# 1NC

## Offcase

### 1NC

#### Restrictions are prohibitions on authority --- the aff is a supervising condition which is distinct

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

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

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

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

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

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

#### Vote neg---

#### Ground---only prohibitions on actions guarantee links to every core argument like flexibility---they allow rubber stamp affs which makes the topic bi-directional

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

### 1NC

#### Text: The President of the United States should issue an Executive Order committing the executive branch to Solicitor General Representation and advance consultation with the Office of Legal Counsel over decisions to initiate offensive use of military force.

#### The Office of Legal Counsel should issue a formal, public opinion recommending against initiating offensive use of military force without prior Congressional authorization through a policy trial.

#### The President of the United States should comply with the Office of Legal Counsel’s opinion.

#### OLC opinions solve the whole aff without linking to politics

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

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

#### Executive pre-commitment to DOJ advice avoids their solvency deficits

* Internal restrictions are comparatively more effective
* Pre-commitment solves groupthink/bias --- causes OLC lawyers to play devil’s advocate

Pillard 5 – JD from Harvard, Faculty Director of Supreme Court Institute at Georgetown University Law Center, former Deputy Assistant Attorney General in the DOJ (February, Cornelia T., Michigan Law Review, 103.4, “The Unfulfilled Promise of the Constitution in Executive Hands”, 103 Mich. L. Rev. 676-758, http://scholarship.law.georgetown.edu/facpub/189/)

V. ENABLING EXECUTIVE CONSTITUTIONALISM¶ The courts indisputably do not and cannot fully assure our enjoyment of our constitutional rights, and it is equally clear that the federal executive has an independent constitutional duty to fulfill the Constitution's promise. Executive constitutionalism seems ripe with promise. Yet, it is striking how limited and court-centered the executive's normative and institutional approaches to constitutional questions remain.¶ One conceivable way to avoid the pitfalls of court-centric executive lawyering on one hand and constitutional decisions warped by political expedience on the other would be to make the Solicitor General and Office of Legal Counsel - or perhaps the entire Department of Justice - as structurally independent as an independent counsel or independent agency.207 Making the SG and OLC independent in order to insulate them from politics presumably would alleviate the "majoritarian difficulty" resulting from their service to elected clients. Promoting fuller independence in that sense does not, however, appear to be clearly normatively attractive, constitutionally permissible, nor particularly feasible. In all the criticism of our current constitutionalism, there is little call for an SG or OLC that would act, in effect, as a fully insulated and jurisprudentially autonomous constitutional court within the executive branch, operating with even less transparency and accountability than the Supreme Court. Moreover, as a practical matter it would be complex and problematic to increase the independence of the SG and OLC. The federal government faces Article II obstacles to formally insulating executive lawyers from politics and institutional pressures, and the president and his administration likely would be less amenable to guidance from such unaccountable lawyers.208¶ The challenge, rather, is to draw forth from the executive a constitutional consciousness and practice that helps the government actively to seek to fulfill the commitments of the Constitution and its Bill of Rights, interpreted by the executive as guiding principles for government. Adjustments to executive branch constitutional process and culture should be favored if they encourage the executive to use its experience and capacities to fulfill its distinctive role in effectuating constitutional guarantees. There is transformative potential in measures that break ingrained executive branch habits of looking to the Constitution only as it is mediated through the courts, and of reflexively seeking, where there is no clear doctrinal answer, to minimize constitutional constraint. It is difficult fully to imagine what kinds of changes would best prompt executive lawyers and officials to pick up constitutional analysis where the courts leave off, and to rely on the Constitution as an affirmative, guiding mandate for government action; what follows are not worked-out proposals, but are meant to be merely suggestive.¶ A. Correcting the Bias Against Constitutional Constraint¶ As we have seen, the SG's and OLC's default interpretive approach to individual rights and other forms of constitutional constraints on government is to follow what clear judicial precedents there are and, where precedents are not squarely to the contrary, to favor interpretations that minimize constitutional rights or other constitutional obligations on federal actors. Those court-centered and narrowly self-serving executive traditions produce a systematic skew against individual rights.¶ 1. Encourage Express Presidential Articulation of Commitment to Constitutional Rights¶ To the extent that a president articulates his own rights-protective constitutional vision with any specificity, he ameliorates the tension his constitutional lawyers otherwise face between advancing individual rights and serving their boss's presumed interest in maximum governing flexibility. Case or controversy requirements and restrictions against courts issuing advisory opinions do not, of course, apply to the executive's internal constitutional decisionmaking, and presidents can better serve individual rights to the extent that they expressly stake out their constitutional commitments in general and in advance of any concrete controversy."° When the president takes a stand for advancing abortion rights, property rights, disability rights, "charitable choice," a right to bear arms, or full remediation of race and sex discrimination, he signals to his lawyers that they should, in those areas, set aside their default bias in favor of preserving executive prerogative, even if it requires extra executive effort or restraint to do so.¶ If presented in a concrete setting with a choice between interpreting and applying the Constitution in fully rights-protective ways or sparing themselves the effort where Supreme Court precedent can be read not to require it, government officials typically default to the latter course without considering whether they might thereby be giving short shrift to a constitutional duty. A president's stated commitment to protection of particular rights, however, flips the default position with respect to those rights, acting as a spur to executive-branch lawyers and other personnel to work to give effect to constitutional rights even where, for a range of institutional reasons, the courts would not. A president is thus uniquely situated to facilitate full executive-branch constitutional compliance by precommitting himself to a rights-protective constitutional vision, and thereby making clear that respect for constitutional rights is part of the executive's interest, not counter to it.

### 1NC

#### The President of the United States should substantially increase lobbying and persuasion efforts, using available political resources, on behalf of Congressional enactment of Trade Promotion Authority.

#### TPA will pass with increased investment of Obama’s capital---key to the entire trade agenda and the Asia pivot

MarketWatch 2-17 – “Opinion: Stronger commitment could win bipartisan votes in Congress,” 2/17/14, http://www.truthabouttrade.org/2014/02/19/obamas-half-hearted-effort-on-trade-deals-not-enough/

Congressional Republicans generally favor freer trade and their support is vital for TPA to win. Experts say with decisive leadership the president could still build a winning bipartisan coalition. But as yet it isn’t happening. Gary Hufbauer, trade specialist at Washington’s Peterson Institute for International Economics, says in order for trade deals to get done the president needs TPA this spring, preferably before his April visit to Japan, South Korea, the Philippines and Malaysia. That delayed visit is intended to solidify the administration’s pivot to Asia, of which TPP, the Trans-Pacific Partnership, is the centerpiece. TPP would broaden market access and promote trade by standardizing disparate regulations on hundreds of products and services. The negotiations involving 12 Asia and Pacific nations are well advanced but the sensitive issues like opening up Japan’s rice market, say trade experts, won’t be put on the table without the U.S. administration having fast track. Japan’s reformist Prime Minister Shinzo Abe favors TPP as he views trade liberalization as a vital component of the structural reforms he is championing to boost Japan’s competitiveness against a rising China. The U.S. and Japan are the major players in TPP but South Korea is considering joining and the door is open for China to eventually join. TPP negotiators meet in Singapore on Feb. 22 and in the best-case scenario a deal could be struck soon thereafter. Michael Froman, the White House trade negotiator, says Obama is fully committed to both TTIP and TPP. Republicans and trade analysts doubt it. This year marks the 20th anniversary of NAFTA, the North American Free Trade Agreement, the last major trade liberalization measure to become law. Popular in Canada and Mexico, NAFTA remains fiercely controversial here and is loathed in the Rust Belt. Sold by Bush 41, who negotiated it and by Bill Clinton who signed it, as a job creation measure, its promise is unfulfilled. Twenty years afterwards there is still no consensus on NAFTA’s impact on U.S. jobs.Carla Hills, the U.S. NAFTA negotiator, points to Federal Reserve data showing a net job gain. Democrats and the AFL-CIO say nonsense. They claim that at least half a million manufacturing jobs have been lost to Mexico. They blame NAFTA for hollowing out Rust Belt cities and holding down U.S. wages that have been stagnant for a decade. Clyde Prestowitz, a Reagan administration official and trade policy maverick, says U.S. jobs will be lost under TPP just as they were with NAFTA and a smaller free trade deal with South Korea. “TPP,” says Prestowitz, “isn’t about trade, it’s about monopoly control.” He complains that TPP is being negotiated in secret with only U.S. corporate leaders privy to its provisions. Mack McLarty, President Clinton’s chief of staff until 1994, recently told a Washington forum that, “passing NAFTA was a very close call.” It required, he said, close bipartisan cooperation and extensive arm-twisting by the president. “We took Carla Hills’s advice,” he said, “of having every NAFTA proponent call five members of Congress to assure a yes vote.” Read McLarty’s op-ed in the WSJ. In today’s acrimonious milieu, it’s hard to envisage that kind of bipartisanship. Assuming the president gets TPA — a heroic assumption — will he emulate Bill Clinton and fight for TPP and perhaps TTIP in 2015? Some trade analysts, including Fred Bergsten and Jeffrey Schott, say yes. They argue that after the mid-term elections an administration short on big achievements will turn to freer trade with Europe and Asia as a positive and durable legacy of the Obama presidency. The jury is out and the debate is only now beginning. One by one the president will have to win the battle of the acronyms. And without vocal, decisive presidential leadership, even the first — TPA — is unlikely to be won.

#### 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

#### TPA’s key to prevent backsliding on globalization and protectionism

The Economist 2-22, “How to make the world $600 billion poorer,” 2/22/14 (Print Edition), http://www.economist.com/news/leaders/21596934-barack-obamas-unwillingness-fight-free-trade-expensive-mistake-how-make-world

IN JULY 2008 Barack Obama, then a candidate for the presidency, declared before an adoring crowd in Berlin that “true partnership and true progress [require] constant work and sustained sacrifice.” So it is with free trade. If not championed by leaders who understand its broad benefits, it will constantly be eroded by narrow economic nationalism. Mr Obama now appears to be surrendering to protectionists within his own party. If he cannot drag Democrats back to their senses, the world will lose its best opportunity in two decades for a burst of liberalisation. It will also be a signal that America is giving up its role as defender of an open global economy in the same way that Mr Obama has retreated in foreign policy.

Mr Obama did little to promote free trade during his first term, but has seemed bolder in his second. He launched America into ambitious new deals with large Pacific economies and the European Union, breathing new life into global trade talks. Momentum built up; the “constant work and sacrifice” paid dividends. Members of the World Trade Organisation agreed on a package of trade reforms in December—the first truly multilateral deal in the organisation’s 20-year history. Diplomats credit the White House’s new resolve for helping to bring stubborn parties to the table. Progress suddenly seemed possible in other areas, such as liberalising trade in services and information technology, and reducing barriers to the exchange of “environmental goods and services”, which would make it cheaper to curb carbon emissions.

First, shoot yourself in the foot. Then repeat…

The hitch is that Congress must approve trade agreements. Previous presidents had the advantage of “fast-track” trade promotion authority, which let them present deals to Congress for a simple yes or no vote. Without it, lawmakers can wreck carefully negotiated deals with toxic amendments. No country would engage in serious talks with America under such circumstances. Fast-track is therefore essential—and elusive. Congress last granted it in 2002; it expired in 2007. The Obama administration blithely asserted that Congress would renew it, but many lawmakers, primarily Democrats, have signed letters opposing it. Harry Reid, the Senate majority leader, has all but ruled out a vote this year. And on February 14th Joe Biden, the vice-president, told a gathering of Democratic leaders that he understood their opposition. The White House appears to have given up with scarcely a fight. A fast-track vote before November’s mid-term elections seems unlikely (see article).

Why panic about this? Tactically, it could just be another piece of Washington politicking: some optimists claim that Congress will return after the mid-terms ready to back fast-track, providing Mr Obama allows some boilerplate language in the bill chiding China for allegedly manipulating its currency. Others wonder whether the trade deals are really so vital. Indeed, the idea that they will not do much to help the economy is one excuse for Democrats undermining their president.

In fact, the deals on the table are big. Reasonable estimates say that the Transatlantic Trade and Investment Partnership (TTIP) and the Trans-Pacific Partnership (TPP) could boost the world’s annual output by $600 billion—equivalent to adding another Saudi Arabia. Some $200 billion of that would accrue to America. And the actual gains could be even larger. The agreements would clear the way for freer trade in services, which account for most of rich countries’ GDP but only a small share of trade. Opening up trade in services could help reduce the cost of everything from shipping to banking, education and health care. Exposing professional occupations to the same global competition that factory workers have faced for decades could even strike a blow against the income inequality that Mr Obama so often decries.

Tactically, even a short delay could prove fatal to both deals. Pacific negotiations have been extended while America and Japan hammer out compromises on agriculture. Why should Japanese politicians risk infuriating their farmers when any agreement can be torn up on Capitol Hill? The deal with the EU was meant to be done swiftly—perhaps in as little as two years—to keep politics from mucking it up. Europe’s leaders will now doubt America’s commitment, given how feebly Mr Obama has fought for fast-track. Trade sceptics, such as French farmers, are drooling. Angela Merkel, Germany’s chancellor, who is already furious about American spying, may decide that a trade deal is not worth battling for.

The greatest risk of all is that the political momentum in America, having swung against free trade, will be hard to reverse. Some Tea Party Republicans oppose fast-track because they are loth to grant Mr Obama the authority to do anything. Democrats, keen to brand themselves as the anti-inequality party, may find economic nationalism an easy sell on the campaign stump: and, once pledged to that cause in November, candidates will not vote for the opposite in Congress.

And for this Mr Obama deserves some blame. He is far more ardent in bemoaning inequality than in explaining why an American retreat from the world would be the wrong way to address it. He seldom mentions, for example, that cheap imports help the poor by cutting their shopping bills, and so reduce inequality of consumption.

It’s not a zero-sum world

There is nothing inevitable about globalisation. Governments have put up barriers before—with disastrous consequences during the 1930s—and could do so again. So it is alarming when America, the mainstay of an open global economy, gives off isolationist signals. Only recently Congress childishly refused to honour an agreed-upon increase in America’s financial commitment to the International Monetary Fund. The Federal Reserve is pushing forward with new banking regulations that could penalise foreign banks and further Balkanise global finance (see article). Mr Obama continues to delay approval of a critical oil pipeline from Canada, and is slow to grant permits to export American natural gas.

“America cannot turn inward,” the Obama of 2008 said in Berlin. The Obama of 2014 is now responding: “Yes we can.”

#### Trade and growth solve nuclear war

Michael, Panzner 8 faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase Financial Armageddon: Protect Your Future from Economic Collapse, Revised and Updated Edition, p. 136-138, Google Books

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster, But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange, foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the (heap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more **heated arguments and** dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more healed sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an "intense confrontation" between the United States and China is "inevitable" at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

### 1NC

The United States Federal Government should require congressional authorization through a policy trial prior to initiating offensive use of military force, unless to repel attacks on the United States.

#### Text: In the area of offensive use of military force initiated without prior Congressional authorization through a policy trial, the United States federal government should legally allow only nuclear force initiated to repel attacks on Japan and military force initiated to repel attack on the United States.

#### It’s textually and functionally competitive --- the counterplan creates a smaller restriction than the plan because it doesn’t submit nuclear force initiated to repel attacks on Japan to Congressional authorization requirements

#### Solves the case --- all of their advantages are about use of conventional force in instances other than formal security relationships.

#### Net-benefit is Japan prolif ---

#### Congressional control over nuclear use destroys credibility of the nuclear umbrella--- none of their generic link args apply to nukes

John Norton Moore 87, Professor of Law, University of Virginia School of Law, “The Constitution, Nuclear Weapons, and Deterrence: An Analysis of the FAS Proposal,” First Use of Nuclear Weapons: Under the Constitution, Who Decides? p. 30-3

**Note: The “FAS proposal” argues that “a bicameral congressional committee should be created by Congress, empowered to check any proposed presidential first use of nuclear weapons”**

Constitutional constraints can, if warranted, always be changed by constitutional amendment. And, short of this ultimate legal issue of constitutional revision, there is a dynamic interrelation between legal appraisal and policy proposals concerning structural changes in the mechanism for conduct of foreign policy. Accordingly, any effort to artificially prohibit consideration of policy considerations in responsible performance of all intellectual tasks in legal appraisal--particularly in an area of such enormous human concern as war prevention--would seem grotesque. I would briefly suggest the following as policy reasons that seem to me persuasive, even if the law were not negative, in decisively rejecting the FAS proposal:¶ First, I believe the FAS proposal would at least marginally increase the risk of war and possible use of nuclear weapons--despite Dr. Stone's clear intention to reduce the risk of war and nuclear use. For all its obvious problems, I believe the doctrine of flexible response in NATO is--at current comparative force levels--a significant contribution to deterrence. To modify that doctrine, even by the FAS procedural proposal, would, I believe, somewhat--and perhaps substantially--reduce deterrence. ¶ Deterrence would be affected by the probable (and at least possible) added time required to fully involve a congressional committee and to await a decision from such a body. What, for example, is the possibility that key congressional committee members might be out of the country or otherwise unavailable during a crisis or that they simply could not agree in time? Deterrence would be affected by the enhanced likelihood of a negative decision if a veto were provided any additional decision maker. Indeed, it might be subject to reduction if a potential attacking power simply believed that a majority of any special committee favored no first use. And finally, since any no first use decision is only likely to arise in a setting where there has been a massive illegal attack and conventional forces are unable to hold, the perception in NATO-Europe may well be that the purpose of such a congressional check is to permit a decoupling of the security of NATO and American strategic forces. This perception seems to me highly likely to result from such a policy whatever its motivation. And this perception alone could reduce deterrence, as well as the NATO political bond with the United States.¶ The proposal might also serve to reduce deterrence by convincing a potential adversary that nuclear weapons might not be authorized in response but that if they were authorized then a preemptive nuclear strike might still be launched before retaliation because of the likely notice attendant on committee authorization. It is possible that committee authorizaton--or even erroneously perceived committee authorization--if committee decisions were secret, would even trigger a nuclear attack out of fear of such a first use.¶ And if committee real-time nuclear use decisions are to be different than simply a no first use or other congressionally mandated general policy, then the committee would have specific information concerning a decision to use nuclear weapons. Such an added intelligence target would be likely to trigger an enormous intelligence effort directed at the committee--and possible reduction in deterrence based even on leaks of erroneous information. To decrease the size of the committee and reduce this risk reduces any policy "check" offered by the committee but to have a larger more useful "check" increases this risk--probably geometrically rather than arithmetically under normal principles concerning access to intelligence information. And if the FAS proposal were clarified to involve the full Congress, I would regard these timing and secrecy issues as very substantially undermining deterrence and thus unworkable in the real world. These problems of Congress as a whole making real-time command decisions concerning the conduct of hostilities were, after all, precisely the characteristics that wisely led the Framers to reject a role for Congress in the operational chain of command. 20

#### That guarantees Japanese nuclearization --- they’d have to anticipate the possibility that Congress creates a hole in the umbrella

Toshi Yoshihara 9, Professor in the Strategy and Policy Department at the U.S. Naval War College, and James R. Holmes, senior research associate at the University of Georgia Center for International Trade and Security, Thinking About the Unthikable, Naval War College Review, Summer2009, Vol. 62 Issue 3, p59-78, 20p

OPTION TWO: BLACK SWANS AND NUCLEAR BREAKOUT What would it take to empower adherents of Sagan’s security model, allowing their views to win out over domestic interests opposed to nuclear weapons and over norms of decades’ standing? A central feature of Japan’s security strategy is the nation’s utter dependence on the American nuclear umbrella. As Yukio Satoh succinctly explains, “The U.S. extended nuclear deterrence will continue to be Japan’s only strategic option to neutralize potential or conceivable nuclear and other strategic threats.”32 That is, even barely perceptible signs of weakness in the U.S. nuclear posture (either perceived or real) could trigger alarm and overreactions in Japan. Japanese concerns over the Obama administration’s recent moves to advance nonproliferation and disarmament objectives attest to such sensitivities. Specifically, Japanese policy makers fret that “extended deterrence could weaken if Washington appears too eager to placate China and Russia on these [global disarmament] issues in pursuit of the nonproliferation objective or if it permits a latent North Korean nuclear capability in exchange for safeguards against proliferation.” 33 In 2006, North Korea’s nuclear test compelled the Japanese government to seek public reassurances from the United States that extended deterrence remained intact.34 Not surprisingly, even skeptics on the matter of Japanese nuclearization concede that an erosion of American credibility could fundamentally reshape the Japanese strategic calculus. The Congressional Research Service forcefully contends that “perhaps the single most important factor to date in dissuading Tokyo from developing a nuclear arsenal is the U.S. guarantee to protect Japan’s security.”35 The causes and processes by which U.S. extended deterrence could be undermined in Tokyo’s eyes are beyond the scope of this article. Nevertheless, we contend that a gradual or sudden collapse of the nuclear umbrella would be among the most decisive stimuli for a Japanese nuclear breakout.

