/178782#.UzTzVvldVjI

23 U.S. senators on Saturday sent a letter to President Barack Obama urging him to stand firm during talks with Iran, Reuters reported.¶ The letter from Democratic senators and one independent was identical to one sent to Obama earlier this week by the House of Representatives, asking that he insist on a final agreement in which Iran would not be able to build or buy a nuclear weapon.¶ The House letter was signed by 395 of the 435 members of the chamber and was sent as Iran and six world powers met to persuade Iran to scale back its contested nuclear activities.¶ The 23 senators said they embraced Obama's two-track approach twinning sanctions against Tehran with negotiations, but urged strict procedures of transparency and verification to ensure Iran does not obtain a nuclear weapon.¶ Under a six-month interim deal which was reached in November and went into effect in January, Iran agreed to freeze its uranium enrichment program in return for sanctions relief worth some $6-7 billion, including the transfer of some $4.2 billion in frozen overseas funds.¶ That interim agreement is meant to lead to a final accord that minimizes any potential Iranian nuclear weapons threat in return for a full lifting of sanctions.¶ The sides gathered for another meeting in Vienna this past week, with EU foreign policy chief Catherine Ashton describing them as "substantive and useful", and Iranian Foreign Minister Mohammad Javad Zarif saying he saw "signs" that a long-term nuclear deal could be reached.¶ As talks have continued, a bill in the Senate to impose more sanctions on Iran has been gaining momentum. Obama, however, has pledged to veto the bill should it pass.

#### Bill’s coming, Obama can’t hold off pressure

Reinl 2-17 James, freelance foreign correspondent; “Iran and US: Tough talk as talks get tougher” *Al Jazeera*; February 17, 2014; http://www.aljazeera.com/indepth/features/2014/02/iran-us-tough-talk-as-talks-get-tougher-201421775519711760.html

During that time, domestic tensions have risen in Iran and the United States. Hard-liners in each country have criticised their leaders for weakness by making too many concessions while hammering out deals with a long-standing enemy. ¶ US President Barack Obama has been attacked for appeasing Iran, leaving a key US ally, Israel, exposed - and for nudging Saudi Arabia and other Middle Eastern countries towards countering a potential Iranian threat by hatching their own nuclear plans. ¶ He struggled to dissuade US senators from derailing talks by seeking new anti-Iran sanctions in Congress. Obama has since used tougher language on Tehran, saying it has little wiggle room in proving that its nuclear work is peaceful. "If they meet what technically gives us those assurances, then there is a deal to be made," he said during a While House press conference alongside his French counterpart, Francois Hollande. "If they don't, there isn't." ¶ Iran rallies to mark 35 years of revolution¶ Rouhani's promise¶ Some 10,000km away in Tehran, Iranian President Hassan Rouhani has his own problems. Critics handed out leaflets during celebrations of the 35th anniversary of the Islamic Revolution on February 11, warning that sanctions would continue to hobble Iran even if it dropped its nuclear ambitions.¶ Rouhani's promise that Iran would pursue peaceful atomic research "forever" - together with news of the test launch of domestic-built long-range ballistic missiles with radar-evading capabilities - was widely seen as a sop to his critics. ¶ "The biggest danger remains attacks from hardliners in the US and Iran," said Meir Javedanfar, a politics lecturer at Israel's Interdisciplinary Center Herzliya. "In Iran, for now, it seems that Rouhani has the support of Ayatollah Khamenei. This is likely to give him room for manoeuvre. However, such support is not open ended, nor is it a blank cheque. Rouhani has to ensure that he always operates within the red-lines set by Iran's most powerful man." ¶ These pressures come as Iran joins the permanent members of the UN Security Council - Russia, France, Britain, the US and China - as well as Germany (the so-called "P5+1" group) in Austria's capital for the next stage of a reconciliation drive that is only expected to get harder. ¶ Interim deal¶ The interim deal, which took effect on January 20, saw Iran agree to a six-month curb on uranium enrichment and to avoid fuelling or commissioning a heavy-water reactor in Arak. In return, the P5+1 and the European Union provided sanctions relief valued at $6-7bn. ¶ To succeed, this week's talks must deliver a long-term solution by July 20. It must permit Iran's stated desire of using nuclear know-how peacefully while offering safeguards to satisfy the West that Tehran will not develop atomic weapons. ¶ Western diplomats appear to be softening on their stance that Iran must abandon all uranium enrichment, as is demanded in UN Security Council resolutions, and focusing on the "breakout time" it would take Iran to shift from uranium enrichment to building weapons. By maximising the breakout time, the US could maintain a window for launching military strikes on Iran, should Tehran trigger alerts from UN monitors by switching from peaceful atomic work to weapons-related activities. ¶ This will involve restricting the amount and purity of uranium Iran can enrich; the number of spinning centrifuge machines it can keep and use to refine uranium; the type of research carried out; and the ways in which UN inspectors keep tabs on nuclear sites. ¶ "There are hardliners in Iran and the US who oppose the nuclear agreement. In both countries they are for the moment reined back by the country's leader."¶ - Henry Precht, former US State Department official¶ Other hurdles include the Fordow underground enrichment site and a planned reactor at Arak. Iran says it will produce medical isotopes, but Western diplomats see it as a potential site for making weapons-grade plutonium. ¶ Fifty-fifty¶ Obama estimates the chance of a deal at no more than 50 percent. While the prospect of improved US-Iranian relations and forestalling more conflict in the Middle East is tantalising, many analysts say the US president is too optimistic. "If there is a genuine desire on the part of the Iranians to craft a new relationship with the United States, is that real opportunity going to survive what is a pretty tough political climate between the two countries?" asked Jim Lindsay, from the New York-based Council on Foreign Relations. ¶ As the discussions inch forward, businesspeople have started eyeballing Iran's 80 million consumers, some of the world's biggest oil and gas reserves and an economy worth around $500bn, which would be re-opened by the lifting of UN sanctions. ¶ A desire for trade could pressure some P5+1 members to push for an early lifting of sanctions, particularly if Iran appears to be "reasonable and moderate, and it is the US that is demanding too much," said Muhammad Sahimi, a nuclear expert at the University of Southern California. ¶ But, according to Sahimi, the biggest pressure remains on Rouhani. Iran's relatively moderate president, who replaced the firebrand Mahmoud Ahmadinejad in August, only has a limited time to show that bargaining with the US will work. "Khamenei will not support the negotiations indefinitely. They must bear fruit for Iran and preserve the country's nuclear rights. That fruit must be lifting of the sanctions," he said. "If the US drags its feet and wants Iran to surrender, it will not work." ¶ While Rouhani has to satisfy his conservatives, the same is true in Washington. ¶ "There are hardliners in Iran and the US who oppose the nuclear agreement. In both countries they are for the moment reined back by the country's leader," said Henry Precht, a former US State Department official. "The difference is that in Iran, hard-line mullahs are dependent on their leader. In the US, the president may think he is dependent on the opposition and eventually be obliged to yield."

### Negotiations Fail

#### MEB evidence --- inspections disputes with the IAEA

P5+1. The former head of Iran’s Atomic Energy Organization under former President Ahmadinejad, Fereydoun Abbasi-Davani accused the IAEA last week of failing to secure Iranian data and of sharing it with hostile Western intelligence agencies who have carried out sabotage of Iran’s legitimate nuclear enrichment program. Abbasi-Davani charged that IAEA has shared vital intelligence provided in Design Information Questionnaires with the CIA, MI6 and other agencies, allowing them to pressure commercial contractors to tamper with key imported parts.¶ Then President Hassan Rouhani **publicly accused** the IAEA of violating the **N**on-**P**roliferation **T**reaty by covertly passing along Iranian data. On March 15, Asghar Zarean, the head of security for Iran’s Atomic Energy Organization, announced that his agency had successfully prevented active sabotage against the Arak facility in recent weeks. He did not provide details on whether the attempted sabotage was a cyber attack like the Stuxnet computer virus or sabotage of physical part.

**Crimea crisis scuttles talks**

Michael **Adler 3/19**, Public Policy Scholar and expert on the Iran nuclear issue at the Woodrow Wilson Center, “Russia Threatens To Derail Iran Talks Over Ukraine,” http://breakingdefense.com/2014/03/russia-threatens-to-derail-iran-talks-over-ukraine/

Talks this week in Vienna to win guarantees that Iran won’t seek nuclear weapons were workmanlike and “drilled down into details,” diplomats said. But the crisis in Ukraine threatened to **change the strategic landscape** that has made the negotiations possible.¶ The Russian envoy to the seven-party talks in Vienna said Wednesday that Russia might take “retaliatory measures” to **scuttle** the **diplomacy**. Moscow didn’t want to do this, but it would defend its takeover of the Ukrainian peninsula Crimea. “The historic importance of what happened in the last weeks and days regarding the restoration of historical justice and reunification of Crimea with Russia is incomparable to what we are dealing with in the Iranian issue,” Russian Deputy Foreign Minister Sergei Ryabkov told the Russian Interfax news agency.¶ Russia’s so-far **united front** with its negotiating partners the United States, China, Britain, Germany and France **has been crucial** in imposing sanctions on Iran to get it to the negotiating table. Now with Russia facing off against the **U**nited **S**tates over Crimea, there are fears the **solidarity on Iran could break** and encourage the Islamic Republic to **become intransigeant**. While Iran getting a nuclear weapon is an existential issue for key US ally Israel, it appears that **the Crimea**, rather than a nuclear Iran, is the **reigning existential issue for Russia**.

### No Strikes

#### No strikes – Ravid – it’s sensitive to survival

### No Escalation

#### No escalation

Thomas Rogan ‘12, BA in war studies from King's College London and an MSc in Middle East politics from the School of Oriental and African Studies, 8/18/12, “Israeli could attack Iran without causing a major war in the region,” The Guardian, <http://www.guardian.co.uk/commentisfree/2012/aug/18/israeli-attack-iran>

Over the last few days, Israeli newspapers have been consumed by reports that the prime minister, Binyamin Netanyahu, has decided to launch an attack on Iranian nuclear facilities some time this autumn. Although Netanyahu has an obvious interest in increasing pressure on Iran, it would be an error to regard these reports as simple rhetorical sensationalism. In my opinion, whether this year or next, Israel is likely to use its airforce to attack Iran.¶ While it is impossible to know for sure whether Netanyahu will act, it is possible to consider the likely repercussions that would follow an Israeli attack. While it is likely that Iran would retaliate against Israel and possibly the US in response to any attack, it is unlikely that Iran will instigate a major war. Albeit for different reasons, Iran, Israel and the US all understand that a war would not serve their interests.¶ First, the Israeli policy angle. If Netanyahu decides to order an attack on Iran, his focus will be on maximising the success of that action and minimising any negative consequences that might follow. In terms of Iranian retaliation, Israel would expect Iran's core non-state allies Hamas, the Palestinian Islamic Jihad and Hezbollah to launch rocket attacks into Israeli territory.¶ However, present success with advanced defence systems has helped increase Israeli confidence in their ability to absorb this method of retaliation. Beyond rocket attacks, the Israeli leadership also understands that a likely mechanism for Iranian retaliation is via attacks against Israeli interests internationally. Whether carried out by the Iranian Quds Force or Hezbollah, or a combination of both, various incidents this year have shown Israel that Iran continues to regard covert action as a powerful weapon.¶ The key for Israel is that, while these Iranian capabilities are seen as credible, they are not seen to pose intolerable threats to Israel. Faced with rocket strikes or limited attacks abroad – to which the likely response would be air strikes or short-duration ground operations (not a repeat of 2006) in Lebanon and Gaza – Israel would be unlikely to pursue major secondary retaliation against Iran. Certainly, Israel would not want to encourage intervention by Syria's Assad alongside Iran (an outcome that might follow major retaliatory Israeli action).¶ If Netanyahu does decide to take action, Israeli objectives would be clearly limited. The intent would be to prevent Iran from acquiring a nuclear capability while minimising escalation towards war. Israel has no interest in a major conflict

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that would risk serious damage to the Israeli state.¶ Though holding opposite objectives, Iran's attitude concerning a major war is similar to Israel's.¶ While Iran regards nuclear capability as prospectively guaranteeing the survival of its Islamic revolution, clerical leaders also understand that initiating a major war would make American intervention likely. Such intervention would pose an existential threat to the theocratic project that underpins the Islamic Republic.¶ Thus, in the event of an Israeli attack, Iran's response would be finely calibrated towards achieving three objectives:¶ • First, punishing Israel for its attack.¶ • Second, deterring further Israeli strikes and so creating space for a reconstituted Iranian nuclear programme.¶ • Finally, weakening US/international support for Israel so as to increase Israeli isolation and vulnerability.¶ Hezbollah, Hamas and other non-state allies would play a major role in effecting Iranian retaliation. Iran may also attempt to launch a number of its new Sajjil-2 medium-range missiles against Israel. Again, however, using these missiles would risk major retaliation if many Israeli citizens were killed.¶ As a preference, Iran would probably perceive that utilising Hamas and Hezbollah would allow retaliation without forcing Netanyahu into a massive counter-response. Crucially, I believe Iran regards that balancing its response would enable it to buy time for a reconstituted, hardened nuclear programme. In contrast to the relatively open current structure, sites would be deeper underground and far less vulnerable to a future attack. The nuclear ambition would not be lost, simply delayed. ¶ As a final objective for retaliation, Iran would wish to weaken Israel's relationship with the US and the international community. This desire might encourage Iran to take action against US navy assets in the Gulf and/or attempt to mine the Strait of Hormuz, so as to cause a price spike in global oil markets and increased international discomfort.¶ However, beyond their rhetoric, the Iranian leadership understand that they cannot win a military contest against the US, nor hold the strait for longer than a few days. For Iran then, as with Israel, regional war is far from desirable.¶ Finally, consider the US. It is now clear that Obama and Netanyahu disagree on Iran. In my opinion, Netanyahu does not believe Obama will ever be willing to take pre-emptive military action against Iran's nuclear programme. Conversely, Obama believes Netanyahu's diplomatic expectations are too hasty and excessively restrictive.¶ The policy distance between these two leaders appears increasingly irreconcilable. If Netanyahu decides to go it alone and attack Iran, the US president will face the unpleasant scenario of having to protect American interests while avoiding an escalation dynamic that might spin out of control towards war. This difficulty is accentuated by Obama's re-election race and his fear of the domestic economic fallout that may come from the decisions that he might have to make. Again, the simple point is that the US government has no interest in a war with Iran. ¶ If Netanyahu decides to take military action, he will do so in a strategic environment in which Israel, Iran and the US have no preference for a major war. Each state views the prospect of a war as counter to their particular long-term ambitions.¶ Because of this, while serious**,** Iranian retaliation would be unlikely to produce an escalatory dynamic leading to war. The leadership of each of these states will restrain their respective actions in the pursuit of differing long-term objectives but common short-term ones.