#### Japanese proliferation causes Asian instability and nuclear war

Cirincione 2k [Director of the nonproliferation project at the Carnegie Endowment for International Peace, 3/22/00 (Foreign Policy)]

The blocks would fall quickest and hardest in Asia, where proliferation pressures are already building more quickly than anywhere else in the world. If a nuclear breakout takes place in Asia, then the international arms control agreements that have been painstakingly negotiated over the past 40 years will crumble. Moreover, the United States could find itself embroiled in its fourth war on the Asian continent in six decades--a costly rebuke to those who seek the safety of Fortress America by hiding behind national missile defenses.Consider what is already happening: North Korea continues to play guessing games with its nuclear and missile programs; South Korea wants its own missiles to match Pyongyang's; India and Pakistan shoot across borders while running a slow-motion nuclear arms race; China modernizes its nuclear arsenal amid tensions with Taiwan and the United States; Japan's vice defense minister is forced to resign after extolling the benefits of nuclear weapons; and Russia--whose Far East nuclear deployments alone make it the largest Asian nuclear power--struggles to maintain territorial coherence.Five of these states have nuclear weapons; the others are capable of constructing them. Like neutrons firing from a split atom, one nation's actions can trigger reactions throughout the region, which in turn, stimulate additional actions. These nations form an interlocking Asian nuclear reaction chain that vibrates dangerously with each new development. If the frequency and intensity of this reaction cycle increase, critical decisions taken by any one of these governments could cascade into the second great wave of nuclear-weapon proliferation, bringing regional and global economic and political instability and, perhaps, the first combat use of a nuclear weapon since 1945.

## Solvency

### 1NC

#### Obama will circumvent the plan --- empirics prove

Levine 12 - Law Clerk; J.D., May 2012, University of Michigan Law School (David Levine, 2013 SURVEY OF BOOKS RELATED TO THE LAW: BOOK NOTICE: A TIME FOR PRESIDENTIAL POWER? WAR TIME AND THE CONSTRAINED EXECUTIVE, 111 Mich. L. Rev. 1195)

Both the Declare War Clause n49 and the War Powers Resolution n50 give Congress some control over exactly when "wartime" exists. While the U.S. military was deployed to Libya during the spring and summer of 2011, the Obama Administration advanced the argument that, under the circumstances, it was bound by neither clause. n51 If Dudziak is worried about "war's presence as an ongoing feature of American democracy" (p. 136), Libya is a potent case study with implications for the use of force over the coming decades.

Article I, Section 8 of the U.S. Constitution grants to Congress the power to "declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water." n52 Although there is substantial debate on the precise scope of these powers, n53 this clause at least provides some measure of congressional control over significant commitments of U.S. forces to battle. However, it has long been accepted that presidents, acting pursuant to the commander-in-chief power, may "introduce[] armed forces into situations in which they encounter[], or risk[] encountering, hostilities, but which [are] not "wars' in either the common meaning or the [\*1207] constitutional sense." n54 Successive administrations have adopted some variant of that view and have invariably deployed U.S. forces abroad in a limited manner based on this inherent authority. n55

The Obama Administration has adopted this position - that a president has inherent constitutional authority to deploy forces outside of war - and even sought to clarify it. In the Office of Legal Counsel's ("OLC") memo to President Obama on the authority to use military force in Libya, n56 the Administration acknowledged that the Declare War Clause is a "possible constitutionally-based limit on ... presidential authority to employ military force." n57 The memo reasoned that the Constitution speaks only to Congress's ability to shape engagements that are "wars," and that presidents have deployed forces in limited contexts from the earliest days of the Union. n58 Acknowledging those facts, the memo concluded that the constitutional limit on congressional power must be the conceptual line between war and not war. In locating this boundary, the memo looked to the "anticipated nature, scope, and duration" of the conflict to which President Obama was introducing forces. n59 OLC found that the "war" standard "will be satisfied only by prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period." n60

The Obama Administration's position was not out of sync with previous presidential practice - the Declare War Clause did not require congressional approval prior to executive deployment of troops. In analyzing the "nature, scope, and duration" questions, the memo looked first to the type of missions that U.S. forces would be engaged in. The air missions envisioned for the Libya operation did not pose the threat of withdrawal difficulty or escalation risk that might indicate "a greater need for approval [from Congress] at the outset." n61 The nature of the mission, then, was not similar to full "war." Similarly, the scope of the intended operation was primarily limited, at the time the memo was written, to enforcing a no-fly zone. n62 Consequently, [\*1208] the operation's expected duration was not long. Thus, concluded OLC, "the use of force by the United States in Libya [did not rise] to the level of a "war' in the constitutional sense." n63 While this conclusion may have been uncontroversial, it highlights Dudziak's concerns over the manipulation of the idea of "wartime," concerns that were heightened by the Obama Administration's War Powers Resolution analysis. Congress passed the War Powers Resolution in 1973 in an attempt to rein in executive power in the wake of the Vietnam War. n64 The resolution provides that the president shall "in every possible instance ... consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." n65 Additionally, when the president sends U.S. forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated," the resolution requires him to submit a report to Congress describing the circumstances of the deployment and the expected involvement of U.S. troops in the "hostilities." n66 Within sixty days of receiving that report, Congress must either declare war or in some other way extend the deployment; in the absence of some ratifying action, the resolution requires that the president withdraw U.S. forces. n67 Though eschewing the plainly confrontational route of directly challenging Congress's power under the War Powers Resolution, the Obama Administration implicitly challenged Congress's ability to affect future operations. In declining to withdraw forces, despite Congress's lack of approving legislation, President Obama claimed that the conflict in Libya could not be deemed "hostilities" as that term is used in the resolution. This argument was made both in a letter to Congress during the summer of 2011 n68 and in congressional testimony given by Harold Koh, the State Department Legal Advisor under the Obama Administration. n69 [\*1209] Koh's testimony provides the most complete recitation of the Obama Administration's analysis and focuses on four factors that distinguish the fighting in Libya (or at least the United States' participation) from "hostilities": the scope of the mission, the exposure of U.S. forces, the risk of escalation, and the nature of the tactics to be used. First, "the mission is limited." n70 That is, the objectives of the overall campaign led by the North American Treaty Organization ("NATO") were confined to a "civilian protection operation ... implementing a U.N. Security Council resolution." n71 Second, the "exposure" of the U.S. forces involved was narrow - the conflict did not "involve active exchanges of fire with hostile forces" in ways that would endanger U.S. service members' safety. n72 Third, the fact that the "risk of escalation [was] limited" weighed in favor of not categorizing the conflict as "hostilities." n73 Finally, the "military means" the United States used in Libya were limited in nature. n74 The majority of missions were focused on "providing intelligence capabilities and refueling assets." n75 Those American flights that were air-to-ground missions were a mix of suppression-of-enemy-air-defenses operations to enforce a no-fly zone and strikes by armed Predator drones. n76 As a point of comparison, Koh noted that "the total number of U.S. munitions dropped has been a tiny fraction of the number dropped in Kosovo." n77 With the exception of this final factor, these considerations are quite similar to the factors that define whether a conflict is a "war" for constitutional purposes. n78

The result of this reasoning is a substantially relaxed restraint on presidential authority to use force abroad going forward. As armed drones begin [\*1210] to make up a larger portion of the United States' arsenal, n79 and as other protective technologies, such as standoff munitions n80 and electronic warfare techniques, gain traction, it is far more likely that the "exposure" of U.S. forces will decrease substantially. The force used in Yemen and the Horn of Africa is illustrative of this new paradigm where U.S. service members are not "involved [in] active exchanges of fire with hostile forces," n81 but rather machines use force by acting as human proxies. To the same point, if the "military means" used in Libya are markers of something short of "hostilities," the United States is only likely to see the use of those means increase in the coming decades. Pressing the logic of Koh's testimony, leeway for unilateral executive action will increase as the makeup of our arsenal continues to modernize. n82

Dudziak worries about the invocation of "wartime" as an argument for the perpetual exercise of extraordinary powers. The Libya scenario, of course, is somewhat different - the president has argued that the absence of "war" leaves him a residuum of power such that he may use force abroad without congressional input. The two positions are of a piece, though. Dudziak argues that legacy conceptions of "wartime" and "peacetime" have left us vulnerable to the former's use, in and of itself, as a reason for increased executive power. Such literal thinking - that "war" is something specific or that the word "hostilities" has certain limits - also opens the door to the Obama Administration's defense of its position on Libya. And looking at the substance of that position leaves much to be desired.

Both Koh's testimony and the OLC memo pay lip service to the idea that the policy considerations underlying their position are consistent with the policy considerations of the Framers with respect to the Declare War Clause and Congress with respect to the War Powers Resolution. But the primary, if not the only, consideration mentioned is the loss of U.S. forces. That concern is front and center when analyzing the "exposure" of service [\*1211] members, n83 and it is also on display with respect to discussions about the nature and scope of an operation. n84 This is not the only policy consideration that one might intuit from those two provisions, however. Using lethal force abroad is a very serious matter, and the U.S. polity might rationally want input from the more representative branch in deciding when, where, and how that force is used in its name. In that same vein, permitting one individual to embroil the nation in foreign conflicts - limited or otherwise - without the input of another coequal branch of government is potentially dangerous. n85

As Dudziak's framework highlights the limits of the Obama Administration's argument for expansive power, so does the Administration's novel dissection of "hostilities" illustrate the limits of Dudziak's analysis. Dudziak presents a narrative arc bending toward the expansion of wartime and, as a result, increased presidential power. That is not the case with Libya: the president finds power in "not war" rather than in "wartime." If the American public is guilty, as Dudziak asserts, of using the outmoded and misleadingly concrete terminology of "wartime" to describe an increasingly complex phenomenon, Dudziak herself is guilty of operating within a paradigm where wartime necessarily equals more executive power (than does "not war"), a paradigm that has been supplanted by a more nuanced reality. Although [\*1212] Dudziak identifies the dangers of manipulating the boundaries of wartime, her catalog of manipulations remains incomplete because of the inherent limits of her framework.

This realization does not detract from Dudziak's warnings about the perils of endless wartime, however. Indeed, the powers that President Obama has claimed seem, perhaps, more palatable after a decade in which war has been invoked as an argument for many executive powers that would, in other eras, seem extraordinary. Though he has not explicitly invoked war during the Libya crisis, President Obama has certainly shown a willingness to manipulate its definition in the service of expanded executive power in ways that seem sure to increase "war's presence as an ongoing feature of American democracy" (p. 136).

Conclusion Dudziak presents a compelling argument and supports it well. War Time is potent as a rhetorical device and as a way to frame decisionmaking. This is especially so for the executive branch of the U.S. government, for which wartime has generally meant increased, and ever more expansive, power. As the United States continues to transit an era in which the lines between "war" and "peace" become increasingly blurred and violent adversaries are a constant, the temptation to claim wartime powers - to render the extraordinary ordinary - is significant.

This Notice has argued that, contrary to Dudziak's concerns, the temptation is not absolute. Indeed, in some instances - notably, detention operations in Iraq and Afghanistan - we are still able to differentiate between "war" and "peace" in ways that have hard legal meaning for the actors involved. And, importantly, the executive still feels compelled to abide by these distinctions and act in accordance with the law rather than claim wartime exceptionalism.

That the temptation is not absolute, however, does not mean that it is not real or that Dudziak's concerns have not manifested themselves. This detachment of expansive power from temporally bound periods has opened the door for, and in some ways incentivized, limiting wartime rather than expanding it. While President Obama has recognized the legal constraints that "war" imposes, he has also followed in the footsteps of executives who have attempted to manipulate the definition of "war" itself (and now the definition of "hostilities") in order to evade those constraints as much as possible. To the extent he has succeeded in that evasion, he has confirmed what seems to be Dudziak's greatest fear: that "military engagement no longer seems to require the support of the American people, but instead their inattention" (p. 132).

#### Zero chance of statutory enforcement --- no political will and plenty of avenues for circumvention

* Fiat can’t resolve Congress’ inherent deferent posture
* “Authorization requirements” do nothing --- he’ll completely ignore them
* Assumes “political costs” and says the gains outweigh
* Threat of circumvention alone causes Congress to kowtow

Eric Posner 11, Professor of Law, The University of Chicago Law School, and Adrian Vermeule, Professor of Law, Harvard Law School, March 2011, The Executive Unbound, p. 87-9

Why did these statutes prove less effective than their proponents hoped or, in the extreme, become dead letters? In all the cases, the basic pattern is similar. The statutes were enacted during a high-water mark of political backlash against strong executive power, which supermajorities in Congress attempted to translate into binding legal constraints. However, once the wave of backlash receded and the supermajorities evaporated, there was insufficient political backing for the laws to ensure their continued vigor over time. Later Congresses have not possessed sufficient political backing or willpower to employ the override mechanisms that the statutes create, such as the override of presidential declarations of emergency created by the National Emergencies Act. Even where the statutes attempt to change the legal default rule, so that the president cannot act without legislative permission—as in the case of the War Powers Resolution, after the 60- or 90-day grace period has passed—the president may simply ignore the statutory command, and will succeed if he has correctly calculated that Congress will be unable to engage in ex post retaliation and the courts will be unwilling to engage in ex post review. President Clinton's implicit decision to brush aside the resolution during the Kosovo conflict (albeit with the fig leaf of a compliant legal opinion issued by the Justice Department's Office of Legal Counsel)16 shows that what matters is what Congress can do after the fact, not what it says before the fact. Here a major problem for framework statutes is the "presidential power of unilateral action"" to which we referred in the introduction. Statutory drafters may think they have cleverly closed off the executive's avenues of escape when they set the legal status quo to require legislative permission. Because the president can act in the real world beyond the law books, however—the armed forces did not threaten to stand down from their Kosovo mission until Congress gave its clear approval, but instead simply obeyed the President's orders—the actual status quo may change regardless of whether the legal situation does. Once armed forces are in action, the political calculus shifts and legislators will usually be unable to find enough political support to retaliate—especially not on the basis of an arcane framework statute passed years or decades before. To be sure, if the framework statutes are very specific, then violating them may itself create a political cost for the president, whose political opponents will denounce him for Caesarism. This cost is real, but in the type of high-stakes matters that are most likely to create showdowns between the president and Congress in the first place, the benefits are likely to be greater than the costs so long as the president's action is popular and credible—the crucial constraints we will discuss in chapter 4. Moreover, if the president can credibly claim to the public that the violation was necessary, then the public will be unlikely to care too much about the legal niceties. As legal theorist Frederick Schauer argues for constitutional violations18 (and, we add, the argument holds a fortiori for statutory violations), there is an interesting asymmetry surrounding illegality: if the underlying action is unpopular, then citizens will treat its illegality as an aggravating circumstance, but if the underlying action is popular, its illegality usually has little independent weight. Finally, if the president credibly threatens to violate the statute, then Congress will have strong incentives to find some face-saving compromise that allows the president to do what he wishes without forcing a showdown that, legislators anticipate, may well end badly. The upshot is that subject-specific framework statutes have a Potemkin quality: they stand about in the landscape, providing an impressive facade of legal constraint on the executive, but actually blocking very little action that presidents care about. In some cases presidents will have strictly political incentives to obtain congressional permission before acting, even in the domain of foreign affairs and national security Yet this is not a consequence of the legal structures erected by Madisonian theory, either through constitutional rules or framework statutes. Rather, as an important recent model suggests, it actually implies a very different regime in which presidents may, but need not, obtain congressional consent.° The intuition behind this result is that a regime of optional separation of powers puts presidents to a revealing choice between proceeding unilaterally or instead through Congress, and thus gives imperfectly informed voters the maximum possible information and the greatest possible scope for rewarding or punishing presidents and legislators tor their actions. Needless to say, however, this political mechanism gives cold comfort to Madisonian liberal legalists, who would blanch at the idea that an optional version of the separation of powers is superior to a mandatory version. Political scientist Andrew Rudalevige is correct to describe the collapse of the constrained post-Watergate executive as the most significant contributor in the growth of a "New Imperial Executive:2° Framework statutes are one of liberal legalism's principal instruments of executive constraint, in a world of little constitutional constraint. But having been tried, they have been found wanting.

## Intervention

### 1NC---Obama Solves

#### Squo solves --- Obama rejected the Bush doctrine

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

The Obama Doctrine’s first term has been a remarkable success. After the $3 trillion boondoggle in Iraq, a failed nation-building mission in Afghanistan, and the incessant saber-rattling of the previous Administration, President Obama was able to reorient U.S. foreign policy in a more restrained and realistic direction. He did this in a number of ways. First, an end to large ground wars. As Defense Secretary Robert Gates put it in February 2011, anyone who advised future presidents to conduct massive ground operations ought “to have [their] head examined.” Second, a reliance on Secret Operations and drones to go after both members of al Qaeda and other terrorist outfits in Pakistan as well as East Africa. Third, a rebalancing of U.S. foreign policy towards the Asia-Pacific — a region neglected during George W. Bush's terms but one that possesses a majority of the world’s nuclear powers, half the world’s GDP, and tomorrow’s potential threats. Finally, under Obama's leadership, the United States has finally begun to ask allies to pick up the tab on some of their security costs. With the U.S. fiscal situation necessitating retrenchment, coupled with a lack of appetite on the part of the American public for foreign policy adventurism, Obama has begun the arduous process of burden-sharing necessary to maintain American strength at home and abroad. What this amounted to over the past four years was a vigorous and unilateral pursuit of narrow national interests and a multilateral pursuit of interests only indirectly affecting the United States. Turkey, a Western ally, is now leading the campaign against Bashar al-Assad’s regime in Syria. Japan, Korea, India, the Philippines, Myanmar, and Australia all now act as de facto balancers of an increasingly assertive China. With the withdrawal of two troop brigades from the continent, Europe is being asked to start looking after its own security. In other words, the days of free security and therefore, free riding, are now over. The results of a more restrained foreign policy are plentiful. Obama was able to assemble a diverse coalition of states to execute regime-change in Libya where there is now a moderate democratic government in place. Libya remains a democracy in transition, but the possibilities of self-government are ripe. What’s more, the United States was able to do it on the cheap. Iran’s enrichment program has been hampered by the clandestine cyber program codenamed Olympic Games. While Mullah Omar remains at large, al Qaeda’s leadership in Afghanistan and Pakistan has been virtually decimated. With China, the United States has maintained a policy of engagement and explicitly rejected a containment strategy, though there is now something resembling a cool war — not yet a cold war — as Noah Feldman of Harvard Law School puts it, between the two economic giants. The phrase that best describes the Obama Doctrine is one that was used by an anonymous Administration official during the Libya campaign and then picked up by Republicans as a talking point: Leading From Behind. The origin of the term dates not to weak-kneed Democratic orthodoxy but to Nelson Mandela, who wrote in his autobiography that true leadership often required navigating and dictating aims ‘from behind.’ The term, when applied to U.S. foreign policy, has a degree of metaphorical verity to it: Obama has led from behind the scenes in pursuing terrorists and militants, is shifting some of the prodigious expenses of international security to others, and has begun the U.S. pivot to the Asia-Pacific region. The Iraq War may seem to be a distant memory to many in North America, but its after-effects in the Middle East and Asia tarnished the United States' image abroad and rendered claims to moral superiority risible. Leading From Behind is the final nail in the coffin of the neoconservatives' failed imperial policies.