### No ME Impact

No ME impact - COok – care about self preservation

## Negotiations Adv

### No Spillover

#### No spillover to Middle East prolif

Steven A. Cook 12, Hasib J. Sabbagh Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations, "Foreign Policy: Don't Fear A Nuclear Armed Iran," April 3, <http://www.npr.org/2012/04/03/149906811/foreign-policy-dont-fear-a-nuclear-armed-iran>

One has to wonder about the pundits' warning of an Egyptian bomb: Have they even been to Egypt lately? If so, they might have a better grasp of Egypt's ramshackle infrastructure and the dire state of its economy, neither of which can support a nuclear program.¶ What about Saudi Arabia, then, the Sunni power that is on the tip of most analysts' tongues when it comes to Shiite Iran getting the bomb? Saudi Arabia has the cash to make large-scale investments in nuclear technology. Indeed, the only factor that makes warnings about Saudi proliferation — such as that delivered by former Ambassador the United States Prince Turki al-Faisal last year — even remotely credible is the resources the Saudis can muster to buy a nuclear program. Yet, while Riyadh can outfit itself with nuclear facilities with ease, it does not have the capacity to manage them. Mohamed Khilewi, a former Saudi diplomat, claims that the kingdom has been developing a nuclear arsenal to counter Israel since the mid-1970s — but he offers no substantiated evidence to support these claims.¶ In fact, the country has no nuclear facilities and no scientific infrastructure to support them. It's possible that Saudi Arabia could import Pakistanis to do the work for them. But while Saudis feel comfortable with Pakistanis piloting some of their warplanes and joining their ground forces, setting up a nuclear program subcontracted with Pakistani know-how — or even acquiring a nuclear device directly from Islamabad — poses a range of political risks for the House of Saud. No doubt there would be considerable international opprobrium. Certainly Washington, which implicitly extends its nuclear umbrella to Saudi Arabia, would have a jaundiced view of a nuclear deal between Riyadh and Islamabad. Moreover, it's one thing to hand the keys to an F-15 over to a foreigner, but letting them run your nuclear program is another matter altogether.¶ The concern about Saudi proliferation stems from fears that the kingdom would be forced to act if both Iran and Israel possessed a nuclear arsenal. "We cannot live in a situation where Iran has nuclear weapons and we don't," an unnamed Saudi official declared to the Guardian on the sidelines of a meeting between Prince Turki al Faisal and NATO officials in June 2011. "It's as simple as that. If Iran develops a nuclear weapon, that will be unacceptable to us and we will have to follow suit."¶ Yet given the fact that the Saudis have very little nuclear infrastructure to speak of, this kind of statement is little more than posturing designed to force the U.S. hand on Iran. Unlike similar warnings by Israel, which has the capacity to follow through on its threat to attack Iran's nuclear sites, Riyadh's rhetoric about acquiring nuclear weapons is empty. What is amazing is how many people take the Saudis seriously. If Khilewi had been telling the truth, now would seem like a good time for the Riyadh to give Tehran a look at what the royal family has been hiding in the palace basement all these years — but so far, we have only heard crickets.¶ Despite its flimsiness, it is hard to ignore the utility of the Middle East's nuclear dominoes theory. For those who advocate a preventive military strike on Iran, it provides a sweeping geopolitical rationale for a dangerous operation. But the evidence doesn't bear this argument out: If Washington decides it has no other option than an attack, it should do so because Iran is a threat in its own right, and not because it belives it will thwart inevitable proliferation in places like Turkey, Egypt, and Saudi Arabia. It won't, for the simple reason that there is no reason to believe these countries represent a proliferation risk in the first place.

#### No spillover---empirics prove and US security umbrella solves

Joshi 12—associate fellow at the Royal United Services Institute. Doctoral student at Harvard (Shashank, Nuclear alarmism over Iran is backing us into a corner, 2/21/12, www.guardian.co.uk/commentisfree/2012/feb/21/nuclear-alarmism-iran)’

The third and final charge is that Iranian nuclear advances would set in motion a uncontrolled proliferation cascade as other regional powers scrambled for their own bombs. Yet history suggests that nukes don't inevitably beget nukes. A declassified American document from 1964, the year China went nuclear, identified over a dozen nations "with the capacity to go nuclear" – yet only a tiny fraction ever did. When the Soviets got the bomb, Yugoslavia or Sweden – both on that list of proliferating risks – did not follow. Taiwan did not follow China. South Korea and Japan did not follow North Korea.

The obvious retort is that all of these states were allies or clients of the US – but so too are Iran's rivals today. There are technical and political challenges to bringing Saudi Arabia, Egypt and Turkey under the American nuclear umbrella – but these are lesser problems when compared with the consequences of a military strike on Iran.

The alarmist response to Iran's nuclear programme reflects a failure of imagination and ignorance of history. Iran has an obligation to the International Atomic Energy Agency and the United Nations to explain the possible military dimensions of its nuclear programme. But if we – like the senators who sought to tie their president's hand last week – fool ourselves into thinking that a nuclear Iran cannot be contained, we increasingly back ourselves into a corner from which we will eventually be able to do little but lash out.

#### There won’t be snowball prolif and if there is there’s no impact

Barnett 11—American military geostrategist and Chief Analyst at Wikistrat. PhD from Harvard (11/24/11, Thomas, The New Rules: How to Stop Worrying and Live with the Iranian Bomb, webcache.googleusercontent.com/search?q=cache:zybRKebdOzsJ:www.worldpoliticsreview.com/articles/10652/the-new-rules-how-to-stop-worrying-and-live-with-the-iranian-bomb+&cd=1&hl=en&ct=clnk&gl=us)

15. We can easily arm Iran’s rivals. America has been selling arms like crazy throughout the region for a while now, and nothing will keep Washington from further enhancing the defensive -- and offensive -- capabilities of Iran’s many enemies.

16. The danger of wider proliferation is overblown. Yes, Riyadh and possibly Ankara will follow suit, but arguing that anti-Western regimes the world over will now seek a nuclear deterrent is fanciful. After all these years of freaking out about nuclear proliferation, we’re still talking about just the two remaining “Axis of Evil” members. To date, North Korea’s achievement has triggered no such regional nuclear race in East Asia. Iran’s effort likely will in the Middle East, but that is still a unique dynamic with limited legs.

17. The follow-on regional proliferation can be played to our advantage. Nothing clarifies the strategic mind like nukes. Once the Saudis join in, the world’s great powers will force a regional strategic dialogue. When that happens, Israel’s diplomatic existence will finally be recognized across the region.

# 1NR

### UQ

#### Their ev doesn’t assume Obama’s behind-the-scenes negotiations---details are controversial and could scuttle the bill without PC---so UQ can’t overwhelm the link

Jimm Phillips 3-17, Warren’s Consumer Electronics Daily, 3/17/14, “Some Momentum Observed on Senate Patent Revamp Legislation,” p. Factiva

Recent developments indicate there's some movement on legislation to improve the U.S. patent system and curb abusive patent litigation, though concerns about provisions in individual bills remain, said industry stakeholders in interviews.

Senate Judiciary Committee Chairman Patrick Leahy, D-Vt., placed the Patent Transparency and Improvements Act (S-1720) on the docket for the committee's March 27 executive business meeting, meaning the committee could mark up the bill as soon as April 3. Sen. Dianne Feinstein, D-Calif., introduced the Patent Fee Integrity Act Thursday night, earning support from stakeholders. That bill would establish a separate fund for Patent and Trademark Office user fees to allow PTO full access to that line of funding. Sens. Tom Coburn, R-Okla., Amy Klobuchar, D-Minn., and Jeff Flake, R-Ariz., were original co-sponsors of the bill (1.usa.gov/1fYavy4). The future for the Transparency in Assertion of Patents Act (S-2049) remains murky, with no firm date yet set for a rescheduled markup following two postponements, stakeholders said.

Leahy said in a statement Thursday that he's "committed to ensuring we move forward" with a bipartisan compromise version of S-1720. Negotiations on the compromise version of S-1720 are still ongoing, and Senate Judiciary has not begun circulating a compromise draft, said an industry official. Senate Judiciary consideration of S-1720 would follow months of behind-the-scenes negotiations on the bill, including staff briefings on industry concerns about provisions the committee is considering for the compromise version of S-1720 (CED Feb 12 p3).

One of the remaining sticking points in those negotiations appears to be "how to put litigation reform provisions into the bill," said the industry official. The committee is considering language on litigation reform from two other patent bills: The Patent Abuse Reduction Act (S-1013) and the Patent Litigation Integrity Act (S-1612). Committee Republicans have been pushing litigation reform as key to their support for S-1720, while committee Democrats have expressed concerns about the language of provisions under consideration. Intellectual property and legal groups have also been concerned about the inclusion of litigation reforms in S-1720, as they were when the House included those provisions in the Innovation Act (HR-3309). The American Intellectual Property Law Association "supports S-1720 conceptually," but believes the potential litigation reform provisions -- including court rules in patent cases and fee shifting -- are "much more controversial and much more challenging," said AIPLA President Todd Dickinson, former PTO director.

#### It’ll pass but there’s a short window of bipartisan compromise that’s currently distinct from other issues---answers all pounders

Greg Baumann 3-26, “Silicon Valley CEOs hit D.C. seeking curbs on patent trolls as immigration and tax reform remain elusive,” Puget Sound Business Journal Online, p. Factiva

Silicon Valley CEOs have never talked more with their D.C. representatives or spent more money on federal lobbying. Yet they're finding D.C. a complicated place to do business.

The most visible indicator of the Silicon Valley-D.C. divide is continued inaction on the tech industry's banner policy issue: Immigration reform. For years, the industry has pushed to increase the number of U.S. visas available for foreign-born tech talent, most notably during an aggressive push by startups, large corporations and business groups last year.

Comprehensive tax reform doesn't look much more promising. Not a single corporate tax officer predicted passage of tax reform this year, according to a recent survey by a D.C. law firm.

Other issues lie within closer reach.

"We have never been so close to passing meaningful patent troll reform," said the leadership group's CEO, Carl Guardino. "For us, that's important. Other issues aren't as far along as that one."

The Leadership Group is seeking higher pleading standards that would dissuade patent trolls from filing frivolous suits, shifting of legal fees to plaintiffs of spurious suits, improved records as to who owns patents, and protection against suits for companies that use technologies that are the subject of patent claims, according to briefing documents prepared by the organization.

The Silicon Valley Leadership Group divides its lobbying force of executives into small groups and has scheduled 64 meetings with legislators, including 16 with senators, according to briefing documents. The event is sponsored by a group of companies that includes SAP, Microsoft Corp., Verizon, AT&T and Virgin America. Participants pay a fee.

Guardino said his group's lobbying has yielded results in the past, including the government decision to place a U.S. Patent and Trademark Office in San Jose and funding for the extension of Bay Area Rapid Transit south toward the city.

"While many would think advocating in D.C. is like watching grass grow, we have actually seen crops harvested on these trips," he said, noting that securing the PTO's location took 5 ½ years.

The delegation, led by Leadership Group chairman Steve Berglund, CEO of Trimble Navigation, and Vice Chairman Greg Becker, president of Silicon Valley Bank, is visiting a Congress on the mend. It has emerged from brinksmanship between the Democrats and Republicans that led to a government shutdown from Oct. 1 through Oct. 16.

Still, with Senate seats in play for the Nov. 4 election, posturing and defensive tactics may mean the window is closing on more controversial issues this year.

### AT: Obama Not Key

#### It’ll pass---but PC is key to momentum and increased Dems push

Julian Hattem, 3-5-2014, "Congress gets out club for patent ‘trolls’," TheHill, http://thehill.com/blogs/hillicon-valley/technology/199954-lawmakers-look-to-push-patent-troll-bill

Proponents of a bill to prevent patent “trolls” from harassing businesses are increasingly optimistic their legislation will become law this year. Lawmakers and a wide swath of different industries have aligned behind the push for a crackdown on the so-called trolls, which sue companies for patent license violations. Supporters of the reform effort claim the lawsuits are often frivolous, but nonetheless force businesses into settlements to avoid lengthy and costly court cases. Plaintiffs in the suits argue they are merely trying to protect their intellectual property and preserve inventors’ ability to innovate. With campaign politics gumming up the works on Capitol Hill, the patent crackdown could be one of the few bills to make it to President Obama’s desk before November, supporters say. “I think that members on both sides of the aisle recognize that this is a big problem affecting people being employed in their district, investments in their district,” said Beth Provenzano, a senior director for government relations at the National Retail Federation. “I think that this does stand a good chance, even in the election year.” The Senate Judiciary Committee, the focus of the patent reform fight, will look to take action on legislation this month, Chairman Patrick Leahy (D-Vt.) said on Tuesday. Sen. Mike Lee (R-Utah) on Wednesday said he hoped the full chamber would vote on the bill in the coming months. In addition to the retailers trade group, associations for restaurants, financial institutions and major tech companies such as Google have pushed for the chamber to approve legislation. The troublesome lawsuits can cost millions, they say, and need to be stopped immediately. Patent-rights holders skeptical of reform claim that bill goes too far and warn it could make it difficult for inventors and universities to profit from their creations. In December, the House overwhelmingly passed the Innovation Act, which would reform much of the patent lawsuit process. Lee and Leahy are pushing a companion bill, the Patent Transparency and Improvements Act, in the Senate. Obama backed the House bill and called for action in his State of the Union address. Supporters hope the president’s backing will help push legislation across the finish line in the Senate. “It meant a lot in the Senate to have the president weigh in like that,” Lee said at an event Tuesday in Washington. “To have it brought up by the president in some very public settings has been very helpful to help focus the public attention on the fact that this is hurting a lot of people.” Obama’s support also created momentum in the House, and convinced Democratic lawmakers who might not have been focused on the issue to hop on board, according to Rep. Jared Polis (D-Colo.). “When it comes to a patent bill, they say ‘Oh OK, the president liked it so we’re going to give it a look,’ ” he said at the event, which was sponsored by Politico. “So that sort of opened the door for a lot of members on the Democratic side, where we had stronger vote totals than we were necessarily expecting.”