### 1NC---No Impact

#### Interventions won’t escalate --- executives will be responsible

Weiner 7 Michael Anthony, J.D. Candidate, Vanderbilt School of Law, 2007, “A Paper Tiger with Bite: A Defense of the War Powers Resolution,” http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Weiner.pdf

IV. CONCLUSION: THE EXONERATED WPR AND THE WOLF IN SHEEP'S CLOTHING The WPR is an effective piece of war powers legislation. As Part III made clear, no presidential unilateral use of force since 1973 has developed into a conflict that in any way resembles the WPR's impetus, Vietnam. Rather, the great majority of these conflicts have been characterized by their brevity, safety, and downright success. Yes, there have been tragic outcomes in Lebanon and Somalia; but what happened in response to those tragedies? In Lebanon, President Reagan actually submitted to being Congress's "messengerboy," 203 asking for its permission, per the WPR, to continue the operation. And in Somalia, at the first sight of a looming disaster, it was President Clinton who cut short the operation. Thus, from 1973 on, it is easy to argue that sitting Executives have made responsible use of their power to act unilaterally in the foreign affairs realm. The WPR has even contributed to a congressional resurgence in the foreign affairs arena. In many of these conflicts, we have seen Congress conducting numerous votes on whether and how it should respond to a unilaterally warring Executive. In some of the conflicts, Congress has come close to invoking the WPR against rather impetuous Executives. 20 4 In Lebanon, Congress actually succeeded in the task.20 5 It is this Note's contention, though, that even when Congress failed to legally invoke the WPR, these votes had normative effects on the Executives in power. Such votes demonstrate that Congress desires to be, and will try to be, a player in foreign affairs decisions. So, perhaps the enactment of the WPR, the rise of Congress (at least in the normative sense) and the successful string of unilateral presidential uses of force are just a series of coincidences. This Note, however, with common sense as its companion, contends that they are not. Rather, it is self-evident that the WPR has played a significant role in improving the implementation of presidential unilateral uses of force.

### 1NC---AT: Groupthink

#### Informal, internal checks are sufficient to address groupthink

Kennedy 12, JD from USC, MA in Middle Eastern Regional Studies from Harvard [Copyright (c) 2012 Gould School of Law Southern California Interdisciplinary Law Journal Spring, 2012 Southern California Interdisciplinary Law Journal 21 S. Cal. Interdis. L.J. 633 LENGTH: 23138 words NOTE: THE HIJACKING OF FOREIGN POLICY DECISION MAKING: GROUPTHINK AND PRESIDENTIAL POWER IN THE POST-9/11 WORLD NAME: Brandon Kennedy\* BIO: \* Class of 2012, University of Southern California Gould School of Law; M.A. Regional Studies: Middle East 2009, Harvard Graduate School of Arts and Sciences; B.A. Government 2009, Harvard University.]

Neither the president nor the decision-making group members implement "hybrid" checks; the checks do, however, originate in the executive branch and directly affect the president and the group members. Hybrid checks relate to the bureaucratic machine and typically address the structural faults within the executive branch that can affect the core decision-making group. Although the president and his or her advisers constitute the insiders of the decision-making group, they ultimately belong [\*676] to a larger organization - the executive branch - and thereby become part of the bureaucratic machine. 1. Inter-Agency Process The "inter-agency process" check involves getting approval for, or opinions about, a proposed decision from **other agencies**. n252 The inter-agency process is particularly common for national security and foreign policy decisions. n253 "Occasionally, it will operate at a higher level in principals' committees involving Cabinet-level or sub-Cabinet people and their deputies," thus directly checking the decision-making group members. n254 2. Intra-Agency Process Another similar check is the "intra-agency process," in which the circulation of proposed decisions **within the agency** empowers dissidents and harnesses a diversity of thinking. n255 If nothing else, the process catches errors, or at least increases the odds of avoiding them, given the number of people who must review or approve a document or decision within the agency. n256 3. Agency or Lawyer Culture The culture of a particular agency - the institutional self-awareness of its professionalism - provides another check. n257 "Lawyer culture" - which places high value on competencyand adherence to rules and laws - resides at the core of agency culture; n258 its "nay-saying" objectivity "is especially important in the small inner circle of presidential decision making to counter the tendency towards groupthink and a vulnerability to sycophancy." n259 [\*677] 4. Public Humiliation A final check in this category is the "public humiliation" check. n260 This check only comes into play when the previous three have failed, and involves the threat to ""go public' by leaking embarrassing information or publicly resigning."

#### No groupthink---executives are fragmented and pluralistic---Congress is far more prone to flawed decision-making

Posner 7 – \*Kirkland and Ellis Professor of Law at the University of Chicago Law School AND Adrian Vermeule \*\*professor at Harvard Law School (Eric and Adrian, Terror in the Balance: Security, Liberty, and the Courts p. 46-47)

The idea that Congress will, on net, weed out bad policies rests on an institutional comparison. The president is elected by a national constituency on a winner-take-all basis (barring the remote chance that the Electoral College will matter), whereas Congress is a summation of local constituencies and thus affords more voice to political and racial minorities. At the level of political psychology, decisionmaking within the executive is prone to group polarization and other forms of groupthink or irrational panic,51 whereas the internal diversity of legislative deliberation checks these forces. At the level of political structure, Congress contains internal veto gates and chokepoints—consider the committee system and the fi libuster rule—that provide minorities an opportunity to block harmful policies, whereas executive decisionmaking is relatively centralized and unitary. The contrast is drawn too sharply, because in practice **the executive is a they, not an it**. Presidential oversight is incapable of fully unifying executive branch policies, which means that **disagreement flourishes within the executive as well, dampening panic and groupthink** and providing minorities with political redoubts.52 Where a national majority is internally divided, the structure of presidential politics creates chokepoints that can give racial or ideological minorities disproportionate influence, just as the legislative process does. Consider the influence of Arab Americans in Michigan, often a swing state in presidential elections. It is not obvious, then, that statutory authorization **makes any difference at all**. One possibility is that a large national majority dominates both Congress and the presidency and enacts panicky policies, oppresses minorities, or increases security in ways that have ratchet effects that are costly to reverse. If this is the case, a requirement of statutory authorization does not help. Another possibility is that there are internal institutional checks, within both the executive branch and Congress, on the adoption of panicky or oppressive policies and that democratic minorities have real infl uence in both arenas. If this is the case, then a requirement of authorization is not necessary and does no good. Authorization only makes a difference in the unlikely case where the executive is thoroughly panicky, or oppressively majoritarian, while Congress resists the stampede toward bad policies and safeguards the interests of oppressed minorities. Even if that condition obtains, however, the argument for authorization goes wrong by failing to consider both sides of the normative ledger. As for majoritarian oppression, the multiplicity of veto gates within Congress may allow minorities to block harmful discrimination, but it also allows minorities to block policies and laws which, although targeted, are nonetheless good. As for panic and irrationality, if Congress is more deliberative, one result will be to prevent groupthink and slow down stampedes toward bad policies, but another result will be to delay necessary emergency measures and **slow down stampedes toward good policies**. Proponents of the authorization requirement sometimes assume that quick action, even panicky action, **always** produces bad policies. But there is no necessary connection between these two things; expedited action is sometimes good, and panicky crowds can stampede either in the wrong direction or in the right direction. Slowing down the adoption of new policies through congressional oversight retards the adoption not only of bad policies, but also of good policies that need to be adopted quickly if they are to be effective.

## Warfighting

### 1NC---Warfighting Strong Now

#### Power projection’s effective now

Eric S. Edelman 10, former Under Secretary of Defense for Policy, was Principal Deputy Assistant to the Vice President for National Security Affairs, 2010, “Understanding America’s Contested Primacy,” Center for Strategic and Budgetary Assessments

A rigorous assessment should consider the strengths and weaknesses of the United States’ putative competitors on the global scene as well as the enduring strengths and sources of resilience that have enabled America to extend its primacy and maintain a stabilizing, global hegemonic role against all expectations. There is a need for a framework to inform how US policymakers might think about the problem of developing strategies and policies to extend that role yet again, since it is at least an arguable proposition that rather than a multipolar world, the global system, after the current Great Recession passes, will continue to be unipolar but with some additional challenges for US leadership.

Arguments for US national decline are not new. They have been made repeatedly in the past, and before they are accepted as the prevailing conventional wisdom it would be worthwhile to review the history of “declinism” and to submit some of the arguments that undergird the declinist persuasion to a searching re-examination. This paper, in the remaining pages, will consider the declinist arguments and will raise several questions. Will the undeniable relative decline of the United States, in fact, lead to the end of unipolarity? Do the BRIC countries really represent a bloc? What would multipolarity look like? How does one measure national power anyhow, and how can one measure the change in the power distribution globally? Is the rise of global competitors inevitable? What are some of the weaknesses that might hamper the would-be competitors from staying on their current favorable economic and political trajectory? Does the United States possess some underappreciated strengths that might serve as the basis for continued primacy in the international system and, if so, what steps would a prudent government take to extend that primacy into the future?

The history of straight-line projections of economic growth and the rise of challengers to the dominance of the United States has not been kind to those who have previously predicted US decline. It is not necessarily the case that the United States will be caught between the end of the “unipolar moment” of post- Cold War predominance and a global multipolar world. The emerging international environment is likely to be different than either of the futures forecast by the NIC in Mapping the Global Future in 2004 or Global Trends 2025 in 2008. It would seem more likely that the relative decline of American power will still leave the United States as the most powerful actor in the international system. But the economic rise of other nations and the spread of nuclear weapons in some key regions are likely to confront the United States with difficult new challenges.

### 1NC---Empirically Denied

#### Their unit cohesion evidence from over a decade ago is too old --- Iraq and Afghanistan should non-unique the link.

### 1NC---Credibility Turn

#### Turn---the plan demolishes the credibility of US military threats---procedural hurdles and possible opposition embolden adversaries---decks warfighting

* transaction costs to comply with the plan independently trigger the link

Douglas Kriner 10, assistant professor of political science at Boston University, “After the Rubicon: Congress, Presidents, and the Politics of Waging War” 69-71

A growing game-theoretic literature within international relations suggests that these very same congressional actions can, however unintentionallv, also raise or lower the military costs for the president of using his preferred policy course. High-profile congressional support for or opposition to the president’s military policies does more than shape real and anticipated public opinion and affect the president’s levels of polit- ¡cal capital in Washington. It also sends important signals of American resolve or disunity to foreign actors. Target state leaders conduct their own cost-benefit analyses when plotting their military policy courses, and they may incorporate congressional signals into these calculations. An extensive literature in international relations examines the importance of signal credibility for interstate crisis bargaining and the initiation of military action.°2 In the international system. states are con stantly sending signals about their expectations of and intentions toward other state actors. When challenged by another country, a state’s leaders not only must weigh the costs and benefits of complying with their ad versarv’s demand; but, perhaps even more criticall, they must also evaluate the opposing state’s willingness to follow through on its threat (o use force ¡f necessary to achieve its objective. The decision of Congress to back or oppose the president’s threat thus conveys important information about American resolve to the target state. Moreover, when the president decides whether or not to threaten a target state with military action, he may anticipate the effect of likely congressional reactions to his decision or the credibility of the signal he will send to the target. Thus, because they can affect signal credibility, even anticipated congressional support or opposition can affect the cost-benefit calculations of both the president and the leader of the target state at the conflict ini tiation Phase.3 Signals of American resolve or disunity may also affect the target state’s calculations and, ¡n turn, the military costs to the president of staying the course throughout the conflict conduct phasc. Public displays of legislative support for the president’s conduct of military operations enhance the credibility of executive commitments to stay the course, and may deter the target state from escalating its resistance in the hope of outlasting American political will. Conversely, as presidents throughout American history have admonished would-be opponents in Congress. open legislative opposition to the president’s military course sends visible signals of American ambivalence, which may steel the target State’s resolve to continue to resist once a conflict has begun. For example, Vice President Dick Cheney was particularly aggres sive ¡n leveling this charge against Democratic opponents of the war ¡n Iraq. In response Lo congressional efforts to set a timetable for phased withdrawal from Iraq ¡n early 2007, Chencv minced few words: “When members of Congress pursue an antiwar strategy that’s been called ‘slow hlccding’ they arc not supporting the troops. they arc undermining them.” Vocal opposition in Congress. he charged, was a prescription for certain defeat as it was tantamount to “telling the enemy simply to watch the clock and wait us out.” A number of congressional Republicans echoed Cheney’s rhetoric; for example, South Carolina Senator Jim De- Mint asserted in 2007 that responsibility for American deaths in iraq be longed not to President Bush, but to Democratic opponents of the war ¡n Congress. “Al-Qaida knows that we’ve got a lot of wimps in Congress,” DeMint said. “I believe a lot of the casualties can be laid at the feet of all the talk in Congress about how we’ve got to get out, we’ve got to cut and run.”67

#### Only a risk of offense --- Congress is strongly ANTI-WAR --- they’d always say no

Emily Lodish 9/10/13, writer for the Global Post, “Americans don't support war like they used to,” <http://www.globalpost.com/dispatch/news/regions/middle-east/syria/130910/obama-contends-war-weary-americans>

Even though most Americans believe that Syrian President Bashar al-Assad gassed his own people, a strong majority of Americans are against the United States authorizing a military strike against his regime — this according to a CNN/ORC International poll released Monday.¶ CNN reports:¶ More than seven in 10 say such a strike would not achieve significant goals for the United States and a similar amount say it's not in the national interest for the country to get involved in Syria's civil war.¶ Obama has had to contend with this increasingly war-weary public as his administration debates its strategy to stop the use and spread of chemical weapons in Syria.¶ When the United States invaded Afghanistan in 2001, which was shortly after 9/11, the American public strongly supported military action. But approval ratings among the American public for military action have never risen to such heights again.¶ Here is a look at America's dwindling support for military action abroad.¶ AFGHANISTAN INVASION¶ When the invasion began in October 2001, polls indicated that about 88 percent of Americans supported the effort.¶ Americans in Los Angeles call for military action in Afghanistan after a memorial service for victims of 9/11. (Lucy Nicholson/AFP/Getty Images)¶ IRAQ INVASION¶ Before the Iraq War in March 2003, polls showed that 47-60 percent of the US public supported the invasion. ¶ Sailor Jason Buerger hugs his son, Kyle, while his daughters wait before he is deployed to Iraq on March 3, 2003. (Sandy Huffaker/Getty Images)¶ PAKISTAN DRONE STRIKES¶ American support for drone strikes in Pakistan is divided. In February 2013, 56 percent of Americans supported them, according to the Pew Research Center. But others have expressed concern over their legality, as well as mounting civilian casualities.¶ A US Predator drone armed with a missile stands on the tarmac in Afghanistan. (Massoud Hossaini/AFP/Getty Images)¶ LIBYA INTERVENTION¶ Before March 2011, when the US intervened in Libya, only 22 percent of American voters thought the United States should get involved.¶ A US warship fires Tomahawk cruise missiles targeting sites along Libya's coast on March 19, 2011. (Nathanael Miller/US Navy via Getty Images)¶ SYRIA STRIKE¶ Late last month, days after news broke of a chemical weapons attack in Damascus, Syria's capital, only 9 percent of Americans supported a military intervention in Syria. After a two-week PR push by the Obama administration and a national debate, still more than 70 percent of Americans did not support any kind of strike on Syria.

### 1NC---No Impact

#### No impact to warfighting

Fettweis 11 Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the U**nited** S**tates** cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

### 1NC---Congress -/-> Credibility

#### Congress doesn’t enhance cred --- narrow majorities make us look unsure --- empirics prove

* the “Congress = Anti-War” ev proves that majorities would be narrow

John Yoo 4, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “War, Responsibility, and the Age of Terrorism,” UC-Berkeley Public Law and Legal Theory Research Paper Series, http://works.bepress.com/cgi/viewcontent.cgi?article=1015&context=johnyoo

It is also not obvious that congressional deliberation ensures consensus. Legislative authorization might reflect ex ante consensus before military hostilities, but it also might merely represent a bare majority of Congress or an unwillingness to challenge the President’s institutional and political strengths regardless of the merits of the war. It is also no guarantee of an ex post consensus after combat begins. Thus, the Vietnam War, which Ely and others admit satisfied their constitutional requirements for congressional approval, did not meet with a consensus over the long term but instead provoked some of the most divisive politics in American history. It is also difficult to claim that the congressional authorizations to use force in Iraq, of either the 1991 or 2002 varieties, reflected a deep consensus over the merits of war there. Indeed, the 1991 authorization barely survived the Senate and the 2002 one received significant negative votes and has become an increasingly divisive issue in national political and the 2004 presidential election. Congress’s authorization for the use of force in Iraq in 2003 has not served as a guarantee of political consensus. ¶ Conversely, a process without congressional declarations of war does not necessarily result in less deliberation or consensus. Nor does it seem to inexorably lead to poor or unnecessary war goals. Perhaps the most important example, although many might consider it a “war,” is the conflict between the United States and the Soviet Union from 1946 through 1991. War was fought throughout the world by the superpowers and their proxies during this period. Yet the only war arguably authorized by Congress – and even this is a debated point – was Vietnam. The United States waged war against Soviet proxies in Korea and Vietnam, the Soviet Union fought in Afghanistan, and the two almost came into direct conflict during the Cuban Missile Crisis. Despite the division over Vietnam, there appeared to be a significant bipartisan consensus on the overall strategy (containment) and goal (defeat of the Soviet Union, protection of Europe and Japan), and Congress consistently devoted significant resources to the creation of a standing military to achieve them. Different conflicts during this period that did not benefit from congressional authorization, such as conflicts in Korea, Grenada, Panama, and Kosovo, did not suffer from a severe lack of consensus, at least at the outset. Korea initially received the support of the nation’s political leadership, and it seems that support declined only once battlefield reverses had occurred. Grenada and Panama did not seem to suffer from any serious political challenge, and while Kosovo met with some political resistance, it does not appear to have been significant.

## Congressional Leadership

### 1NC---Congress Fails

#### Zero chance that the plan improves the quality of Congressional decision-making or debate

Paul R. Pillar 13, Professor and Senior Fellow at the Center for Security Studies at Georgetown University and Nonresident Senior Fellow in Foreign Policy at the Brookings Institution, Ph.D. in Politics from Princeton University, MA in Politics from Oxford University, 9/3/13, “The Coming Congressional Debate on Syria,” http://nationalinterest.org/blog/paul-pillar/the-coming-congressional-debate-syria-8988

Congress being Congress, however, let us not get too high our hopes for care and profundity in the deliberative process that is about to begin. Some of the most important complexities of this issue do not lend themselves well to sound bites or easily understood positions in a re-election campaign. When a resolution authorizing military force comes to a vote, members will cast what is described as a “vote of conscience.” But like all their votes, it will be at least as much a vote of politics. There are many different political games that will get played with the Syria issue. Perhaps what we should hope for most is that even some games that are played for the wrong reasons will have the effect of promoting an outcome that minimizes damage to the national interest.

One thinks in this regard of the habit of some Republican members to oppose anything that Barack Obama has proposed. If such a habit can go to the extreme it has with health care reform—over a plan that was more of a Republican idea before Obama made it his signature domestic program, and is now the law of the land—it will not be surprising if some members one might otherwise assume would be hawkish, quick-on-the-trigger Assad-haters will vote against what would be one of Obama's biggest foreign-policy actions.