#### Only PC can forge compromise over controversial details

Politico 2-19, “White House pushes forward with patent reforms,” 2/19/14, http://www.politico.com/story/2014/02/patent-reforms-white-house-103696.html

The White House on Thursday will unveil a handful of new actions designed to improve the patent system by stopping bad applications in their tracks, part of an ongoing effort against litigious “patent trolls,” according to several people familiar with the announcement.

This marks the next phase of the administration’s patent work, although final details remained fluid Wednesday. President Barack Obama mentioned patent reform in last month’s State of the Union — an address built around the idea that the White House was prepared to take unilateral action on important issues.

The announcements are set to come at an afternoon event with key economic and technology advisers, including Commerce Secretary Penny Pritzker and National Economic Council Director Gene Sperling.

The administration will unveil an initiative with private-sector companies and, potentially, universities to make available more “prior art” — essentially making it easier for Patent and Trademark Office officials to determine whether or not a patent idea is original, the sources said. The administration also is working with companies to provide additional technical training to patent examiners, they said.

The president set his sights on patent trolls as far back as last February, but the White House push began in earnest last summer with several legislative recommendations and executive actions. The House of Representatives quickly passed a patent reform bill, the Innovation Act, last December. But activity is moving slower in the Senate this year.

Officials are expected to provide updates on the work started last June. For example, the administration is moving forward with an online presence to provide resources for recipients of patent demand letters, sources said — that idea was first revealed during last summer’s executive actions.

A spokeswoman for the White House Office of Science and Technology Policy declined to comment.

Patent reform resurfaced as a Washington focus last year, even as Congress cleared patent legislation in 2011. Senate Judiciary Chairman Patrick Leahy (D-Vt.) has said clearing a bill is a priority of his, but legislators are still debating competing proposals — some of which are particularly controversial with parts of patent-dependent industries.

For reform supporters, the administration’s efforts certainly don’t hurt. But they don’t address issues that many see as crucial to meaningful reform, like fee-shifting — a rule that could make companies that lose patent cases pay the winner’s legal fees in some cases. Getting more comprehensive legislation through Capitol Hill, they say, is a must-do.

“It’s really encouraging to see the White House and the Patent Office involvement, and it’s particularly encouraging to see them taking actions that will help people who don’t regularly deal with the patent system,” said the Electronic Frontier Foundation’s Julie Samuels, a patent reform advocate who testified on Capitol Hill last year. “But what we really need is legislation. We need the Senate to pass a bill like the Innovation Act that the president will sign.”

### Link

#### Obama always wants to maintain the authority even if he “loves the plan”

Pious 11—Professor of political science @ Barnard College [Richard M. Pious (Chair in History and American Studies @ Barnard College), “Prerogative Power in the Obama Administration: Continuity and Change in the War on Terrorism,” Presidential Studies Quarterly 41, no. 2 (June)]

Obama has taken some steps to recede from the extreme claims of the Bush administration but seems to be developing a variant of “soft prerogative,” in which he keeps the option to act through prerogative power in reserve. In the court cases that have carried over from the Bush administration, he seems to be acting in accordance with the observation of Brad Berenson, a former associate counsel in the Bush White House who pointed out that “The dirty little secret here is that the United States government has enduring institutional interests that carry over from administration to administration and almost always dictate the position the government takes” (Gerstein 2009b). Similarly a law professor at Columbia University, Matthew Waxman, who served as deputy assistant secretary of defense for detainee affairs in the Bush administration, has noted “These are long-standing institutional positions of the executive branch that have historically transcended partisan divides” (Waxman 2010).

Hugh Heclo has analyzed the “deep structure” of the presidency as an institution (i.e., those parts that do not change when an administration changes) (Heclo 1999). In a related sense, there is a “deep structure” of prerogative claims, which do not change—or change slowly—when partisan control of the White House changes. These include claims of sovereign immunity, official immunities involving duties of officials, testimonial privileges (executive, departmental, lawyer-client, protective service), and state secrets doctrines, all of which the Obama administration has attempted to extend in court filings. And when there is movement, it seems always to be in the direction of extending claims rather than retracting them. The prerogative claims are then employed to justify (in courts of law and in the court of public opinion) presidential efforts to prevent prosecution of former officials and prevent the establishment of commissions of inquiry.

The Obama administration, in its court filings involving the Bush administration, has distinguished between policy (which is not defended) and privilege. The “deep structure” is not substantive as much as it is a set of privileges that prevent accountability. Obama seems to have made a “non-decision” about most of these privileges, with extensions of some—which not only help the Bush officials, but also may help members of his administration once they leave office. By failing to push for the Dawn Johnsen nomination, and by allowing the acting chief, David Barron, to remain as the top official, Obama has signaled that there will be a great deal of continuity with the Bush administration. Pg. 286-287

#### Disagreements over authority trigger constitutional showdowns – even if the executive wants the plan – it’s about who decides, not the decision itself

Posner 10 and Vermeule - \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 75-77)

Showdowns occur when the location of constitutional authority for making an important policy decision is ambiguous, and multiple political agents (branches, parties, sections, governments) have a strong interest in establishing that the authority lies with them. Although agents often have an interest in negotiating a settlement, asymmetric information about the interests and bargaining power of opposing parties will sometimes prevent such a settlement from being achieved. That is when a showdown occurs. Ultimately, however, someone must yield; this yielding to or acquiescence in the claimed authority of another agent helps clarify constitutional lines of authority, so that next time the issue arises, a constitutional impasse can be avoided. From a normative standpoint, constitutional showdowns thus have an important benefit, but they are certainly not costless. As long as the showdown lasts, the government may be paralyzed, unable to make important policy decisions, at least with respect to the issue under dispute. We begin by examining a simplified version of our problem, one involving just two agents—Congress and the executive. We assume for now that each agent is a unitary actor with a specific set of interests and capacities. We also assume that each agent has a slightly different utility function, reflecting their distinct constituencies. If we take the median voter as a baseline, we might assume that Congress is a bit to the left (or right) of the median voter, while the president is a bit to the right (or left). We will assume that the two agents are at an equal distance from the median, and that the preferences of the population are symmetrically distributed, so that the median voter will be indifferent between whether the president or Congress makes a particular decision, assuming that they have equal information.39 But we also will assume that the president has better information about some types of problems, and Congress has better information about other types of problems, so that, from the median voter’s standpoint, it is best for the president to make decisions about the first type of problem and for Congress to make decisions about the second type ofproblem.40 Suppose, for example, that the nation is at war and the government must decide whether to terminate it soon or allow it to continue. Congress and the president may agree about what to do, of course. But if they disagree, their disagreement may arise from one or both of two sources. First, Congress and the president have different information. For example, the executive may have better information about the foreign policy ramifications of a premature withdrawal, while Congress has better information about home-front morale. These different sources of information lead the executive to believe that the war should continue, while Congress believes the war should be ended soon. Second, Congress and the president have different preferences because of electoral pressures of their different constituents. Suppose, for example, that the president depends heavily on the continued support of arms suppliers, while crucial members of Congress come from districts dominated by war protestors. Thus, although the median voter might want the war to continue for a moderate time, the president prefers an indefinite extension, while Congress prefers an immediate termination. So far, we have explained why the president and Congress might disagree about when to terminate the war, but mere policy disagreement does not result in a showdown. Showdowns arise only when there is a disagreement about authority. If Congress believes that the president has the sole authority to terminate the war, then his view will prevail. Congress may try to pressure him or influence him by offering support for other programs desired by the president, or by trying to rile up the public, but these activities are part of normal politics, and do not provoke a constitutional showdown. Similarly, if the president believes that Congress has the sole authority to terminate the war, then Congress’s view will prevail. This outcome is shown in cell 3 in table 2.1. Similarly, no showdown occurs when the two branches agree both about authority and policy—for example, that the president decides, and Congress agrees with his decision (cell 1). The first column represents the domain of normal politics. Showdowns can arise only when Congress and the president disagree about who decides. Here, there are two further possibilities. First, Congress and the president disagree about who decides but agree about the correct policy outcome (cell 2). In these situations, which arise with some frequency, the two branches are often tempted to paper over their differences because an immediate policy choice is not at stake. But sometimes a showdown will occur. We will discuss this special case later. Second, Congress and the president disagree about the policy outcome and about authority (cell 4). In this case, showdowns are likely, because a policy decision must be made, and if the parties cannot agree about what it should be, then they cannot avoid resolving the question of authority. We focus on this case for now.

### AT: XOs Solve

#### Executive actions are doomed without reform from Congress

Rik Myslewski 2-14, The Register (UK Newspaper), Handcuffed Obama administration pokes patent trolls, pleads for Senate legislation,” 2/21/14, http://www.theregister.co.uk/2014/02/21/obama\_administration\_call\_for\_patent\_reform\_legislation/

The Obama administration has renewed its call for legislation to combat patent trolls, and has issued three new executive actions that – although limited in scope – underline its intent to do whatever it can without Congressional help, as Secretary of Commerce Penny Pritzker put it, "to encourage innovation, not litigation." ¶ Pritzker was speaking at a White House event on Thursday, discussing not only the administration's new executive actions, but also the progress it has made on the executive actions it announced last June: to increase patent-ownership transparency; to tighten scrutiny on overly broad patents ("particularly software patents," Pritzker said); to provide help to "Main Street" businesses hounded by trolls; and to step up research and outreach efforts, engaging legal scholars to study patent litigation and reaching out to trade associations, business groups, advocacy organizations, and individuals to both provide help navigating the patent system and gather public opinion on the system and its problems. ¶ The three executive actions announced on Thursday are fine in and of themselves, but they sadly illustrate how limited the administration's efforts are doomed to be without help from Congress: ¶ 1. Crowdsourcing Prior Art: The US Patent and Trademark Office is launching a new program to gather information from "companies, experts, and the general public" to help patent examiners track down prior art. ¶ 2. Improved Technical Training: The USPTO will expand its Patent Examiner Technical Training Program by calling on "technologists, engineers, and other experts" to provide volunteer help in keeping patent examiners up to speed on developments in technical fields. ¶ 3. Pro Bono Help to Inventors: The USPTO will appoint a full-time Pro Bono Coordinator to enlist volunteer patent attorneys to provide help to inventors who can't afford legal representation, and expand the current America Invents Act pro bono program to all 50 states. ¶ We seriously doubt that patent trolls will be quaking in their finely tooled Italian leather shoes when they hear of these three new initiatives – it will take new laws to rein them in.

#### Only talks about ending vague patents, and it’s about past XOs that only changed tiny technical details

#### Reform will pass with fee-shifting---that’s the key to make it effective

Mike Dillon 3-21, attorney for Adobe, 3/21/14, “Part 3: Troll Wars: The Problem Can Only be Solved by Congress,” http://blogs.adobe.com/conversations/2014/03/part-3-troll-wars-the-problem-can-only-be-solved-by-congress.html

The real answer lies with Congress. There are currently a number of proposed bills in the Senate directed at patent reform and the patent troll problem. These contain different proposals that help address the issue; for example, requiring that patent troll lawsuits against customers be stayed, until the case against the company producing the allegedly infringing product is resolved. While helpful, however, most of these measures do not get at the root of the problem – the asymmetrical economics. The solution is to change the standard articulated in Section 285 to one in which the presumption is that legal fees and expenses will be awarded to the prevailing party.

Last December, the House passed what is referred to as the “Innovation Act” (H.R. 3309) that provides just this. It states: “The court shall award, to a prevailing party, reasonable fees and other expenses incurred by that party in connection with a civil action, unless the court finds that the position of the non-prevailing party was reasonably justified or that special circumstances make the award unjust.” Under this standard, Select Retrieval would have been required to reimburse Adobe the $200,000 we spent in defending our client unless it could show that the lawsuit was reasonably justified or that special circumstances existed that would have made this unjust. We doubt that it could have met this standard.

The Innovation Act is one of those rare pieces of proposed legislation these days that has true bipartisan backing in the House and from the President. Currently, Senator Leahy is considering incorporation of much of the Innovation Act – including a fee-shifting provision – in a proposed Senate bill. Let him know that you support this and passage of a Senate bill.

### AT: Squo Solves

#### Their ev is not predictive, only descriptive and hypothetical

#### Courts can’t solve patent reform

Charles Duan, dir. Public Knowledge’s Patent Reform Project, 2-24-2014, “Big Businesses Are Filing Frivolous Patent Lawsuits To Stifle Innovative Small Competitors,” Forbes, http://www.forbes.com/sites/realspin/2014/02/24/big-businesses-are-filing-frivolous-patent-lawsuits-to-stifle-innovative-small-competitors/

There are two ways to fix this problem. One is to use the courts to attack those patent assertors’ abusive practices. Indeed, several state attorneys general have started filing consumer protection lawsuits against patent assertion entities, and Cisco even tried to use a racketeering statute against Innovatio. The problem is that an esoteric rule of Constitutional law makes such attacks difficult to win—precisely for the fact that the courts are being used as the tools of abuse.

### AT: Ukraine

#### Dems backed off IMF reform to avoid a fight---didn’t cost PC and there was never a vote

Michael Tomasky 3-26, Daily Beast special correspondent, editor of Democracy: A Journal of Ideas, 3/26/14, “The GOP Just Screwed Ukraine Out of Billions to Hurt Obama,” http://www.thedailybeast.com/articles/2014/03/26/the-gop-just-screwed-ukraine-out-of-billions-to-hurt-obama.html

But those points don’t matter on the right, of course. Over there, it all spells a diminution of American power, the hated global governance, like Pat Buchanan’s old warnings about sending our boys out to global hotspots donning light-blue (i.e. United Nations) helmets. John McCain and Bob Corker, to their credit, supported the aid with the IMF reform tacked on. But most Republicans didn’t, and even though the full package easily passed a procedural vote, Democrats were getting the strong sense that an aid deal with the IMF stuff included wasn’t going to make it.

And so, it emerged this week that the Obama administration and Senate Democrats apparently backed off their demand for the Ukraine aid bill on Capitol Hill to include the reforms. On Monday, John Kerry visited Congress and threw in the towel. Better to have whatever we can get now than fight over this and delay matters. Or worse, lose altogether, because there was no chance that the House would ever have passed the IMF-laden version.