#### This failure is systemic---best ev

Dennis Jett 8, served as the United States ambassador to Mozambique and Peru under the Clinton administration and is currently a professor of international relations at the School of International Affairs at the Pennsylvania State University. From 2000 to 2008, he was the Dean of the International Center and lecturer of political science at the University of Florida, Why American Policy Fails, 1-4

This book might appear in parts to be another of the growing number of books critical of the regime currently in power in Washington. The problem it describes, however, is systemic and will continue regardless of who is president. The lack of a foreign policy won’t depend on which party holds the White House or controls the Congress, and that should give even the partisans on both sides of the aisle pause. The cause of this situation is not obvious, making it even more important to attempt to explain why it came about. While citizens should understand how their government works, there are good reasons why that doesn’t happen. Those who are in government, or depend on it for their livelihood, rarely believe transparency will make their work any easier. Understanding also often eludes average citizens because they don’t have the time, interest, or ability to gather enough information and examine government actions enough to understand the policies and, more importantly, the motivations behind them. The 28 years I spent in the State Department, including two ambassadorships and service on the National Security Council (NSC), have given me some understanding of the way the U.S. government works. Having retired, I can now consider the effects of Washington’s deci- sions without having any obligation to defend them. In spending the years since my retirement in 2000 in academia, I have gained an appreciation for the theories of international relations and the ways in which scholars approach the subject. I have also been left with the belief that the theories being taught provide little real understanding of how the United States relates to other countries today, and with the feeling that this doesn’t matter much on campus. This book will offer a description of what the process of formulat- ing foreign policy is really like, how it got that way, and why it may not change much in the future. It will also challenge conventional wisdom, the assertions of politicians, and academic theories. It won’t pretend to deﬁ nitively settle the debate about how foreign policy is or should be made or about what the end results ought to be. That will never happen. The process is far too complex and subject to too many inﬂ uences to ever be explained deﬁ nitively in a simple theory. Some will reject this description for a number of reasons, but at least it will provide a different perspective and, hopefully, stimulate some discus- sion of what that policy should be and how it ought to be made. Such a discussion is not just a theoretical exercise or an academic debate. It is critically important to the future of the United States and goes to the heart of why, thus far in the twenty-ﬁ rst century, American foreign policy has been a colossal failure. When a nation is despised and distrusted abroad, it will be unsafe at home. And virtually every poll taken indicates the United States is plumbing new depths in terms of how it is perceived overseas. Even in Australia, traditionally one of America’s closest allies, as many people ranked American foreign policy as a threat to stability in the world as listed Islamic fundamentalism.1 In another poll, 36 percent of the Europeans questioned listed the United States as the biggest threat to global stability. Only 30 percent thought it was Iran, and a mere 18 percent put China ﬁ rst.2 A poll released by the BBC in January 2007 that surveyed 26,000 people in 25 countries showed a steady deterioration in the standing of the United States abroad. The poll found that only 32 percent of the people surveyed believe that U.S. inﬂ uence in the world is mainly positive, while 49 percent consider it mainly negative. Even among Americans themselves, conﬁ dence in the impact of the United States is falling. A majority of the Americans polled (57 percent) still believe their country to be a mainly positive inﬂ uence, but this has fallen from 63 percent a year ago and 71 percent two years ago.3 Some will respond to those dismal ﬁ gures by asserting that foreign policy is not a popularity contest and therefore polls don’t matter. The result of this growing unpopularity, however, is that America’s soft power—the ability to persuade other countries to follow its lead and support its position on issues—is steadily being weakened. And that leaves only America’s hard power—its military might—with which to coerce others into acquiescing in U.S. efforts to achieve its goals. Or it means accepting that its goals won’t be achieved. And as the strains placed on the American military by the commitments in Iraq and Afghanistan demonstrate, even the world’s only superpower has signiﬁ cant limitations. American policy has become so unpopular abroad because it is designed mainly to respond to the desires and dictates of speciﬁc groups at home regardless of its impact overseas. Put another way, in the United States there is no longer any useful distinction between the way domestic and foreign policies are made. Now both foreign policy and domestic policy emanate from the same marketplace that characterizes Washington and its decision-making process. The idea that foreign policy is just one more commodity in the Washington marketplace is contrary to what is often believed and taught. Consider this paragraph from the 28th edition of American Foreign Policy, an annually updated collection of articles on foreign policy that serves as a companion to popular undergraduate textbooks on the subject: Conventional political wisdom holds that foreign policy and domestic policy are two very different policy arenas. Not only are the origins and gravity of the problems different, but the political rules for seeking solu- tions are dissimilar. Where partisan politics, lobbying and the weight of public opinion are held to play legitimate roles in the formulation of health, education, or welfare policy, they are seen as corrupting inﬂuences in the making of foreign policy. An effective foreign policy demands a quiescent public, one that gives knowledgeable professionals the needed leeway to bring their expertise to bear on the problem. It demands a Congress that unites behind presidential foreign policy doctrines rather than one that investigates failures or pursues its own agenda. In brief, if American foreign policy is to succeed, politics must stop “at the water’s edge.”4 The book goes on to say that this belief is not shared by all who write on the topic and that there are dissenters to this view. For those who adhere to the “conventional wisdom,” foreign policy is appar- ently too remote, too abstract, and too critically important to the nation’s security to be affected by domestic politics. They assume politicians recognize this and that they generally act accordingly even though they would probably admit there are exceptions. The view that domestic politics never intrudes on foreign policy could be held only by someone who has never met a politician. The idea that the two are so different may be “conventional wisdom” for many, but it is also wrong. If it is indeed widely held, then there is a considerable lack of appreciation for how the world has changed and how that has affected the process of making foreign policy.

#### Electoral incentives and collective active problems ensure congressional restrictions are just smokescreens with no true engagement

Jife Nzelibe 7, Prof of Law @ Northwestern, “Are Congressionally Authorized Wars Perverse?” Stanford Law Review, Vol. 59

These assumptions are all questionable. As a preliminary matter, there is not much causal evidence that supports the institutional constraints logic. As various commentators have noted, Congress's bark with respect to war powers is often much greater than its bite. Significantly, skeptics like Barbara Hinckley suggest that any notion of an activist Congress in war powers is a myth and members of Congress will often use the smokescreen of "symbolic resolutions, increase in roll calls and lengthy hearings, [and] addition of reporting requirements" to create the illusion of congressional participation in foreign policy.' 0 Indeed, even those commentators who support a more aggressive role for Congress in initiating conflicts acknowledge this problem," but suggest that it could be fixed by having Congress enact more specific legislation about conflict objectives and implement new tools for monitoring executive behavior during wartime. 12

Yet, even if Congress were equipped with better institutional tools to constrain and monitor the President's military initiatives, it is not clear that it would significantly alter the current war powers landscape. As Horn and Shepsle have argued elsewhere: "[N]either specificity in enabling legislation ... nor participation by interested parties is necessarily optimal or self-fulfilling; therefore, they do not ensure agent compliance. Ultimately, there must be some enforcement feature-a credible commitment to punish ....Thus, no matter how much well-intentioned and specific legislation Congress passes to increase congressional oversight of the President's military initiatives, it will come to naught if members of Congress lack institutional incentives to monitor and constrain the President's behavior in an international crisis.

Various congressional observers have highlighted electoral disincentives that members of Congress might face in constraining the President's military initiatives. 14 Others have pointed to more institutional obstacles to congressional assertiveness in foreign relations, such as collective action problems. 15 Generally, lawmaking is a demanding and grueling exercise. If one assumes that members of Congress are often obsessed with the prospect of reelection, 16 then such members will tend to focus their scarce resources on district-level concerns and hesitate to second-guess the President's response in an international crisis. 17 Even if members of Congress could marshal the resources to challenge the President's agenda on national issues, the payoff in electoral terms might be trivial or non-existent. Indeed, in the case of the President's military initiatives where the median voter is likely to defer to the executive branch's judgment, the electoral payoff for members of Congress of constraining such initiatives might actually be negative. In other words, regardless of how explicit the grant of a constitutional role to Congress in foreign affairs might be, few members of Congress are willing to make the personal sacrifice for the greater institutional goal. Thus, unless a grand reformer is able to tweak the system and make congressional assertiveness an electorally palatable option in war powers, calls for greater congressional participation in war powers are likely to fall on deaf ears. Pg. 912-913

### 1NC---Tea Party Turn

#### Turn --- have you heard of the Tea Party --- giving Congress control wreck coherent foreign policy

Leslie H. Gelb 14, President Emeritus and Board Senior Fellow @ the Council on Foreign Relations, and Michael Kramer, former columnist for Time Magazine, “R.I.P. Republican Internationalism,” Democracy: Journal of Ideas, Issue 31, Winter, <http://www.cfr.org/united-states/rp-republican-internationalism/p32106>

It’s right to view the Tea Party’s members and fellow travelers as fixated on domestic politics and policy. But it’s wrong to reckon that they will fail to have a serious and invariably disruptive impact on future foreign policy. Indeed, their power is likely to grow, despite their defeats in October over the federal budget and the debt ceiling. Their sway will mount because they still face little effective opposition from within the Republican Party in most parts of the nation. And there is little doubt about the damage they can and will inflict: They will threaten what remains of the Republican Party’s great tradition of internationalism and further strain the ability of any U.S. President to conduct diplomacy, to negotiate, and to compromise. To Tea Party members, these three staples of a successful foreign policy are akin to unilateral disarmament. Republican and Democratic internationalists should not console themselves because of the apparent divisions among Tea Partiers over foreign policy—the seeming divide between unashamed isolationists like Rand Paul and unabashed hawks such as Ted Cruz. It would be wrong to bet on those differences marginalizing the movement’s impact. More likely, the Tea Party’s varying messages will fuse into a reborn and more potent form of hawkish isolationism. This fusion will be reminiscent of Barry Goldwater’s brief triumph over Nelson Rockefeller in the race for the 1964 GOP presidential nomination, during which Goldwater warned against foreign entanglements, but applauded General Curtis LeMay’s nuclear “bombs away” prescription. After Goldwater, the traditional Republican thread reasserted itself for more than two decades, led by Richard Nixon, Henry Kissinger, George H.W. Bush, James Baker, George Shultz, and Brent Scowcroft. Their realist policies and shrewd agreements with adversaries defined Republicanism abroad.

### SCS Impact D

#### And, US will always deter China---even if they acted it would only cause a diplomatic fuss

Vu Duc ‘13 "Khanh Vu Duc is a Vietnamese-Canadian lawyer who researches on Vietnamese politics, international relations and international law. He is a frequent contributor to Asia Sentinel and BBC Vietnamese Service, "Who's Bluffing Whom in the South China Sea?" www.asiasentinel.com/index.php?option=com\_content&task=view&id=5237&Itemid=171

Conversely, China would find an increased American presence unacceptable and a nuisance. Of course, **neither country is likely to find itself staring down the barrel of the other's gu**n. China's plans for the region would undoubtedly be under greater American scrutiny if Washington decides to allocate more assets to Asia-Pacific.

For the US, returning in force to Asia-Pacific would prove to be a costly endeavour, resources the country may or may not be able to muster. Yet, even if this is true, Washington's calculations may determine that the security risk posed by China in the region outweighs whatever investment required by the US.

China's dispute with Japan over the Senkaku/Diaoyu Island, however heated, will prove to be a peripheral issue with respect to China's dispute with the several claimant states over the Spratlys. Ultimately, it is not improbable that China would seize one or several of the Spratlys under foreign control as a means to demonstrate its resolve in the disputes and the region; but to do so is to engage in unnecessary risk. The consequences stemming from such action are too great for Beijing to ignore.

**Although it is unlikely that China's neighbors would be able to mount more than a diplomatic protest**, the fuss deriving from such an incident could prove more burdensome for China than it is willing to risk. The real consequence for China of any and all conflict in the region is and has always been an American intervention. As is, it would benefit Beijing to seek a peaceful, mutually agreed upon resolution, rather than brute force.

### China-Japan War D

#### No Sino-Japanese war [over the Senkakus]---economic ties and the US check

Richard Katz 13 Richard Katz is the editor of the semiweekly Oriental Economist Alert, a report on the Japanese economy. “Mutual Assured Production,” Foreign Affairs, July/August, Vol. 92, Issue 4, EBSCO

Why Trade Will Limit Conflict Between China and Japan¶ During the Cold War, the United States and the Soviet Union carefully avoided triggering a nuclear war because of the assumption of "mutual assured destruction": each knew that any such conflict would mean the obliteration of both countries. Today, even though tensions between China and Japan are rising, an economic version of mutual deterrence is preserving the uneasy status quo between the two sides.¶ Last fall, as the countries escalated their quarrel over an island chain that Japan has controlled for more than a century, many Chinese citizens boycotted Japanese products and took to the streets in anti-Japanese riots. This commotion, at times encouraged by the Chinese government, led the Japanese government to fear that Beijing might exploit Japan's reliance on China as an export market to squeeze Tokyo into making territorial concessions. Throughout the crisis, Japan has doubted that China would ever try to forcibly seize the islands -- barren rocks known in Chinese as the Diaoyu Islands and in Japanese as the Senkaku Islands -- if only because the United States has made it clear that it would come to Japan's defense. Japanese security experts, however, have suggested that China might try other methods of intimidation, including a prolonged economic boycott.¶ But these fears have not materialized, for one simple reason: China needs to buy Japanese products as much as Japan needs to sell them. Many of the high-tech products assembled in and exported from China, often on behalf of American and European firms, use advanced Japanese-made parts. China could not boycott Japan, let alone precipitate an actual conflict, without stymieing the export-fueled economic miracle that underpins Communist Party rule.¶ For the moment, the combination of economic interdependence and Washington's commitment to Japan's defense will likely keep the peace. Still, an accidental clash of armed ships around the islands could lead to an unintended conflict. That is why defense officials from both countries have met with an eye to reducing that particular risk. With no resolution in sight, those who fear an escalation can nonetheless take solace in the fact that China and Japan stand to gain far more from trading than from fighting.

### China-Vietnam War D

#### Overwhelming incentive to maintain stability

Khanh Vu Duc 12, lawyer focusing on various areas of law with research in International Relations and International Law, "Will the South China Sea Lead to War?" April 13, Asia Sentinel, www.asiasentinel.com/index.php?option=com\_content&task=view&id=4417&Itemid=390

Chinese influence over states like the Philippines and Vietnam is minimal; and as tensions in the region continue to rise, China may and should privately seek outside assistance. China has much to lose in any sort of conflict, if only because any war is an unnecessary burden on a burgeoning economy. While Beijing is unlikely to choose a course of action in which it risks losing face, it would not overlook the benefits of stabilizing the South China Sea, even if stabilization is simply maintaining the status quo—India and Russia included.

### China-Taiwan War D

#### No war and escalation

**GS 6** (Global Security, China's Options in the Taiwan Confrontation, http://www.globalsecurity.org/military/ops/taiwan-prc.htm)

With a belief that the US will come to Taiwan's aid should China initiate action to curb any independence-like moves, Chen has continued a campaign toward independence, betting on sympathetic voters to side with his positions. By 2005, however, the independence card had been trumped by the mainland's policy of reconciliation, and overshadowed by other domestic issues. While China has long avowed to prevent Taiwan's declaration of independence by force, if required, their response to current trends in Taiwan thus far has been **significantly tempered**.

China does not want to repeat the results of the 1995-96 Taiwan Strait missile crisis in which PRC military actions adversely influenced (in Beijing eyes) Taiwanese opinions and resulted in President Lee Teng-hui's re-election. Beijing recognizes that the economic and diplomatic costs of **even measured military responses** to the situation in Taiwan would be enormously high, and as such they will reserve such activity as an absolute last resort.

Should Chen begin openly promoting an independence platform, Beijing could undertake an escalating series of actions to bring Taiwan back into line. China's leaders will choose their courses of action (COA) based on the COA's perceived impact on internal stability and government authority. They can neither afford to risk growing unemployment during a period of fantastic economic growth nor risk appearing weak in dealing with one of their three primary separatist movements (Taiwan, Xinjiang, and Tibet).

It is generally assumed that China would likely attack Taiwan under certain previously defined circumstances [China's "Five Noes"]:

a formal declaration of independence by Taipei

a military alliance by Taiwan with a foreign power, or foreign intervention in Taiwan's internal affairs

indefinite delays in resumption of cross-Strait dialogue, and an unwillingness to negotiate on the basis of 'one China'

Taiwan's acquisition of nuclear weapons or other weapons of mass destruction

internal unrest or turmoil on Taiwan

As of mid-2004 President Hu Jintao's government was emphasizing formal independence, US-ROC cooperation on technology to defeat a PRC attack, and the lack of progress in negotiations.

Conversely, China's precise definition of "reunification" is somewhat opaque. In November 2004 Tang Jiaxuan, who was foreign minister until 2003, and serves as a vice minister in the Taiwan Affairs Office of the State Council, said that after reunification, Taiwan would enjoy broader autonomy than Hong Kong and Macao. He suggested that Taiwan could preserve its social system; freely choose its leaders; keep the first right of legal jurisdiction; not pay taxes to the central government; preserve its own armed forces and police; have external foreign commercial, economic, trade and cultural relations; and purchase some offensive weapons. Furthermore, the central government in Beijing would not send officials to Taiwan but island officials could be part of the central government.

A walk down the escalation ladder may illustrate the range of possible actions that may be expected. Those rungs on the escalation ladder of greatest interest are those that may not provoke direct American response, but that would demonstrate the dispositive influence of Beijing over the status of the territory presently controlled by the Taipei regime, and Beijing's ultimate control over the relationship between that territory and the rest of the world.

Diplomatic Initiatives

Although a climb at least mid-way up the escalation ladder has some surface appeal and plausibility, there is surely a case to be made that the costs to Beijing will outweigh the benefits, and that in any event such a provocative course of action would merely play into Taiwan's gameplan for reducing the ambiguity of American commitments in its favor. Taiwan's declaratory shift has not been followed by overt acts, such as President Lee's 1996 visit to the United States, and indeed its declaratory initiative has been rebuffed by the US Government and by others. The counsel of patience would suggest that time is on Beijing's side, and that at some point the post-Lee leadership in Taipei will recognize the futility of his "state to state" formulation and return to some more constructive approach.

Military Exercises

At a minimum, the PLA may repeat the military posturing of March 1996, and indeed it is difficult to imagine how a response of at least this intensity can be avoided under some circumstances. It is predictable, however, that the United States will respond by the deployment of military forces to some carefully calibrated locale, and that these manuevers alone will do little to resolve the present political crisis. To the extent that Taiwan's political challenge is viewed as being more substantial than that of 1995-96, a simple repetition of the firepower displays of that crisis could demonstrate a lack of credibility and resolve on the part of Beijing, and could be readily characterized as inadequate.

Unconventional Warfare

Chinese attacks on critical infrastructure could unsettle Taiwan's economy without provoking American military involvement, and perhaps without even being directly attributable to the Chinese government. Although apparently coincidental, the island-wide blackout of late July 1999 is illustrative of such possibilities, and subsequently reported attacks on government computer systems may forshadow more ambitious attacks.

On 04 October 2004 Richard Lawless, Deputy Undersecretary of Defence, warned the US-Taiwan Business Council China is developing the means to electronically blockade Taiwan with attacks to the island's vital utilities, the Internet and other communications networks. He warned that China might first target things that keep Taiwan's high-tech society running if a war broke out between China and Taiwan. "China is actively developing options to create chaos on the island, to compromise components of Taiwan's critical infrastructure - telecommunications, utilities, broadcast media, cellular, Internet and computer networks," he saidl. Such a strategy could be called an "acupuncture" attack aimed at "the destruction of a national will" with "the insertion of a hundred needles."

It is rather difficult to envision effective modalities for American enhancements to Taiwan's physical or technical security to counter such infrastructure attacks beyond modest technical assistance efforts. Although the potentially unattributable character of infrastructure attacks would deny Beijing the pleasure of explicit mastery over Taiwan, the absence of attribution would not diminish the impact on Taiwan's economy nor would it diminish from the depiction of Taipei as lacking effective control over its nominal territory.

Peripheral Assaults

Taiwan occupies one island in the disputed Spratly chain, and the handful of small islands occupied by Taiwan near the mainland coast are far less heavily fortified than Quemoy and Matsu. Chinese seizure of these otherwise insiginificant specks of real estate could be accomplished with relative ease, and as with a partial naval blockade would concrete demonstrate Beijing's dispositive influence over territory claimed by Taipei. The United States is extremely unlikely to assist Taiwan in the recovery of the legally disputed Spratly, and would be only somewhat less unlikely to directly participate in the recovery by Taiwan of minor specks of territory in the Taiwan Strait.