#### Passage of the overall aid package means it wasn’t a loss

AP 3-27 – Associated Press, 3/27/14, “In show of solidarity with Obama, Congress backs bills to aid Ukraine, punish Russia,” http://www.startribune.com/politics/national/252590191.html

In a show of solidarity with President Barack Obama, Congress spoke with one voice Thursday against Russia's annexation of Crimea, overwhelmingly backing legislation in the House and Senate to aid cash-strapped Ukraine and punish Russia.

On a voice vote, the Senate approved a measure that would provide $1 billion in loan guarantees to Ukraine and give Obama broad authority to impose more sanctions on Russia and President Vladimir Putin's inner circle for Moscow's brazen incursion into Crimea earlier this month.

The House endorsed a different version on a 399-19 vote that also provides assistance to Ukraine and penalizes Russia. Lawmakers hope to send a single bill — the Senate measure — to the White House for Obama's signature by week's end.

"It is vitally important that the United States, in conjunction with our European Union and NATO allies, send an unmistakable signal that this aggression will not be tolerated," said House Majority Leader Eric Cantor, R-Va.

The votes came as Obama wrapped up a European trip in which he enlisted the support of allies in challenging Russia's aggression. The rare congressional unity stood in sharp contrast to recent partisan divisions over the Ukraine package, which had been caught up in disputes over new IRS regulations on groups claiming tax-exempt status and International Monetary Fund reforms.

### AT: Industry Hype

#### Trolling creates a patent thicket in clean tech that’s getting worse---means the impact on the sector will multiply in the future, rendering green innovation less and less likely---effective legal reform targeting trolls is key

Matthew Rimmer 11, associate professor at the Australian National University College of Law, and an associate director of the Australian Centre for Intellectual Property in Agriculture, 2011, Intellectual Property and Climate Change: Inventing Clean Technologies, p. 391-394

It is questionable, though- whether such proposed reforms would have any particular adverse impact upon the clean technology sector. Indeed, clean technology companies stand to benefit from a reformation of the patent system - with efficiencies in patent administration, greater surety of patent quality, and less to fear from the predations of 'patent trolls' and lawsuits from rivals and competitors. Arguably, though, patent law should be reformed, particularly to address clean technologies. Abbe Brown from the University of Edinburgh and her collaborators make the compelling point:

If groundbreaking and unique technology is developed which can have a significant impact on mitigation, adaptation or information provision in relation to climate change; and if a patent is obtained in respect of it; then this would lead to the patent owner having the ability to exclude others from making or using that technology. This would mean that the patent owner could control the use of technology which, if it was made available more widely, could offer greater benefits to society.60

Given the power of patents to control access to clean technologies, there is a need to ensure that the patent regime is working in a fair, efficient, and just fashion.

From the spectrum of reform options available, this book has made a number of recommendations, based on the premise that there is a need for a differentiated approach to clean technologies under patent law. Dan Burk and Mark Lemley discuss the need to tailor patent law to the specific demands of particular industries:

Both innovation and patent law unquestionably work differently in different industries. The law can either take account of those differences or seek to ignore them. Ignoring them would require major changes in existing law, and would leave the law ill-equipped to deal with the fundamentally different ways in which innovation works in different industries. Indeed, given the crisis of confidence the system currently faces, it is not much of an exaggeration to say that the patent system must bend or break: a patent system that is not flexible enough to account for these industry differences is unlikely to survive.61

This book has argued that, in addition to procedural reforms to patent administration, such as the development of fast-tracks and the construction of better databases and search engines, there is a need for substantive patent law reform in respect of clean technologies. Such reform would encompass threshold criteria in relation to patent validity; rules in respect of patent infringement: access mechanisms, such as experimental use, compulsory licensing, and state use; and licensing mechanisms, such as public sector licensing, patent pools, and open innovation. There should also be greater scope for the adoption of other innovation mechanisms, such as environmental prizes.

Chapter 4 of this book argued that there is an urgent need to reform patent administration, particularly as it pertains to clean technologies. An important priority is developing a common classification for clean technologies, across both the Patent Cooperation Treaty 1970 and the patent offices around the world. There has been much debate as to whether to take an inclusive or restricted approach to the definition of clean technologies. Personally, I favour a broad approach to the classification of clean technologies, including renewable energy, forms of energy efficiency, and types of green transportation. However, I would exclude controversial technologies, such as "clean coal' and nuclear power on the grounds that they are not environmentally sound technologies. Carbon capture and storage, and geoenginccring may need further evaluation in terms of their environmental credentials.

In addition to developing a schema for clean technologies, it is important to develop information databases and search engines to make such patent information available and transparent. It is particularly important that WIPO, the USPTO, the EPO, IP Australia, and other patent offices develop a strong information infrastructure. The private sector could play a significant role in providing a gallery of enhanced patent landscapes of particular clean technologies. Fast-track mechanisms for patent applications in respect of clean technologies and humanitarian technologies are a useful incentive, albeit in a limited way. To my mind, though, the speed of patent applications cannot and should not be divorced from questions of patent quality. There is no point in fast-tracking a patent application of dubious quality. It is imperative that the patent examiners in patent offices apply the threshold standards of novelty, inventive step, and utility in a rigorous fashion, according due creativity and problem-solving capacity to a 'person skilled in the art'. The Peer To Patent project is a promising way of subjecting patents to review by a wider community of experts: this scheme should be expanded, particularly with respect to clean technologies.62 The operation of patent offices could be improved through better resourcing, external audits of patent quality,63 and greater scope for re-examination opposition by public interest entities, such as the Public Patent Foundation.64

Charting patent litigation in respect of clean technologies. Chapter 5 deconstructs the convenient myth promulgated by capitalists such as General Electric Inc. that patent rights do not block access to clean technologies. A number of patent landscapes highlight that there is a potential for a 'tragedy of the anti-commons' in a number of fields - such as solar photovoltaics, wind power, and marine and hydro technologies because of the crowded and cluttered patent registers. The survey of patent litigation, across a range of sectors, reveals that patent rights can indeed block access to clean technologies. The mega-litigation between Paice and Toyota raises a number of important issues about patent validity, expert evidence, patent infringement, and remedies.65 The dispute has made a contribution to the ongoing debate over the role of 'patent trolls' in the legal system - or ‘non-practising' patent entities. Elizabeth Siew-Kuan Ng comments:

The recent patent trolling sagas should act as a 'wake-up call' to prompt a review of some of the existing rules in the patent system . . . The continued spread of poor quality broad patent thickets will progressively hinder, rather than promote, innovation

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across the global marketplace. The needless cost to bargain around exclusive property rights is perverse to legitimate businesses that require as much certainty as the law is able to provide.^6

There have been concerns expressed about 'patent trolls' in the fields of clean technology, information technology,67 and biotechnology.68 A multi-faceted policy response is needed to such issues relating to patent litigation. In addition to reforming patent administration, there is a need for courts to be vigilant in their application of the standards of novelty, inventive step, and utility. There should be a broad and flexible defence of experimental use to provide protection for those engaged in research and experimentation on inventions. Moreover, courts exercise their discretion wisely when administering remedies - taking into account the larger public interest in research and development in clean technologies, such as the Toyota Prius. There also need to be formidable penalties to deter patent holders who make unjustified threats of legal proceedings.