Naval Blockade

The PLA Navy would face serious difficulties in coordinating an effective naval blockade enforced through the combined efforts of air, surface, and submarine forces. But the reaction by Taiwan and the international community to the PLA's March 1996 exercises and missile tests suggests that less comprehensive measures could substantially disrupt Taiwan's economic life, potentially creating pressure over time for a political settlement. Depending on the modalities of such an embargo, the United States might have difficulty in identifying politically appropriate or militarily effective means of countering Beijing's interdiction of international commerce with Taiwan. Mine-sweeping operations might not be sufficiently effective to restore the confidence of commercial shippers, and the US Navy might be loath to proactively sink Chinese submarines that were not immediately attacking friendly shipping. Consequently, a partially effective Chinese blockade of Taiwan would appear to be an attactive option for concretely demonstrating China's ultimate authority over Taiwan without prokoking an American military challenge to this assertion.

Air Operations

Air operations could be conducted in concert with a naval blockade, amphibious operations, missile strikes against Taiwan-held islands, or missile strikes against Taiwan. Taipei's qualitative advantages would help offset the PLA's numerical superiority. But air operations could cause great damage that might eventually enable China to achieve air superiority, and could force Taipei into a political settlement on China's terms unless Taiwan were to receive external assistance. The United States would almost certainly be prepared to provide aircraft and ordnance to replace combat losses, though it is rather difficult to imagine modern counterparts to the "Flying Tigers." It is unclear how or whether American carrier-based aviation would be used to enforce a no-fly zone in the Taiwan Strait. Such enforcement would probably come towards the end of a military crisis to either administer a cease fire or revser the declining fortunes of Taiwan. American carrier aviation combat operations at the outset of a Chinese air campaign against Taiwan would appear unlikely under current US declaratory policy, although there could be substantial Congressional pressure for such a committment.

Full-scale Invasion

A main force attack to "Liberate Taiwan" would be an extremely high risk undertaking with uncertain prospects for success. Invasion is unlikely, since the PLA cannot yet transport a credible invasion force to Taiwan. Amphibious forces are capable of transporting no more than a single division [15,000 troops], and military air transports could add possibly an additional divisions worth of troops. Taipei would have significant warning time if Beijing were to prepare for an invasion, and could mobilize significant reserves that would outnumber the invading force by a wide margin. Taiwan retains significant qualitative advantages against the numerically superior PLA in fighter aircraft, surface warships, air defenses, and many ground force capabilities.

Although it is unlikely that China would initiate the use of weapons of mass destruction in the context of a conventional invasion of Taiwan, it is possible that Taiwan would initiate the use of chemical weapons in respose to such an invasion in the event that a purely conventional military response appeared inadequate. In any event, if Beijing's amphibious assault did not spontaneously collapse, such an invasion would almost certainly provoke an American intervention sufficient to terminate hostilities on terms unfavorable to Beijing, unless Taiwan collapses before America can intervene.

Every spring China masses amphibious units on their coast facing Taiwan. The Pentagon normally dismisses Chinese amphibious exercises as "routine" though they could provide an opportunity for a standing start "out-of-the-blue" (OOTB) surprise attack. Taiwan has responded by having some warships at sea and some aircraft in the air during Chinese exercises.

In the 20th Century, China's amphibious exercises were mainly designed to intimidate Taiwan. The annual Dongshan drill started in 1996. In these exercises, the emphasis was on crossing the 130km-wide Taiwan Strait and landing on Taiwan itself. But with the new century, the PLA began to address logistical issues, questions of timing, and command and control problems.

Of particular note is the fact that the PLA has been frequently conducting offensive "integrated" (Yitihua) training with a focus on the use of armed forces against Taiwan and blocking the US military intervention. The concepts of integration (yitihua) and seamless operations (feixianxing zuozhan) are defined as tying together the five dimensions of warfare - air, land, sea, space, and the electromagnetic spectrum, integrating sensors with mobile missiles, air, and sea-based forces.

In June 2001 the numbers of Chinese forces massing in the "Liberation No. 1." exercise were three times higher than during previous exercises of this kind. The main goals of the exercises were reported to be practicing "attacking and occupying an outlying Taiwanese island and fighting off an aircraft carrier." The exercise, which lasted for four months, was the biggest since 1996.

China held two large-scale amphibious exercises in 2004 (division to group-army level in size), one of which explicitly dealt with a Taiwan scenario, bringing the total number of amphibious exercises to ten over the previous five years. In June and July 2004 exercises were conducted on Dongshan Island in southeastern Fujian province, just 150 nautical miles west of Taiwan's Penghu Island. The military wargames were aimed at "taking control of the Taiwan Strait", with 18,000 troops and the amphibious landing of a tank brigade. Soldiers deployed on Dongshan Island in mid-May 2004, with tanks and armoured personnel carriers practicing amphibious landings on Jinluan beach.

During July 2004 China conducted exercise "Liberation Number Two", commanded by Chief of General Staff General Liang Guanglie, an expert on amphibious warfare. However, during the 2004 exercise off the Fujian coast, the Chinese military tested its ability to capture the Penghu archipelago not far from Taiwan. This was the first time the chain of 64 islands, lying east of the midway line between Taiwan and the mainland, was the target. Observers sugggested that the People's Liberation Army had adopted a cautious, step-by-step approach in its preparations for a showdown with Taiwan. After the 'Liberation Number One' drill on Dongshan island in 2001, the PLA concluded that it would suffer significant losses if it failed to control Penghu.

In 2004 a computer simulation suggested that it would take China six days to complete the occupation of Taiwan. When this was publicly reported, "authoritative military sources" told Taiwan media that, in fact, Taiwan could hold out for two weeks. The logic behind this view is that Taiwan has to hold out until the US comes to its aid and, given thespeed of US military deployment, the longer the better.

Early arriving forces, often involving warships stationed close to the Strait, would be of particular importance in a short conflict over Taiwan. At an expected average speed of 25 knots, over long Pacific Ocean distances, US submarines, aircraft carriers, cruisers and destroyers based in San Diego, CA would take nearly 10 days to reach an area east of Taiwan after setting sail. By contrast, a US warship based in Yokosuka, Japan, would take just under two days, one in Guam would take 2.2 days, and a ship sailing from Pearl Harbor in Hawaii would take more than seven days.

Nuclear Attack on Taiwan

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

# 2NC

## Japan CP

### 2NC---AT: Loophole---Top Level (v. MSU)

#### This is proven by their 1AC solvency advocate who agrees the word “repel” is narrow and doesn’t constitute a loophole

Lobel 8 – Jules Lobel, Professor at University of Pittsburgh Law School, “War Powers for the 21st Century: The Constitutional Perspective”, Testimony Before the Subcommittee on International Organizations, Human Rights and Oversight Committee on Foreign Affairs U.S. House of Representatives, 4-10, <http://democrats.foreignaffairs.house.gov/110/lob041008.htm>

Today, as in 1787, the reality is that American national security can be adequately served if the President’s power to use American forces in combat unilaterally is reserved to repelling attacks or imminent attacks on American troops or territories, and evacuating citizens under attack. And repelling means just that; it doe s not mean retaliating for an attack on an American citizen or soldier that took place several days, weeks or months before. The President can respond defensively to attacks that have been launched or are in the process of being launched, but not to rumors, reports, intuitions, or even informed intelligence warnings of attacks.

### 2NC---AT: Loophole---“Lobel 95” (v. MSU)

#### Lobel is describing a bunch of exceptions that aren’t the CP --- (read blue)

MSU = Northwestern

Yellow = MSU

Lobel 95 – Jules Lobel, Professor at University of Pittsburgh Law School, “"Little Wars" and the Constitution”, University of Miami Law Review, October, 50 U. Miami L. Rev. 61, Lexis

IV. Procedural v. Substantive Reform Approaches

Professor Ely and I start from the same basic proposition that all acts of combat engaged in on behalf of the United States must have to be authorized by Congress, unless such action repels a sudden attack. But, to parry arguments that the constitutional design no longer meets the current situation, Professor Ely somewhat reluctantly agrees that the phrase "repel sudden attacks" ought to be read to permit the President to act unilaterally whenever she is "unable" to secure Congress' advance authorization, either because time does not permit or military effectiveness would be undermined. n55 Therefore, his Proposed Combat Authorization Act requires the President to obtain advance authorization prior to placing U.S. forces in potential combat situations, except "where a clear threat to the national security has developed so rapidly as to preclude Congress's advance consideration of such authorization, or keeping the pendency of the United States' response to such a threat secret prior to its initiation is clearly essential to its military effectiveness ...." n56

Those two broad exceptions render the entire advance authorization provision hortatory. As Ely recognizes, judicial enforcement of such an open-ended provision is inconceivable, and voluntary compliance is unlikely. n57 Recent history suggests the President will almost always argue that time or military effectiveness require unilateral action. For example, the executive branch would have argued that the Grenada and Panama invasions, and the air strikes against Libya and Iraq all fell within Professor Ely's exceptions. Secretary of State Christopher more recently claimed that the Haiti invasion which had been threatened and telegraphed for weeks was within the President's constitutional authority because "We can't tie the hands of the President. The President may have to act in a situation very quickly and on his own constitutional authority." n58 Because of the obvious inability of any statute to define substantively with precision the limits of the Executive's unilateral war-making power once the "repel sudden attacks" phrase is reinterpreted to mean "respond to a serious emergency," Ely believes that the "procedural" approach of setting forth time restraints on executive power [\*76] "shows greater promise of making a difference." n59 Thus his main operative suggestions are to lower the time limit to twenty days and provide judicial enforceability of that limitation.

I agree that Professor Ely's approach would make a major difference, presuming a different substantive climate permitting the enactment and enforcement of his proposed statute. The President would have to request congressional authorization whenever she launched a "little war," or strike, or intervention, and twenty days is a relatively short period within which to operate. I would be quite happy to see Professor Ely's statute enacted.

But I'm not convinced it is the best approach. After the President launches an armed expedition, public approval will undoubtedly be high, and the impetus to rally around the flag (or in this case the President) tremendous. The statute will probably work to create congressional debate and vote, but in the worst circumstances - while U.S. forces are fighting and possibly dying abroad. Moreover, recent history demonstrates that many "little wars" are basically over in twenty days - Grenada, Panama, Haiti, Libya, Baghdad air strike - leaving Congress and the President to wrangle about the mop-up, policing operations. Of course, if the "little war" went unexpectedly badly and turned into a protracted conflict, then congressional debate would ensue, but that generally happens anyway. Congress did eventually debate the Lebanon operation and the Nicaraguan covert war, although Professor Ely's statute would require that debate to take place within twenty days. While a vote within twenty days would probably be a positive development, the proposed statute might place Congress at the disadvantage of voting when the war fever was at its height, and not before commencement of military action or after months of protracted struggle when the popular support for the war was low.

For Professor Ely, there is no alternative to the procedural approach based on time. He foreclosed a substantive approach by his concession that "repel armed attacks" must be read more broadly today than in 1787. There is no need for Ely's concession. Can one think of any case in the past several decades where the President launched an armed action against another nation and was unable to secure advance authorization from Congress because of time or military effectiveness? The Libyan or Baghdad air strikes could have been authorized by Congress - military effectiveness merely required that the details and timing of the operation be secret. The Panamanian and Haitian invasions were threatened for months and involved long-standing problems. As Judge [\*77] Sofaer recounts, n60 both the Panamanian and Libyan operations were discussed for many months before actually launched. The Grenada invasion was arguably time driven, but only if you buy the implausible and factually inaccurate proposition that the operation was a direct response to the threat that American medical students would be taken hostage. And as Professor Ely convincingly argues, even covert operations become known to the enemy within hours or days of their undertaking, and therefore constitutional authorization would generally be required fairly rapidly. n61 Moreover, launching a surprise attack against an enemy who has not attacked us ought not be a reasonable justification for avoiding the constitutional process. The phrase "repel sudden attacks" simply cannot, with any rationality, be turned into a justification for "launching sudden attacks." For example, the Bay of Pigs operation could be an example (albeit a bad one) of an invasion that required secrecy for military effectiveness (or ineffectiveness), but that turns out to be simply because we wanted to launch a surprise attack. Ely's concession turns out to be driven by hypotheticals, not reality.

Today, as in 1787, the reality is that American national security can be adequately served if the President's power to use American forces in combat unilaterally is reserved to repelling sudden attacks on American troops, territory, and citizens. n62 That substantive line written into a Combat Authorization Act would be both politically and judicially enforceable. And repelling means just that; it does not mean retaliating for an attack on an American citizen or soldier that took place several days, weeks or months before. The President can respond defensively to attacks that have been launched, not to rumors, reports, intuitions, or informed intelligence warnings of attacks. President Roosevelt could not have and should not have attacked Japan in the fall of 1941 based on intelligence reports that the Emperor was planning war. He could send American fighter planes to intercept Japanese planes once the attack was launched. While there may be difficult cases where determining when an armed attack has been launched (was it when Japan sent out the aircraft carriers or when the planes were airborne?), most situations will be clear. [\*78]

[CONTINUES – TO FOOTNOTE]

n62. I do not accept an exception for repelling an imminent attack on civilians or troops. Such an exception is subject to tremendous abuse, as Presidents can easily claim that American citizens around the globe might be subject to "imminent" attack, and the facts would be difficult to determine dispositively. Generally, one can defend against imminent attacks by bolstering citizens' or troops' protection, or withdrawing them to safer more secure positions, and if necessary seeking congressional authorization to militarily respond. Actual attacks require military action, imminent threats do not.

[FOOTNOTE ENDS]

There are, of course, hypothetical situations that do not meet the test I articulate in which we all nevertheless would want the President to respond unilaterally. If the President had overwhelming evidence that some terrorist nation would have a destructive chemical weapon operational within a week and was planning to detonate it over New York City, all of us except perhaps extreme New York haters would allow the President to use American air power to destroy the weapon. But one can always find hypotheticals that undermine established legal doctrine. I once saw a movie in which a police officer brutally tortured a vicious criminal in order to get the criminal to divulge where he had buried a little girl with only a few hours' supply of oxygen. Do I support a legal doctrine in which police officers can torture victims when it is such an emergency that they need to get at information immediately? I don't. Yet while watching this movie I hoped the police officer got the information in time using any method necessary.

Many of the founders had a theory of "emergency" that dealt with these kinds of hypotheticals, n63 but it was not that the Executive could act lawfully in excess of constitutional or statutory authority in the emergency situations posed by these hypotheticals. Rather, it was that there may be some exigent situations where an Executive official may have to act in violation of the Constitution. n64 But the official must openly acknowledge that he or she acted unlawfully, and allow for review of the unlawful conduct by Congress or the courts and terminate the action when the emergency ended. Most early leaders of the Republic believed that the problems associated with creating a constitutional basis for the exercise of emergency power outweighed the dangers of allowing the President to act extra-constitutionally and unlawfully in extreme crisis situations. n65 They believed that a grant of emergency power with vague limitations like "military necessity" inevitably would lead to a vast assertion of executive power unjustified by actual emergencies. Justice Jackson's more recent comment that "Emergency powers ... tend to [\*79] kindle emergencies" n66 has proved true in the war powers area.

A return to the original design of allowing the Executive emergency power only to repel actual attacks would in all likelihood eliminate the purported emergencies that have driven U.S. policy for decades. And if a real emergency did arise, Jefferson's and Lincoln's policy of acting extra-constitutionally to save the nation and later seeking congressional ratification for their actions is an appropriate response.

### 2NC---AT: Loophole---“Nowrot 98” (v. MSU)

#### Nowrot is describing a “benign ends” exception --- that’s not the CP ---

MSU = Northwestern

Yellow = MSU

Nowrot 98 – Karsten Nowrot, LL.M., Indiana University School of Law – Bloomington, and Emily W. Schabacker, B.A. McGill University (Canada); M.A., University of East Anglia (England); J.D., Indiana University School of Law-Bloomington, “The Use of Force to Restore Democracy: International Legal Implications of the ECOWAS Intervention in Sierra Leone”, American University International Law Review, 14 Am. U. Int'l L. Rev. 321, Lexis

A legal construction excluding the use of force for "benign ends" n108 from the scope of Article 2(4), however, raises serious issues concerning the interpretation of the prohibition of force, which is considered "the cornerstone of peace in the Charter." n109 These concerns are not based on the character of inventions seeking to restore democratically elected government, but on the fear that any exception to the prohibition will create the possibility of a "legion of loopholes" n110 in the norm and leave it vulnerable to abuse. n111 Making exceptions for "higher values," Oscar Schachter points out, may lead to a dilution of the norm to a point where "it could have no application except in the unlikely case of an announced aggression." n112 Such a narrow reading [\*340] of Article 2(4), excluding military measures undertaken by states for a variety of purposes from the scope of this provision, cannot control when the accepted rules of interpretation of international treaties, n113 which apply to the United Nations Charter, are employed. n114

### 2NC---Turns China/Asia War !

#### Turns their Asia advantage --- insufficient U.S. deterrence makes maritime disputes escalation more likely --- triggers territorial conflicts throughout Asia

Yoichi Funabashi 14, former editor-in-chief of Japan’s leading paper, Asahi Shimbun, is chairman of the Rebuild Japan Initiative Foundation and a member of The WorldPost Editorial Board, “If The U.S. And Japan Don't Deter China, Dominos Will Fall,” Huffington Post, 1/27/14, http://www.huffingtonpost.com/2014/01/27/us-japan-deter-china\_n\_4670266.html?utm\_hp\_ref=world

FUNABASHI: It is imperative for the U.S. and Japan to strengthen deterrence against the background of China’s more assertive posturing, particularly with respect to their territorial claims over the Senkaku Islands.¶ Historically, the U.S.-Japan alliance has been structured as a kind of division of labor where the US used Okinawa and other installations as a base to project power and stabilize the region while Japan’s own territorial defense role has been blurred, Japan has supported U.S. global strategy in Afghanistan and elsewhere, but left its own backyard to the American umbrella.¶ This is the first time ever that a conflict has arisen directly related to Japan’s territorial security. That is testing the alliance. For the first time, Japan fears that it has a security risk where it cannot automatically rely on American protection. And it also fears that the U.S. may be tempted to avoid “entanglement” with the US-Japan alliance over the Sino-Japanese territorial, and possibly military, conflicts.¶ Senkaku is very different from the other disputes in the South China Sea. The United States controlled the region around Senkaku between 1945 and 1972 before Okinawa became part of Japan. Okinawa remains one of the largest US air and marine bases anywhere, one of the “three pillars” of its global defense posture. Also, it is very close to Senkaku, which is why these islands are a focal point for security.¶ For all these reasons, the U.S. and Japan cannot just stand by as China becomes more aggressive. Unless China backs off, the US will at some point be obliged to intervene or force Japan to act on its own. But at what point, in what way?¶ The situation is truly perilous. This is not just Japan and China fighting over some rocks in unknown waters; it is the heart of the U.S. military alliance system. If the U.S. does not act robustly enough in defense of Japan, then its commitments anywhere will be called into question. Its credibility as an ally will be fundamentally undermined.¶ In that event, we may see a new “domino effect” in the Asia-Pacific region as a whole. There are plenty of other maritime security threats in the East and South China Sea that have been contained by the U.S. presence. If Japan questions the US commitment, so will everyone else: South Korea, the Philippines, Indonesia and Australia.

### 2NC---Heg !

#### Nuclearization undermines US dominance in Asia

Rublee, 9 – lecturer at the University of Auckland and a former intelligence officer in the Defense Intelligence Agency

(April 09, Maria Rost Rublee, Ph.D., Strategic Insights, “The Future of Japanese Nuclear Policy,” http://www.ccc.nps.navy.mil/si/2009/Apr/rubleeApr09.asp#author)

The Japanese change of heart likely came about for a number of reasons. Negative domestic and international reaction to Japan’s opposition to indefinite extension was stronger and more pronounced than expected. U.S. pressure influenced the decision, especially given the lead role the United States was playing in diffusing the North Korea nuclear crisis. Finally, the North Korean crisis was being managed, with negotiations and diplomatic efforts involving the United States, South Korea, the IAEA, and the United Nations. However, while publicly the Japanese had settled the issue, internally questions lingered. Although not revealed until 1999, in 1995 the Japan Defense Agency conducted an interview review of a potential Japanese nuclear weapons program, benignly entitled “A Report Concerning the Problems of the Proliferation of Weapons of Mass Destruction.”[11] According to JDA sources, “the 31-page internal document was drawn up by three members of the Defense Agency internal bureaus, the Joint Staff Council and the National Institute for Defense Studies under the instruction of then vice minister of defense, Shigeru Hatakeyama.”[12] While the text of the report has not been released, it apparently contained a plan for a potential nuclear weapons program, for a JDA spokesman told reporters “the plan was scrapped due to fears it would violate the Nonproliferation Treaty, undermine the U.S. military presence in the region, and cause a backlash from Asian nations.”[13] Japanese efforts to develop nuclear weapons would signal a loss of trust in the United States, which would hurt the diplomatic and political relationship, as well as potentially undermine the credibility of U.S. security guarantees. With a majority of states agreeing by consensus to indefinitely extend the NPT at the 1995 NPT Review Conference, they feared a Japanese decision to violate the treaty would both weaken the nonproliferation regime and cause a severe backlash over Japanese hypocrisy. A senior Japanese expert in nuclear issues noted that JDA knew a nuclear weapons program “would deal a serious blow to the international nuclear nonproliferation regime, and that was a part of their reasoning to say no.”[14]

#### Pivot prevents nuclear war

Colby 11 – Elbridge Colby, research analyst at the Center for Naval Analyses, served as policy advisor to the Secretary of Defense’s Representative to the New START talks, expert advisor to the Congressional Strategic Posture Commission, August 10, 2011, “Why the U.S. Needs its Liberal Empire,” The Diplomat, online: http://the-diplomat.com/2011/08/10/why-us-needs-its-liberal-empire/2/?print=yes

But the pendulum shouldn’t be allowed to swing too far toward an incautious retrenchment. For our problem hasn’t been overseas commitments and interventions as such, but the kinds of interventions. The US alliance and partnership structure, what the late William Odom called the United States’ ‘liberal empire’ that includes a substantial military presence and a willingness to use it in the defence of US and allied interests, remains a vital component of US security and global stability and prosperity. This system of voluntary and consensual cooperation under US leadership, particularly in the security realm, constitutes a formidable bloc defending the liberal international order.¶ But, in part due to poor decision-making in Washington, this system is under strain, particularly in East Asia, where the security situation has become tenser even as the region continues to become the centre of the global economy.¶ A nuclear North Korea’s violent behaviour threatens South Korea and Japan, as well as US forces on the peninsula; Pyongyang’s development of a road mobile Intercontinental Ballistic Missile, moreover, brings into sight the day when North Korea could threaten the United States itself with nuclear attack, a prospect that will further imperil stability in the region.¶ More broadly, the rise of China – and especially its rapid and opaque military build-up – combined with its increasing assertiveness in regional disputes is troubling to the United States and its allies and partners across the region. Particularly relevant to the US military presence in the western Pacific is the development of Beijing’s anti-access and area denial capabilities, including the DF-21D anti-ship ballistic missile, more capable anti-ship cruise missiles, attack submarines, attack aircraft, smart mines, torpedoes, and other assets.¶ While Beijing remains a constructive contributor on a range of matters, these capabilities will give China the growing power to deny the United States the ability to operate effectively in the western Pacific, and thus the potential to undermine the US-guaranteed security substructure that has defined littoral East Asia since World War II. Even if China says today it won’t exploit this growing capability, who can tell what tomorrow or the next day will bring?¶ Naturally, US efforts to build up forces in the western Pacific in response to future Chinese force improvements must be coupled with efforts to engage Beijing as a responsible stakeholder; indeed, a strengthened but appropriately restrained military posture will enable rather than detract from such engagement. ¶ In short, the United States must increase its involvement in East Asia rather than decrease it. Simply maintaining the military balance in the western Pacific will, however, involve substantial investments to improve US capabilities. It will also require augmented contributions to the common defence by US allies that have long enjoyed low defence budgets under the US security umbrella. This won’t be cheap, for these requirements can’t be met simply by incremental additions to the existing posture, but will have to include advances in air, naval, space, cyber, and other expensive high-tech capabilities.¶ Yet such efforts are vital, for East Asia represents the economic future, and its strategic developments will determine which country or countries set the international rules that shape that economic future. Conversely, US interventions in the Middle East and, to a lesser degree, in south-eastern Europe have been driven by far more ambitious and aspirational conceptions of the national interest, encompassing the proposition that failing or illiberally governed peripheral states can contribute to an instability that nurtures terrorism and impedes economic growth. Regardless of whether this proposition is true, the effort is rightly seen by the new political tide not to be worth the benefits gained. Moreover, the United States can scale (and has scaled) back nation-building plans in Iraq, Afghanistan, and the Balkans without undermining its vital interests in ensuring the free flow of oil and in preventing terrorism.¶ The lesson to be drawn from recent years is not, then, that the United States should scale back or shun overseas commitments as such, but rather that we must be more discriminating in making and acting upon them. A total US unwillingness to intervene would pull the rug out from under the US-led structure, leaving the international system prey to disorder at the least, and at worst to chaos or dominance by others who could not be counted on to look out for US interests.¶ We need to focus on making the right interventions, not forswearing them completely. In practice, this means a more substantial focus on East Asia and the serious security challenges there, and less emphasis on the Middle East. ¶ This isn’t to say that the United States should be unwilling to intervene in the Middle East. Rather, it is to say that our interventions there should be more tightly connected to concrete objectives such as protecting the free flow of oil from the region, preventing terrorist attacks against the United States and its allies, and forestalling or, if necessary, containing nuclear proliferation as opposed to the more idealistic aspirations to transform the region’s societies. ¶ These more concrete objectives can be better met by the more judicious and economical use of our military power. More broadly, however, it means a shift in US emphasis away from the greater Middle East toward the Asia-Pacific region, which dwarfs the former in economic and military potential and in the dynamism of its societies. The Asia-Pacific region, with its hard-charging economies and growing presence on the global stage, is where the future of the international security and economic system will be set, and it is there that Washington needs to focus its attention, especially in light of rising regional security challenges. ¶ In light of US budgetary pressures, including the hundreds of billions in ‘security’ related money to be cut as part of the debt ceiling deal, it’s doubly important that US security dollars be allocated to the most pressing tasks – shoring up the US position in the most important region of the world, the Asia-Pacific. It will also require restraint in expenditure on those challenges and regions that don’t touch so directly on the future of US security and prosperity. ¶ As Americans debate the proper US global role in the wake of the 2008 financial crisis and Iraq and Afghanistan, they would do well to direct their ire not at overseas commitments and intervention as such, but rather at those not tied to core US interests and the sustainment and adaptation of the ‘liberal empire’ that we have constructed and maintained since World War II.¶ Defenders of our important overseas links and activities should clearly distinguish their cause from the hyperactive and barely restrained approach represented by those who, unsatisfied with seeing the United States tied down in three Middle Eastern countries, seek intervention in yet more, such as Syria. Indeed, those who refuse to scale back US interventions in the Middle East or call for still more are directly contributing to the weakening of US commitments in East Asia, given strategic developments in the region and a sharply constrained budgetary environment in Washington.¶ We can no longer afford, either strategically or financially, to squander our power in unnecessary and ill-advised interventions and nation-building efforts. The ability and will to intervene is too important to be so wasted.

### 2NC---Japan Economy !

#### Rearm collapses Japan’s economy

Elliot Walker 2 is Japan chairman of the Center for Strategic and International Studies, August 5, 2002, “Japan stands up to North Korea”, Lexis

\*We do not endorse ableist language

First, how **would obtaining nuclear weapons affect Japan's economic environment**? Unlike the United States, **Japan is so dependent on trade, imports and international cooperation that multilateralism is a necessity. In particular, Japan is heavily dependent on imported energy sources**. As of 1999, over 79 percent of Japan's total energy consumption was dependent upon foreign sources. **Were Japan to test its diplomatic waters by going nuclear, foreign energy suppliers could easily put the squeeze on Japan. Moreover, the U.S. and others could quickly move to stop the export of uranium to Japan. Nuclear power provides 15 percent of Japan's energy consumption, and such a loss would** cripple the Japanese economy. **It can be assumed that such a loss would not be acceptable for Japan's affluent society.**

#### Global nuclear war

Auslin 9 (Michael, resident scholar at the American Enterprise Institute. http://online.wsj.com/article/SB123483257056995903.html)

If Japan's economy collapses, supply chains across the globe will be affected and numerous economies will face severe disruptions, most notably China's. China is currently Japan's largest import provider, and the Japanese slowdown is creating tremendous pressure on Chinese factories. Just last week, the Chinese government announced that 20 million rural migrants had lost their jobs. Closer to home, Japan may also start running out of surplus cash, which it has used to purchase U.S. securities for years. For the first time in a generation, Tokyo is running trade deficits -- five months in a row so far. The political and social fallout from a Japanese depression also would be devastating. In the face of economic instability, other Asian nations may feel forced to turn to more centralized -- even authoritarian -- contro**l** to try to limit the damage. Free-trade agreements may be rolled back and political freedom curtailed. Social stability in emerging, middle-class societies will be severely tested, and newly democratized states may find it impossible to maintain power. Progress toward a more open, integrated Asia is at risk, with the potential for increased political tension in the world's most heavily armed region. This is the backdrop upon which the U.S. government is set to expand the national debt by a trillion dollars or more. Without massive debt purchases by Japan and China, the U.S. may not be able to finance the cost of the stimulus package, creating a trapdoor under the U.S. economy.

### 2NC---Prolif Brink

\*\*\*Also in “2NC---XT Umbrella Prevents Prolif”

#### Brink is now --- hardliners are gaining power in the Japanese government but won’t spur proliferation unless they perceive a decline in the US nuclear deterrent

Gerald Curtis 13, Burgess Professor of Political Science @ Columbia, “Japan’s Cautious Hawks,” Foreign Affairs, March/April, http://www.foreignaffairs.com/articles/136063/gerald-l-curtis/japans-cautious-hawks

That quest for survival remains the hallmark of Japanese foreign policy today. Tokyo has sought to advance its interests not by defining the international agenda, propagating a particular ideology, or promoting its own vision of world order, the way the United States and other great powers have. Its approach has instead been to take its external environment as a given and then make pragmatic adjustments to keep in step with what the Japanese sometimes refer to as "the trends of the time."¶ Ever since World War II, that pragmatism has kept Japan in an alliance with the United States, enabling it to limit its military's role to self-defense. Now, however, as China grows ever stronger, as North Korea continues to build its nuclear weapons capability, and as the United States' economic woes have called into question the sustainability of American primacy in East Asia, the Japanese are revisiting their previous calculations. In particular, a growing chorus of voices on the right are advocating a more autonomous and assertive foreign policy, posing a serious challenge to the centrists, who have until recently shaped Japanese strategy.¶ In parliamentary elections this past December, the Liberal Democratic Party and its leader, Shinzo Abe, who had previously served as prime minister in 2006–7, returned to power with a comfortable majority. Along with its coalition partner, the New Komeito Party, the LDP secured the two-thirds of seats needed to pass legislation rejected by the House of Councilors, the Japanese Diet's upper house. Abe's victory was the result not of his or his party's popularity but rather of the voters' loss of confidence in the rival Democratic Party of Japan. Whatever the public's motivations, however, the election has given Japan a right-leaning government and a prime minister whose goals include scrapping the constitutional constraints on Japan's military, revising the educational system to instill a stronger sense of patriotism in the country's youth, and securing for Tokyo a larger leadership role in regional and world affairs. To many observers, Japan seems to be on the cusp of a sharp rightward shift.¶ But such a change is unlikely. The Japanese public remains risk averse, and its leaders cautious. Since taking office, Abe has focused his attention on reviving Japan's stagnant economy. He has pushed his hawkish and revisionist views to the sidelines, in part to avoid having to deal with divisive foreign policy issues until after this summer's elections for the House of Councilors. If his party can secure a majority of seats in that chamber, which it does not currently have, Abe may then try to press his revisionist views. But any provocative actions would have consequences. If, for example, he were to rescind statements by previous governments that apologized for Japan's actions in World War II, as he has repeatedly said he would like to do, he not only would invite a crisis in relations with China and South Korea but would face strong criticism from the United States as well. The domestic political consequences are easy to predict: Abe would be flayed in the mass media, lose support among the Japanese public, and encounter opposition from others in his own party.¶ In short, chances are that those who expect a dramatic change in Japanese strategy will be proved wrong. Still, much depends on what Washington does. The key is whether the United States continues to maintain a dominant position in East Asia. If it does, and if the Japanese believe that the United States' commitment to protect Japan remains credible, then Tokyo's foreign policy will not likely veer off its current track. If, however, Japan begins to doubt the United States' resolve, it will be tempted to strike out on its own.¶ The United States has an interest in Japan's strengthening its defensive capabilities in the context of a close U.S.-Japanese alliance. But Americans who want Japan to abandon the constitutional restraints on its military and take on a greater role in regional security should be careful what they wish for. A major Japanese rearmament would spur an arms race in Asia, heighten regional tensions (including between Japan and South Korea, another key U.S. ally), and threaten to draw Washington into conflicts that do not affect vital U.S. interests. The United States needs a policy that encourages Japan to do more in its own defense but does not undermine the credibility of U.S. commitments to the country or the region.¶ PLUS ÇA CHANGE¶ For many years now, pundits have been declaring that Japan is moments away from once again becoming a great military power. In 1987, no less an eminence than Henry Kissinger saw Tokyo's decision to break the ceiling of one percent of GNP for defense spending, which had been its policy since 1976, as making it "inevitable that Japan will emerge as a major military power in the not-too-distant future." But Japan's defense budget climbed to only 1.004 percent of GNP that year, and it fell below the threshold again the following year. Today, the ceiling is no longer official government policy, but Tokyo still keeps its defense spending at or slightly below one percent of GNP. What is more, its defense budget has shrunk in each of the last 11 years. Although Abe has pledged to reverse this trend, Japan's fiscal problems all but guarantee that any increase in military spending will be modest.¶ That Japan's military spending has remained where it is points to a larger pattern. Neither the end of the Cold War nor China's emergence as a great power has caused Japan to scuttle the basic tenets of the foreign policy set by Prime Minister Shigeru Yoshida following the end of World War II. That policy stressed that Japan should rely on the United States for its security, which would allow Tokyo to keep its defense spending low and focus on economic growth. ¶ To be sure, Japanese security policy has changed greatly since Yoshida was in power. Japan has stretched the limits of Article 9 of its constitution, which renounces the right to wage war, making it possible for the Self-Defense Forces to develop capabilities and take on missions that were previously prohibited. It has deployed a ballistic missile defense system, its navy patrols sea-lanes in the East China Sea and helps combat piracy in the Gulf of Aden, and Japanese troops have joined UN peacekeeping operations from Cambodia to the Golan Heights. Spending one percent of GNP on its military still gives Japan, considering the size of its economy, the sixth-largest defense budget in the world. And despite the constitutional limits on their missions, Japan's armed forces have become strong and technologically advanced.¶ Yet the strategy that Yoshida designed so many years ago continues to constrain Japanese policy. Japan still lacks the capabilities needed for offensive military operations, and Article 9 remains the law of the land. Meanwhile, Tokyo's interpretation of that article as banning the use of force in defense of another country keeps Japan from participating more in regional and global security affairs. Abe has indicated his desire to change that interpretation, but he is proceeding cautiously, aware that doing so would trigger intense opposition from neighboring countries and divide Japanese public opinion.¶ The durability of Yoshida's foreign policy has puzzled not just observers; the architect of the strategy was himself dismayed by its staying power. Yoshida was a realist who believed that the dire circumstances Japan faced after the war left it no choice but to prioritize economic recovery over building up its military power. Yet he expected that policy to change when Japan became economically strong.¶ The Japanese public, however, saw things differently. As Japan boomed under the U.S. security umbrella, its citizens became content to ignore the left's warnings that the alliance would embroil the country in the United States' military adventures and the right's fears that Japan risked abandonment by outsourcing its defense to the United States. Yoshida's strategy, crafted to advance Japan's interests when the country was weak, became even more popular in good times. And that remains true today: in a 2012 survey conducted by Japan's Cabinet Office, for example, a record high of 81.2 percent of respondents expressed support for the alliance with the United States. Only 23.4 percent said that Japan's security was threatened by its having insufficient military power of its own. ¶ The Japanese public remains risk averse; nearly 70 years after World War II, it has not forgotten the lessons of that era.¶ It is worth noting that Japan's opposition to becoming a leading military power cannot be chalked up to pacifism. After all, it would be an odd definition of pacifism that included support for a military alliance that requires the United States to take up arms, including nuclear weapons, if necessary, to defend Japan. Most Japanese do not and never have rejected the use of force to protect their country; what they have resisted is the unbridled use of force by Japan itself. The public fears that without restrictions on the military's capabilities and missions, Japan would face heightened tensions with neighboring countries and could find itself embroiled in foreign wars. There is also the lingering concern that political leaders might lose control over the military, raising the specter of a return to the militaristic policies of the 1930s. ¶ Furthermore, the Japanese public and Japan's political leaders are keenly aware that the country's security still hinges on the United States' dominant military position in East Asia. Some on the far right would like to see Japan develop the full range of armaments, including nuclear weapons, in a push to regain its autonomy and return the country to the ranks of the world's great powers. But the conservative mainstream still believes that a strong alliance with the United States is the best guarantor of Japan's security.¶ ISLANDS IN THE SUN¶ Given Japan's pragmatic approach to foreign policy, it should come as no surprise that the country has reacted cautiously to a changing international environment defined by China's rise. Tokyo has doubled down on its strategy of deepening its alliance with the United States; sought to strengthen its relations with countries on China's periphery; and pursued closer economic, political, and cultural ties with China itself. The one development that could unhinge this strategy would be a loss of confidence in the U.S. commitment to Japan's defense. ¶ It is not difficult to imagine scenarios that would test the U.S.-Japanese alliance; what is difficult to imagine are realistic ones. The exception is the very real danger that the dispute between China and Japan over the Senkaku Islands (known as the Diaoyu Islands in China), in the East China Sea, might get out of hand, leading to nationalist outbursts in both countries. Beijing and Tokyo would find this tension difficult to contain, and political leaders on both sides could seek to exploit it to shore up their own popularity. Depending on how events unfolded, the United States could well become caught in the middle, torn between its obligation to defend Japan and its opposition to actions, both Chinese and Japanese, that could increase the dangers of a military clash.¶ The Japanese government, which took control of the uninhabited islands in 1895, maintains that its sovereignty over them is incontestable; as a matter of policy, it has refused to acknowledge that there is even a dispute about the matter. The United States, for its part, recognizes the islands to be under Japanese administrative control but regards the issue of sovereignty as a matter to be resolved through bilateral negotiations between China and Japan. Article 5 of the U.S.-Japanese security treaty, however, commits the United States to "act to meet the common danger" in the event of "an armed attack against either Party in the territories under the administration of Japan." Washington, in other words, would be obligated to support Tokyo in a conflict over the islands -- even though it does not recognize Japanese sovereignty there.¶ The distinction between sovereignty and administrative control would matter little so long as a conflict over the islands were the result of aggression on the part of China. But the most recent flare-up was precipitated not by Chinese but by Japanese actions. In April 2012, Tokyo's nationalist governor, Shintaro Ishihara (who resigned six months later to form a new political party), announced plans to purchase three of the Senkaku Islands that were privately owned and on lease to the central government. He promised to build a harbor and place personnel on the islands, moves he knew would provoke China. Well known for his right-wing views and anti-China rhetoric, Ishihara hoped to shake the Japanese out of what he saw as their dangerous lethargy regarding the threat from China and challenge their lackadaisical attitude about developing the necessary military power to contain it. ¶ Ishihara never got the islands, but the ploy did work to the extent that it triggered a crisis with China, at great cost to Japan's national interests. Well aware of the dangers that Ishihara's purchase would have caused, then Japanese Prime Minister Yoshihiko Noda decided to have the central government buy the islands itself. Since the government already had full control over the islands, ownership represented no substantive change in Tokyo's authority over their use. Purchasing them was the way to sustain the status quo, or so Noda hoped to convince China. ¶ But Beijing responded furiously, denouncing Japan's action as the "nationalization of sacred Chinese land." Across China, citizens called for the boycott of Japanese goods and took to the streets in often-violent demonstrations. Chinese-Japanese relations hit their lowest point since they were normalized 40 years ago. Noda, to his credit, looked for ways to defuse the crisis and restore calm between the two countries, but the Chinese would have none of it. Instead, China has ratcheted up its pressure on Japan, sending patrol ships into the waters around the islands almost every day since the crisis erupted.¶ The United States needs to do two things with regard to this controversy. First, it must stand firm with its Japanese ally. Any indication that Washington might hesitate to support Japan in a conflict would cause enormous consternation in Tokyo. The Japanese right would have a field day, exclaiming that the country's reliance on the United States for its security had left it unable to defend its interests. The Obama administration has wisely reiterated Washington's position that the islands fall within the territory administered by Tokyo and has reassured the Japanese -- and warned the Chinese -- of its obligation to support Japan under the security treaty.¶ Second, Washington should use all its persuasive power to impress upon both China and Japan the importance of defusing this issue. Abe could take a helpful first step by giving up the fiction that no dispute over the islands exists. The Senkaku controversy is going to be on the two countries' bilateral agenda whether the Japanese want it there or not. Abe's willingness to discuss it would give China an opening to back down from its confrontational stance and would better align U.S. and Japanese policy.¶ TERMS OF ENGAGEMENT¶ Barack Obama's election in 2008 initially raised concerns in Tokyo. Ever fearful that the United States' interest in their country is waning, the Japanese worried that the new U.S. president's Asia policy would prioritize cooperation with China above all and give short shrift to Japan. Those apprehensions have been alleviated, however, thanks to the recent tensions in U.S.-Chinese relations, repeated visits to Japan by senior U.S. officials, Japanese appreciation for U.S. support following the March 2011 earthquake and tsunami, and Washington's decision to sign the Association of Southeast Asian Nations' Treaty of Amity and Cooperation and to join the East Asia Summit. ¶ The Obama administration's emphasis on the strategic importance of Asia, symbolized by the use of such terms as "pivot," "return," and "rebalancing," has been dismissed by some as mere rhetoric. But it is important rhetoric, which has signaled Washington's commitment not only to continued U.S. military involvement in the region but also to a much broader engagement in the region's affairs. By any measure, the administration has succeeded in communicating to U.S. allies and U.S. adversaries alike that Washington intends to bolster its presence in Asia, not downgrade it.¶ What worries Tokyo now is not the possibility of U.S.-Chinese collusion; it is the prospect of strategic confrontation. Japan's well-being, as well as that of many other countries, depends on maintaining both good relations with China, its largest trading partner, and strong security ties with the United States. Given its dependence on Washington for defense and the depth of anti-Japanese sentiment in China, Japan would have little choice but to side with the United States if forced to choose between the two. ¶ But a conflict between China and the United States would not necessarily strengthen U.S.-Japanese relations. In fact, it would increase the influence of advocates of an autonomous Japanese security policy. Arguing that Washington lacked the capabilities and the political will necessary to retain its leading position in East Asia, they would push for Japan to emerge as a heavily armed country able to protect itself in a newly multipolar Asia. To avoid this outcome and to help maintain a stable balance of power, Washington needs to temper its inevitable competition with China by engaging with Beijing to develop institutions and processes that promote cooperation, both bilaterally and among other countries in the region.¶ YOU CAN'T ALWAYS GET WHAT YOU WANT¶ In assessing the current Japanese political scene and the possible strategic course that Tokyo might chart, it is important to remember that a right-of-center government and a polarized debate over foreign policy are nothing new in Japan's postwar history. Abe is one of the most ideological of Japan's postwar prime ministers, but so was his grandfather Nobusuke Kishi, who was a cabinet minister during World War II and prime minister from 1957 to 1960. Kishi wanted to revise the U.S.-imposed constitution and to undo other postwar reforms; these are his grandson's goals more than half a century later. ¶ But Kishi was also a pragmatist who distinguished between the desirable and the possible. As prime minister, he focused his energies on the latter, negotiating with the Eisenhower administration a revised security treaty that remains the framework for the U.S.-Japanese alliance today. For Abe as well, ideology will not likely trump pragmatism. The key question to ask about Japan's future is not what kind of world Abe would like to see but what he and other Japanese leaders believe the country must do to survive in the world as they find it.¶ If Tokyo's foreign policy moves off in a new direction, what will drive it there is not an irrepressible Japanese desire to be a great power. Although some Japanese politicians voice that aspiration, they will gain the support of the public only if it becomes convinced that changes in the international situation require Japan to take a dramatically different approach from the one that has brought it peace and prosperity for decades. ¶ The Japanese public remains risk averse; nearly 70 years after World War II, it has not forgotten the lessons of that era any more than other Asian nations have. And despite changes in the region, the realities of Japanese politics and of American power still favor a continuation of Japan's current strategy: maintaining the alliance with the United States; gradually expanding Japan's contribution to regional security; developing security dialogues with Australia, India, South Korea, and the Association of Southeast Asian Nations; and deepening its engagement with China. China's growing economic clout and military power do present new challenges for Tokyo and Washington, but these challenges can be met without dividing Asia into two hostile camps. If Japanese policy changes in anything more than an incremental manner, it will be due to the failure of Washington to evolve a policy that sustains U.S. leadership while accommodating Chinese power.¶ Will the Abe government chart a new course for Japanese foreign policy? Only if the public comes to believe that the threat from China is so grave and to the credibility of the United States' commitment contain it is so weakened that Japan's survival is at stake. But if rational thinking prevails in Beijing, Tokyo, and Washington, the approach that has made Japan the linchpin of the United States' security strategy in Asia, stabilized the region, and brought Japan peace and prosperity is likely to persist.