### AT: Adaptation

**Clean tech leadership KEY to adaptation---it’s the mechanism in which adaptation is actualized---That’s Clarke**

**Adaptation is impossible – tech and migration can’t solve**

**Parkinson 10** (Claire L Parkinson is a climatologist at NASA's Goddard Space Flight Center, where she's worked since July 1978, with a research emphasis on sea ice and its role in the global climate system. Claire has a B.A. in mathematics from Wellesley College and a Ph.D. in climatology from Ohio State University. She is a fellow of both the American Meteorological Society and Phi Beta Kappa. 2010 The Coming Climate Crisis)

When in the late twentieth century the standard climate change paradigm included the assumption that changes in the Earth's climate occur only very slowly, there was a comfortable sense that although the coming changes might be unde­sirable, at least they **would develop slowly**, **giving humans a chance to adjust slowly as well**. **This comfort zone has vanished with the determination from Greenland ice cores** and elsewhere that **climate**, at least regionally, not only **can change abruptly but has frequently done so**. In fact, one conclusion from the new results is that the fairly stable climate the Earth has experienced for the past several thou­sand years might be unusual. Another possibility is that periods of relative stability might be common enough; for instance, there might be long, relatively stable gla­cial states and long, relatively stable interglacial states, with the transitions between the two states fraught with multiple abrupt jumps. In any event, **the evidence is now strong that abrupt shifts have occurred on many occasions in the past**, prior to the past several thousand years, **and** hence **could certainly do so in the future as well**, whether triggered naturally or by human activities. **This is cause for concern, as despite all our technological prowess, adjusting to abrupt climate change would probably be considerably more difficult for us now** than it was many thousands of years ago, **when the human population was much smaller**, there was **far less infra­structure and personal property to deal with**, and the Earth had more unoccupied, unclaimed land to which people could migrate. If climate conditions worsened in one region in the distant past, bands of early humans could move to another region considerably more easily than communities could move today. They might have had to do it on foot, but even on foot, it was easier than moving a whole commu­nity under today's circumstances.

### Tech Innovation Impact---2NC

#### Patent trolls undermine venture capital investment in the tech sector---slows innovation

Christopher Versace 13, not the designer, editor of the investment newsletter PowerTrend Profits and the trading service ETF PowerTrader, 11/12/13, “Will Patent Reform Aid or Cripple Companies and Investors?,” Forbes, <http://www.forbes.com/sites/chrisversace/2013/11/12/will-patent-reform-aid-or-cripple-companies-and-investors/>

Around the time of Nortel’s patent auction, Congress passed the America Invents Act, a major update to patent law. This law moved America from a “first to invent” system to a “first to file” system. First to file is the international standard but it opened the floodgates to what has come to be known as “patent trolls”. These entities buy up unused or unenforced patents for the express purpose of generating copyright infringement litigation. According to PWC’s 2013 Patent Litigation Study, the number of patent lawsuits spiked by 20% in 2012 to 5,000.

While companies should be able to defend the use of their inventions and intellectual property, the offensive shift in how patents are used has had several negative impacts including slowing the speed of innovation, stifling competition and mounting legal fees to battle patent trolls that could have been used to add employees that have made it a drag on the economy. Boston-based mobile payments firm LevelUp is currently in the middle of three separate patent infringement lawsuits brought by patent trolls. Because the company has been forced to allocate hundreds of thousands of dollars to legal fees it has had to forego hiring more employees.

It’s not just LevelUp. According to a recent National Venture Capital Association study, over one-third of start-up companies have faced patent assertion litigation. In addition, over 70% of venture capitalists

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surveyed claimed to have faced IP-related pressure. While the IT industry was the frontrunner in this, the runner-ups were the life sciences and clean tech industries.

The heyday of patent trolls, however, could be coming to an end. Congressman Robert Goodlatte (R-VA), Chairman of the Judiciary Committee has introduced legislation, The Innovation Act that would transition the U.S. to a “loser pays” system in a patent suit. The act targets patent-licensing businesses that use infringement lawsuits as a major source of potential revenue. The bill requires companies suing for patent infringement to identify the patents and claims infringed in their initial court pleadings, making it harder for patent holders to file broad infringement claims. The legislation would also require patent holders filing lawsuits to disclose what groups have financial interest in the patent.

These changes that could bring more certainty and clarity to investors and that is a good thing. There are, however, factions seeking to widen the scope of the legislation that would actually offset these improvements and worsen the situation. Section 18 of 2011’s America Invents Act created a special, temporary program, called the Covered Business Method (CBM) review process by which certain limited financial services related patents could be challenged beyond the standard nine-month period. CBM was established for a limited time period in response to concerns that some technology in use in the financial services sector had been patentable since 1997.

As it is currently written, H.R. 3302 contains a provision that would expand CBM to cover all software containing “business processes” and makes it a permanent program. Most any software program contains business processes as defined by United States Patent and Trademark Office (USPTO). As a result, passing this provision would make most any technology patent open to challenge at any time during the full life of the patent. This would obviously be a source of uncertainty for investors but it’s not the worst of it.

The CBM review process creates a standard procedure that USPTO must follow when a review is requested. Part of that process is a standard 18-month review of the validity of the patent. During this review, all infringement claims and enforcement mechanisms are halted. These processes favor patent infringers by giving them an administrative safe harbor of 18 months. Patent owners–and investors–can only sit and watch while competing companies use their technology to gain market share and profit for at least a year and half. Rather than stopping patent trolls, this provision weakens the ability of legitimate patent holders to defend their inventions and creates unprecedented uncertainty for investors by creating yet another avenue for the offensive use of patents.

The Innovation Act is set to be considered in the Judiciary Committee later this month. Congress has an opportunity to remedy this by removing the Section 18 language and hopefully they will. However, this issue is one that investors will need to continue to monitor.

Representative Darrell Issa and Judy Chu, both of whom represent California, recently introduced a bill separate from the Goodlatte bill, but similar, that would expand the categories of patents that can be reviewed in cases of patent litigation. The Issa-Chu measure mirrors proposals by Sen. Chuck Schumer and the White House. Schumer’s bill includes software in the “covered business method” provision, and the White House has recommended adding a broader category of “computer-enabled patents” and permitting a wider range of challengers to petition for review of issued patents.

From smart phones to clean energy products, innovation and new product development is a key driver of growth. As we have seen with Apple’s iPhone and a number of key technologies included in that device, innovation will continue to be driven by patentable technology and processes. Odds are Congress is likely to continue tinkering with patent law. In some instances such as addressing patent trolls this will help investors. In others such as the attempt to expand CBM, it could hurt. For companies like VirnetX Holding VHC -2.12%, Vringo VRNG NaN%, and Acacia Research ACTG -1.26%, it could make the shares even more volatile than they have been in the past.

### AT: Iran

#### Obama’s tabled the sanctions debate --- no more PC has to be spent

Jacob Glass 3-25-14, contributor for the Woodrow Wilson International Center for Scholars' Environmental Change and Security Program, "As Iran Nuclear Negotiations Begin, Threat of Increased Sanctions Looms Large," Huffington Post, www.huffingtonpost.com/jacob-glass/as-iran-nuclear-negotiati\_b\_5024604.html

To this point, the Obama administration has avoided a vote on SB 1881 by threatening a veto of the bill, and the administration's full court press to prevent Senate Democrats from supporting new sanctions has bought international negotiators time. Several influential Democrats, including Senator Richard Blumenthal from Connecticut, have agreed to postpone a vote on the bill, contingent on productive negotiations.