#### Japan is foregoing nuclearization solely because of US extended deterrence --- link threshold is low

Yukio Satoh 9, 3/5/09 [Vice Chairman of the Japan Institute of International Affairs in Tokyo and was an accomplished Japanese diplomat, “Reinforcing American Extended Deterrence for Japan: An Essential Step for Nuclear Disarmament”, Policy Forum Online 09-018A: March 5th, 2009, http://www.nautilus.org/fora/security/09018Satoh.html#sect2]

Japan has long been committed to the Three Non-Nuclear Principles of not possessing nuclear weapons, not producing them and not permitting their entry into the country. A prevalent and strong sentiment against nuclear weapons among the Japanese people lies behind the policy to deny themselves the possession of nuclear weapons in spite of the country's capabilities to do otherwise. The nuclear bombings of Hiroshima and Nagasaki remain vivid national memories. Yet, strategically, Japan's adherence to the Three Non-Nuclear Principles depends largely, if not solely, upon the credibility of the Japan-US Security Treaty, or more specifically, that of the United States' commitment to defend Japan from any offensive action, including nuclear threats. In response, the US government has been steadfastly assuring the Japanese in an increasingly clear manner of American commitment to provide deterrence for Japan by all means, including nuclear. Against this backdrop, the argument made by the aforementioned four eminent strategists in the tone-setting joint article published in The Wall Street Journal of January 4, 2007, that "the end of the Cold War made the doctrine of mutual Soviet-American deterrence obsolete", was received with mixed reactions in Japan: welcome for the sake of nuclear disarmament and caution from the perspectives of security and defense. As depending upon the US' extended nuclear deterrence will continue to be Japan's only strategic option to neutralize potential or conceivable nuclear and other strategic threats, the Japanese are sensitive to any sign of increased uncertainties with regard to extended deterrence. A unique feature of the Japan-US security arrangements is that there have been no consultations on how American extended deterrence should function, nor even any mechanism put in place for such consultations. This has been largely due to Japan's reluctance to date to be involved in American nuclear strategy. The Japanese government had gone even further in promising the people that it would strictly apply the Non-Nuclear Principles to the entry of US vessels and aircraft even at a time when tactical nuclear weapons were reportedly aboard some of them. In recent years, though, the Japanese have been more concerned about the credibility of the American commitment. Exposed to a series of threatening actions by Pyongyang, particularly its test-shooting of missiles over Japan (1998) and its nuclear testing (2006), the Japanese have come to realize anew how indispensable American deterrence is to their security. The abduction of Japanese citizens by Pyongyang's agents, which became public knowledge in 2002, had added to Japanese security concerns about North Korea, so that the Bush administration's decision to rescind (prematurely in Japanese eyes) the designation of the DPRK as a State Sponsor of Terrorism raised voices in Japan questioning Washington's sense of solidarity with an ally. It is indeed difficult to judge whether and how the concept of nuclear deterrence would work vis-a-vis North Korea, whose unpredictability makes it difficult to exclude the possibility that Pyongyang might use nuclear and other weapons of mass destruction out of desperation. Japan has therefore been engaged in the development of ballistic missile defense (BMD) systems in cooperation with the United States. Although BMD systems need to be much improved before they can be considered reliable, they are designed to eventually function, at least conceptually, as a supplementary means for defending the country against North Korea's missiles if and when deterrence were to fail. In addition, their purely defensive characteristics are stabilizing, rather than destabilizing, regional strategic balance. In the meantime, Japanese concern about the credibility of American extended deterrence could increase if the US government would unilaterally move to redefine the concept of nuclear deterrence and to reduce dependence upon nuclear weapons in providing deterrence.

#### Leadership statements prove --- decline in the US extended deterrent triggers wildfire prolif

Keith Payne 7 [Keith Payne is Head of the Graduate Department of Defense and Strategic Studies, Missouri State University. He also serves as CEO and President of the National Institute for Public Policy, a non-profit research center located in Fairfax, Virginia.In 2002 and 2003, Dr. Payne served in the Department of Defense as the Deputy Assistant Secretary of Defense for Forces Policy. He received the Distinguished Public Service Medal from Secretary of Defense Rumsfeld, and the Forces Policy office Dr. Payne led received a Joint Meritorious Unit Award. “U.S. Nuclear Weapons Policy”, HEARING BEFORE THE STRATEGIC FORCES SUBCOMMITTEE OF THE COMMITTEE ON ARMED SERVICES HOUSE OF REPRESENTATIVES,http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\_house\_hearings&docid=f:37955.pdf]

Next, we can examine the role of nuclear weapons for the assurance of allies. Nuclear weapons are essential to the U.S. extended deterrent. This "nuclear umbrella" is central to the basic U.S. defense goal of assurance. This is not a trivial goal. The assurance provided to allies by U.S. security commitments, particularly including the U.S. nuclear umbrella, is key to the maintenance of U.S. alliance structures globally. It is part of the basic security considerations of countries such as Japan, South Korea and Turkey. The continuing role of U.S. nuclear weapons for this purpose may not be the preference of those in the United States who would prefer that the U.S. umbrella be non-nuclear. But what does or does not assure allies is not decided by U.S. commentators or U.S. political preferences, but by the allies themselves. The United States can decide if the assurance of allies is a worthy continuing goal, but only our allies can decide whether they are sufficiently assured. In this regard, available evidence points strongly to the fact that nuclear weapons remain critical to the assurance of key allies. For example, the recent responses by Japan and South Korea to the North Korean nuclear test of October 9, 2006 demonstrated explicitly that U.S. nuclear weapons are viewed by allies as critical to their confidence in the U.S. extended deterrent. The discomfort felt by allies and friends in the Middle East given the prospect of Iranian nuclear weapons points in the same direction. We could decide that we would prefer to withdraw the nuclear umbrella and provide non-nuclear extended deterrence. But, with the nuclear proliferation of North Korea and the apparent Iranian aspirations for nuclear weapons, the response of key allies to the U.S. withdrawal of its nuclear extended deterrent coverage would create new and potentially severe problems, i.e., nuclear proliferation by U.S. tended nuclear deterrence. Japanese leaders have been explicit about the extreme security value they attach to the U.S. nuclear umbrella, and that Japan would be forced to reconsider its non-nuclear status in the absence of the U.S. extended nuclear deterrent. Ironically, nuclear non-proliferation is tied closely to the U.S. preservation of its extended nuclear deterrent. This point is contrary to the typical contention that U.S. movement toward nuclear disarmament promotes nuclear non-proliferation. Precisely the reverse linkage may be more the reality: U.S. movement toward nuclear disarmament will unleash what some have called a "cascade" of nuclear proliferation among those countries which otherwise have felt themselves secure under the U.S. extended nuclear deterrent and therefore have chosen to remain non-nuclear. We should be extremely careful before moving in a direction that carries the risk of unleashing this "cascade," such as deciding that U.S. nuclear weapons are unnecessary for assurance and moving toward a non-nuclear force structure.

### 2NC---AT: No Prolif---Top Level

#### All their reasons Japan won’t prolif assume a strong US deterrent

Rublee 9 – lecturer at the University of Auckland and a former intelligence officer in the Defense Intelligence Agency

(April 09, Maria Rost Rublee, Ph.D., Strategic Insights, “The Future of Japanese Nuclear Policy,” http://www.ccc.nps.navy.mil/si/2009/Apr/rubleeApr09.asp#author)

Conclusions

Accurately predicting whether Japan will remain non-nuclear in the next decades requires a crystal ball. Nonetheless, examining the factors that push Tokyo away from and toward a nuclear option help us to understand both why the country may reverse its policy of nuclear forbearance and the likelihood of such a situation occurring. Currently, most domestic factors pressure Japan into maintaining its non-nuclear stance. However, severe exogenous shocks—from U.S. withdrawal to a North Korean nuclear attack—can **override the influence of these domestic determinants**, both by weakening them directly and by creating new security concerns that a nuclear option could potentially address. The fact that the **most critical external factor in the Japanese nuclear equation**—U.S. extended deterrence—lies within the control of U.S. policymakers should reassure Washington, as well as challenge it to address the other potential scenarios that could undermine Japanese nuclear forbearance.

### 2NC---AT: Mutual Defense Treaty Provides Authorization

#### Wasn’t passed w/ a policy trial

#### Mutual defense treaties don’t automatically provide Congressional authorization

Niksch 94 – Larry A. Niksch, Specialist in Asian Affairs, Foreign Affairs and National Defense Division, April 1st, 1994, "South Korea: U.S. Defense Obligations," Congressional Research Service: Report for Congress, No. 94-300 F,www.fas.org/man/crs/94-300f.htm

The War Powers resolution of 1973 made clear that U.S. defense treaties did not constitute specific congressional authorization for introducing forces into hostilities. Nevertheless, the War Powers Resolution lists "a national emergency created by an attack upon the United States, its territories or possessions, or its armed forces" as the only situations in which the President would exercise his power as commander-in-chief to introduce U.S. forces into hostilities without a declaration of war or specific congressional authorization. This would appear relevant to the "trip wire" deployment in South Korea where U.S. forces are stationed just south of the demilitarized zone separating North Korea and South Korea and likely would be immediately under attack if North Korea invaded South Korea.

#### Specifically true in the context of the Japan MDT

David Adler 12/5/13, is the Cecil D. Andrus professor of public affairs at Boise State University, where he serves as director of the Andrus Center for Public Policy, “David Adler: Mutual defense treaties can’t change constitutional process,” The Idaho Statesman, http://www.idahostatesman.com/2013/12/05/2908888/mutual-defense-treaties-cant-change.html

The Obama Administration’s declaration that the U.S.-Japanese mutual defense treaty covers the Senkaku Islands, control of which is at the heart of the deepening crisis between China and Japan in the East China Sea, threatens to drag America into a military conflict in the event that hostilities break out.¶ It also resurrects a constitutional debate on the question of unilateral executive power to enforce terms of a mutual security pact. In the event of a military conflict between the Pacific nations, may President Obama authorize the use of military force to defend Japan?¶ Since 1950, presidents of both parties — Democrat and Republican, liberal and conservative alike — have asserted unilateral authority to deploy U.S. troops pursuant to the terms of a security treaty. Harry Truman invoked a U.N. Security Council resolution in 1950 as “authority” to send troops to Korea. George H.W. Bush advanced a Security Council resolution as “authorization” to deploy troops to Kuwait in 1991 in the first Gulf War.¶ Such resolutions may satisfy international law requirements for the use of force, but they fail to meet America’s constitutional law standards for initiating military hostilities or going to war. That’s important. The various security pacts to which the U.S. is a party, including mutual defense treaties, contain language declaring that the decision to deploy troops is left to each signatory state, based on its “constitutional process” for going to war. ¶ In the U.S., the constitutional process for going to war, including the initiation of lesser military hostilities, is governed by the “War Powers Clause,” found in Article 1, Section 8, which provides that Congress “shall have power to declare War.” The framers of the Constitution, to a man, agreed that Congress, not the president, should possess the sole and exclusive authority to commit troops to war. Congress might make that decision through either a formal declaration of war or a resolution, but the key constitutional requirement is that such measures must be passed by both houses of Congress.¶ American participation in mutual security pacts does not change our constitutional process for going to war. Treaties, it will be recalled, are made jointly by the president and the Senate. The House of Representatives is not part of the treaty power. If the U.S. were committed to war by a mutual defense treaty, it would be undertaken by the president and the Senate, to the exclusion of the House of Representatives. That would violate the requirements of the War Powers Clause of the Constitution.

### 2NC---AT: US Troops = Tripwire (Farley)

#### Troops don’t automatically provide authorization:

#### Japan’s enemies likely would attack an area without US troops ---for example, the Senkaku islands, which are uninhabited but are covered by the mutual defense treaty

Beina Xu 12/3/13, online writer @ the Council on Foreign Relations, “The U.S.-Japan Security Alliance,” CFR, http://www.cfr.org/japan/us-japan-security-alliance/p31437#p2

As the United States makes its "pivot" to the Asia-Pacific region, China's rapid rise has been at the center of alliance concerns. In 2010, it surpassed Japan as the world's second-largest economy, and its growing assertiveness in the East and South China Seas have prompted worries about its regional ambitions. The escalating territorial dispute over the Diaoyu/Senkaku Islands, a cluster of uninhabited islets in the East China Sea, has riled bilateral relations and led many observers to fear a military clash in those waters. Although Washington has maintained that it does not take a stance on the islands' sovereignty status, it considers them to be under Japanese administration and thus covered by the security treaty.

## Congressional Power

### Schumer

#### Schumer isn’t about war powers, it’s about legislative powers in general, and he concludes the Court makes the impact inevitable

Schumer 7 – Charles E. Schumer, JD from Harvard Law School, AB in Politics from Harvard College, Senior United States Senator from New York, Youngest Representative in the History of New York State, “Under Attack: Congressional Power in the Twenty-First Century”, Harvard Law & Policy Review, 1(1), http://web.archive.org/web/20120625034444/http://www.hlpronline.com/Vol1No1/schumer.pdf

Every basic civics text recites that our government is divided into three branches and that these three branches are co-equal partners. But as true as that once was, this system of exquisite checks and balances is at risk of being made anachronistic by recent legal and political developments. The traditional functions of Congress as lawmaker and a check on other branches have come under sustained and systematic assault from both the judicial and executive branches.

The assault from the Executive began as a gradual diminution of congressional power after a post-Nixon-era zenith, but has accelerated most dramatically under President George W. Bush. The threat to Congress from the Judiciary comes in the form of rulings invalidating congressional enactments at an alarming pace over the past ªfteen years, largely in service of a cramped interpretation of congressional authority under both the Commerce Clause and Section 5 of the Fourteenth Amendment. Together, these twin trends have undermined Congress’s role as lawmaker and its role as a bulwark against overreaching by the other branches.

Although the trends in the two other branches of American government have developed separately, they are born of the same philosophy. Commentators and political actors have traditionally focused on just one or the other trend, but in my view it is the unprecedented combination of these two threats that poses a real danger to our democracy. There is much more at stake here than institutional pride and the collective egos of 535 elected legislators. The costs of an anemic Congress over the long term are considerable.

First, continued erosion of Congress’s lawmaking power undermines democracy. Preemption of the legislative function by the President increases the concentration of power and the risk of abuse. It also decreases the transparency that accompanies a legislative process marked by open debate and compromise. Preemption of the legislative function by the Judiciary similarly diminishes democracy.

Second, in the absence of a prompt reassertion of Congress’s power, its powerlessness risks becoming institutionalized. Unflexed, congressional muscles atrophy. Handicaps created by the Executive may be difficult to dismantle. Federalism precedents espoused by the Judiciary may be impossible to undo. Even if one believes that the current President has not taken executive power too far (though I do), the next president, from whichever party, will likely continue the trend if unchecked. A compliant Congress risks permanently undermining its credibility and its relevance. When Congress needs to rein in a future president, it may find that it lacks the institutional capacity to do so.

In sum, Congress does have a role equal to the other branches and must have this equal role. It is a role envisioned by the Framers, enshrined in the Constitution, and ennobled by the historical examples of our greatest legislators. A responsible and responsive Congress can solve many of the problems America confronts, improve respect for government by providing oversight and demanding accountability, and decrease partisan gridlock in Washington.1

Undoubtedly, Congress is at something of an institutional disadvantage against the Executive. It has no agencies and bureaucracy to rival the Secretary of Defense or the Attorney General. Rather, Congress consists of 535 individual lawmakers divided between two parties and dedicated to unique and varying agendas. However, members of both parties ought to agree that our representative system demands—and the American people deserve—a Congress that is not just a rubber stamp for the Executive, but an independent, co-equal, and assertive branch of government. A Congress grown weak and compliant imperils democracy.

### Doherty Evidence

#### Says a bunch of huge overhalls to grand strategy are necessary

**Doherty 13** – Patrick Doherty, Director of the Smart Strategy Initiative at the New America Foundation, “A New U.S. Grand Strategy”, Foreign Policy, 1-9, http://www.foreignpolicy.com/articles/2013/01/09/a\_new\_us\_grand\_strategy?page=full

The strategic landscape of the 21st century has finally come into focus. The great global project is no longer to stop communism, counter terrorists, or promote a superficial notion of freedom. Rather, the world must accommodate 3 billion additional middle-class aspirants in two short decades -- without provoking resource wars, insurgencies, and the devastation of our planet's ecosystem. For this we need a strategy.

The status quo is untenable. In the United States, the country's economic engine is misaligned to the threats and opportunities of the 21st century. Designed explicitly to exploit postwar demand for suburban housing, consumer goods, and reconstruction materials for Europe and Japan, the conditions that allowed it to succeed expired by the early 1970s. Its shelf life has since been extended by accommodative monetary policy and the accumulation of household, corporate, and federal debt. But with Federal Reserve interest rates effectively zero, Americans' debt exceeding their income, and storms lashing U.S. cities, the country is at the end of the road.

Abroad, Washington's post-Cold War pattern of episodic adventurism and incremental crisis management only creates further uncertainty, and rising powers will not lead. Other major economies have little appetite for altering the global order and hence are doubling down on the old system, exacerbating trade imbalances and driving record resource extraction. As commodity prices rise, global powers are hedging ever more aggressively -- stockpiling resources and increasingly becoming entangled in conflicts in resource-rich areas. As the global economy falters, unrest rises and the great unresolved conflicts of the 20th century -- the Middle East, South Asia, North Korea, Taiwan -- grow increasingly enmeshed in the power dynamics of this new era.

Simply put, the current U.S. and international order is unsustainable, and myriad disruptions signal that it is now in a process of collapse. Until the United States implements a new grand strategy, the country will face even more rapid degradation of domestic and global conditions.

This is not an over-the-horizon danger. The interplay of four strategic antagonists is causing Americans daily harm.

Economic Inclusion

The ranks of the world's nouveaux riches are swelling. The planet is on track to welcome 3 billion new members of the global middle class in the next 20 years. For those fortunate enough to climb out of poverty, advancement translates into a 300 percent increase in income and resource consumption.

That's great for each individual, but as a whole, it will strain our planet to the breaking point. We are not ready to meet the needs of this new middle class: Over the last 20 years, the world absorbed just 1 billion new consumers. Commodity prices, which have risen more than 300 percent over the last decade, are poised for further gains -- and we know that when the prices of strategic commodities rise sufficiently, markets do not adapt so much as states intervene to gain or preserve access to them, whether energy, water, food, or strategic minerals.

Ecosystem Depletion

Human activity has disrupted the equilibrium of the Earth's planetary systems. We are emitting too much carbon, we are changing the chemistry of both freshwater and saltwater bodies, and we are overconsuming the natural capital we rely on to produce life-giving ecosystem services.

We are straining our planet to the breaking point, risking abrupt changes to the ecosystem. Climate change is the most pressing: Hurricane Sandy; droughts in the American Midwest, India, China, and Russia; accelerated Arctic melting; and record temperatures are just this past year's headlines. With no further change in policy, we will see 6-degree Celsius warming by the end of the century. Well before 2050, we will face widespread food insecurity, economic disruption, mass human migration, and regional war as these critical systems degrade further.

Contained Depression

The United States is not experiencing a mere business-cycle downturn -- this is a "contained depression." The 2008 financial crisis triggered a broad deleveraging (debt crisis) across households and businesses. Incomes failed to service record levels of consumer and corporate debt, further reducing employment and in turn reducing revenues to state and federal governments.

While Federal Reserve policy, the TARP bailout, and the stimulus bill have contained the worst of the economic pain, the limits of monetary policy are in sight. The federal funds rate is effectively zero; quantitative easing is merely propping up asset prices to contain unemployment; and Fed Chairman Ben Bernanke's "maturity extension program" has now expired, after trading $667 billion in short-term securities for longer-term notes. Meanwhile, American households and businesses have only begun to address their deep indebtedness.

Bernanke and his colleagues cannot generate the circumstances necessary to end the depression -- reviving aggregate demand and restoring the economics of lending and equity investment. Congress can't either, as pumping more stimulus dollars into the economy or fixing the federal debt won't do the trick. Consumer preferences have shifted such that pumping more money into fixing old infrastructure or directly into citizens' bank accounts will have no lasting effect beyond propping up the old, unsustainable economy and adding to deficits. In the short and medium terms, borrowing rates for the U.S. government will remain low and will not crowd out private lending, meaning the extraordinary amount of political attention being paid to long-term entitlements is misplaced.

Well before the country hits the entitlement wall, the economy is at great risk of deepening its austerity spiral as businesses shed employees to appear more profitable to shareholders. That will further reduce household incomes, decreasing demand and government revenue in turn. Meanwhile, extended American economic weakness will only exacerbate the global macroeconomic risk from the eurozone to China.

Resilience Deficit

The systems, supply chains, and infrastructure that connect our markets are fragile and prone to disruption. Today's "value chains" are designed to increase efficiency but have little redundancy. Take the March 2011 Japanese tsunami, for instance: This natural disaster curtailed production of auto parts used by all six major American and Japanese automakers, shutting down production plants across the United States and helping to drive up unemployment from 8.9 to 9.1 percent. In October 2011, flooding in Thailand led to global disruptions in U.S. computer manufacturing. Around the same time, China shut off exports of rare-earth minerals -- it produces 95 percent of the global supply -- for three months. As a result, prices for light bulbs, wind turbines, and batteries spiked.

It's not just supply chains. Infrastructure arrears in the United States alone stand at $2.2 trillion. And that is just to get the bridges, roads, railways, schools, ports, and airports that undergird the Cold War-era economic engine up to standard. America's food system periodically spreads E. coli and other pathogens across the country. And in 2008, we watched as toxic mortgage-backed assets from the American market spread globally, contributing to disruptions from the Royal Bank of Scotland to the Greek treasury.

These four challenges -- inclusion, depletion, depression, and resilience -- are the four horsemen of the coming decades. They will determine both economic performance and geopolitical threats. Worse, they are interdependent: We cannot accommodate 3 billion new consumers without addressing climate change, America's austerity spiral, or the design of the country's outmoded infrastructure. It is, as the engineers say, a wicked problem. Yet, large though it is, America has a tool for addressing this scale of challenge.

A Return to Grand Strategy

For the United States, a grand strategy is a generation's plan to create the global conditions necessary for the country to pursue the great purposes set forth in the preamble of the U.S. Constitution. It looks at the world, it looks at America, and it defines the broad path the country must take to advance its most sacred objectives.

Throughout U.S. history, grand strategy has navigated between two unacceptable extremes: Empire America and Fortress America. Being an empire -- governing other lands and peoples outside the U.S. Constitution -- is an affront to America's core principles of democracy and self-government. Isolationism, in turn, risks the certain rise of unacceptable threats to commerce, security, and basic American values.

To meet the global challenges of World War II and the Cold War, U.S. leaders innovated in the design of grand strategy. As practiced by Presidents Franklin D. Roosevelt, Harry Truman, and Dwight Eisenhower, grand strategy became the correlation of America's economic engine, its foreign policy, and its governing institutions to meet the great global challenge of the era.

In both World War II and the Cold War, the secret to America's success was that the country harnessed its economy to do the heavy lifting. In World War II, America became the Arsenal of Democracy, outproducing the Axis. The country enlisted its industry to arm and equip its allies while building up its own military from 450,000 troops to 16 million; it aggressively pursued the war aims enshrined in the Atlantic Charter; and it reorganized government to enable it to pursue both aims. In the Cold War, America could not defeat the Soviets militarily, so it organized a system of containment to best them in a longer-term contest of economic and political systems.

And best them America did. To ensure the Soviets' defeat, Truman and Eisenhower did not leave the economic contest to any invisible hand. Rather, they systematically oriented the U.S. economy to take advantage of the demand in the system: suburban housing, consumer goods, and reconstruction materials for Europe and Japan. By living the American Dream, Americans helped stop Soviet advances.

By the time candidates John F. Kennedy and Richard Nixon debated in 1960, Eisenhower's grand strategy had fused with America's cultural DNA -- it was fully adopted and internalized by both political parties, corporate leadership, government bureaucracy, and the American people. Since the Soviet Union's 1991 collapse, however, the United States has failed to identify, adopt, or implement a revised grand strategy.

Instead, over the past 20 years, the United States' default strategy has been to incrementally adjust national security and economic policies to defend and extend its Cold War economic engine. The result is the unsustainable U.S. and international order.

A New Grand Strategic Concept

In the face of the present danger and in the best tradition of the republic, America's response must be to lead. The country must put its own house in order and, with willing partners, author a prosperous, secure, and sustainable future. The task is clear: The United States must lead the global transition to sustainability.

While some great powers and world capitals have been warning of these dangers for some time, it is clear that the effort ultimately requires an upgrade to the current international system. This will require the kind of principled, consistent leadership and hard-nosed geopolitics that only America, at its best, is able to deliver.

America must once again start at home. For a limited time, it will be able to transition its economy to generate sustainable prosperity from deep pools of demand and underutilized capital. Once America commits, with its credibility on the mend and its economy as a wind at its back, it must then lead a new global partnership of major economies to adapt the international order. The halting logic of unwieldy climate negotiations will be supplanted by harnessing the greater force of economic self-interest: The United States will have to work with its partners to forge, implement, and verify a durable transition framework among the world's major economies.

Throughout the transition, America will have to build and strengthen capable partners to provide basic security assurances. Political boundaries will only change through a transparent process of self-determination; global commons will remain open and secure; and sovereignty will be limited only by the responsibility to protect.

This isn't going to be easy. To achieve all this, Washington must redesign its institutions of governance, consistent with the U.S. Constitution, to ensure that government has the appropriate authorities and capabilities, and no more, to implement this strategy at home and abroad.

### 1NC---Congress Fails

#### This failure is systemic---best ev

Dennis Jett 8, served as the United States ambassador to Mozambique and Peru under the Clinton administration and is currently a professor of international relations at the School of International Affairs at the Pennsylvania State University. From 2000 to 2008, he was the Dean of the International Center and lecturer of political science at the University of Florida, Why American Policy Fails, 1-4

This book might appear in parts to be another of the growing number of books critical of the regime currently in power in Washington. The problem it describes, however, is systemic and will continue regardless of who is president. The lack of a foreign policy won’t depend on which party holds the White House or controls the Congress, and that should give even the partisans on both sides of the aisle pause. The cause of this situation is not obvious, making it even more important to attempt to explain why it came about. While citizens should understand how their government works, there are good reasons why that doesn’t happen. Those who are in government, or depend on it for their livelihood, rarely believe transparency will make their work any easier. Understanding also often eludes average citizens because they don’t have the time, interest, or ability to gather enough information and examine government actions enough to understand the policies and, more importantly, the motivations behind them. The 28 years I spent in the State Department, including two ambassadorships and service on the National Security Council (NSC), have given me some understanding of the way the U.S. government works. Having retired, I can now consider the effects of Washington’s deci- sions without having any obligation to defend them. In spending the years since my retirement in 2000 in academia, I have gained an appreciation for the theories of international relations and the ways in which scholars approach the subject. I have also been left with the belief that the theories being taught provide little real understanding of how the United States relates to other countries today, and with the feeling that this doesn’t matter much on campus. This book will offer a description of what the process of formulat- ing foreign policy is really like, how it got that way, and why it may not change much in the future. It will also challenge conventional wisdom, the assertions of politicians, and academic theories. It won’t pretend to deﬁ nitively settle the debate about how foreign policy is or should be made or about what the end results ought to be. That will never happen. The process is far too complex and subject to too many inﬂ uences to ever be explained deﬁ nitively in a simple theory. Some will reject this description for a number of reasons, but at least it will provide a different perspective and, hopefully, stimulate some discus- sion of what that policy should be and how it ought to be made. Such a discussion is not just a theoretical exercise or an academic debate. It is critically important to the future of the United States and goes to the heart of why, thus far in the twenty-ﬁ rst century, American foreign policy has been a colossal failure. When a nation is despised and distrusted abroad, it will be unsafe at home. And virtually every poll taken indicates the United States is plumbing new depths in terms of how it is perceived overseas. Even in Australia, traditionally one of America’s closest allies, as many people ranked American foreign policy as a threat to stability in the world as listed Islamic fundamentalism.1 In another poll, 36 percent of the Europeans questioned listed the United States as the biggest threat to global stability. Only 30 percent thought it was Iran, and a mere 18 percent put China ﬁ rst.2 A poll released by the BBC in January 2007 that surveyed 26,000 people in 25 countries showed a steady deterioration in the standing of the United States abroad. The poll found that only 32 percent of the people surveyed believe that U.S. inﬂ uence in the world is mainly positive, while 49 percent consider it mainly negative. Even among Americans themselves, conﬁ dence in the impact of the United States is falling. A majority of the Americans polled (57 percent) still believe their country to be a mainly positive inﬂ uence, but this has fallen from 63 percent a year ago and 71 percent two years ago.3 Some will respond to those dismal ﬁ gures by asserting that foreign policy is not a popularity contest and therefore polls don’t matter. The result of this growing unpopularity, however, is that America’s soft power—the ability to persuade other countries to follow its lead and support its position on issues—is steadily being weakened. And that leaves only America’s hard power—its military might—with which to coerce others into acquiescing in U.S. efforts to achieve its goals. Or it means accepting that its goals won’t be achieved. And as the strains placed on the American military by the commitments in Iraq and Afghanistan demonstrate, even the world’s only superpower has signiﬁ cant limitations. American policy has become so unpopular abroad because it is designed mainly to respond to the desires and dictates of speciﬁc groups at home regardless of its impact overseas. Put another way, in the United States there is no longer any useful distinction between the way domestic and foreign policies are made. Now both foreign policy and domestic policy emanate from the same marketplace that characterizes Washington and its decision-making process. The idea that foreign policy is just one more commodity in the Washington marketplace is contrary to what is often believed and taught. Consider this paragraph from the 28th edition of American Foreign Policy, an annually updated collection of articles on foreign policy that serves as a companion to popular undergraduate textbooks on the subject: Conventional political wisdom holds that foreign policy and domestic policy are two very different policy arenas. Not only are the origins and gravity of the problems different, but the political rules for seeking solu- tions are dissimilar. Where partisan politics, lobbying and the weight of public opinion are held to play legitimate roles in the formulation of health, education, or welfare policy, they are seen as corrupting inﬂuences in the making of foreign policy. An effective foreign policy demands a quiescent public, one that gives knowledgeable professionals the needed leeway to bring their expertise to bear on the problem. It demands a Congress that unites behind presidential foreign policy doctrines rather than one that investigates failures or pursues its own agenda. In brief, if American foreign policy is to succeed, politics must stop “at the water’s edge.”4 The book goes on to say that this belief is not shared by all who write on the topic and that there are dissenters to this view. For those who adhere to the “conventional wisdom,” foreign policy is appar- ently too remote, too abstract, and too critically important to the nation’s security to be affected by domestic politics. They assume politicians recognize this and that they generally act accordingly even though they would probably admit there are exceptions. The view that domestic politics never intrudes on foreign policy could be held only by someone who has never met a politician. The idea that the two are so different may be “conventional wisdom” for many, but it is also wrong. If it is indeed widely held, then there is a considerable lack of appreciation for how the world has changed and how that has affected the process of making foreign policy.

## Warfighting

### 2NC---No Impact

#### No impact to hegemony

Friedman 10—research fellow in defense and homeland security, Cato. PhD candidate in pol sci, MIT (Ben, Military Restraint and Defense Savings, 20 July 2010, http://www.cato.org/testimony/ct-bf-07202010.html)

Another argument for high military spending is that U.S. military hegemony underlies global stability. Our forces and alliance commitments dampen conflict between potential rivals like China and Japan, we are told, preventing them from fighting wars that would disrupt trade and cost us more than the military spending that would have prevented war. The theoretical and empirical foundation for this claim is weak. It overestimates both the American military's contribution to international stability and the danger that instability abroad poses to Americans. In Western Europe, U.S. forces now contribute little to peace, at best making the tiny odds of war among states there slightly more so.7 Even in Asia, where there is more tension, the history of international relations suggests that without U.S. military deployments potential rivals, especially those separated by sea like Japan and China, will generally achieve a stable balance of power rather than fight. In other cases, as with our bases in Saudi Arabia between the Iraq wars, U.S. forces probably create more unrestthan they prevent. Our force deployments can also generate instability by prompting states to develop nuclear weapons. Even when wars occur, their economic impact is likely to be limited here.8 By linking markets, globalization provides supply alternatives for the goods we consume, including oil. If political upheaval disrupts supply in one location, suppliers elsewhere will take our orders. Prices may increase, but markets adjust. That makes American consumers less dependent on any particular supply source, undermining the claim that we need to use force to prevent unrest in supplier nations or secure trade routes.9 Part of the confusion about the value of hegemony comes from misunderstanding the Cold War. People tend to assume, falsely, that our activist foreign policy, with troops forward supporting allies, not only caused the Soviet Union's collapse but is obviously a good thing even without such a rival. Forgotten is the sensible notion that alliances are a necessary evil occasionally tolerated to balance a particularly threatening enemy. The main justification for creating our Cold War alliances was the fear that Communist nations could conquer or capture by insurrection the industrial centers in Western Europe and Japan and then harness enough of that wealth to threaten us — either directly or by forcing us to become a garrison state at ruinous cost. We kept troops in South Korea after 1953 for fear that the North would otherwise overrun it. But these alliances outlasted the conditions that caused them. During the Cold War, Japan, Western Europe and South Korea grew wealthy enough to defend themselves. We should let them. These alliances heighten our force requirements and threaten to drag us into wars, while providing no obvious benefit.

#### Kagan’s wrong on every central aspect of U.S. hegemony vs. multipolar alternatives

Leon Hadar 12, Cato Institute research fellow in foreign-policy studies, February 22, 2012, “The Reality of America's Global Power,” online: <http://www.realclearworld.com/printpage/?url=http://www.realclearworld.com/articles/2012/02/22/the_reality_of_americas_global_power_99915-full.html>

As a life-long hypochondriac, I was laughing out loud when reading the tragic-comic inscription on the tombstone located in the cemetery in Key West, Florida: 'I Told You I Was Sick!'¶ I could imagine the poor guy confronting family and friends and insisting to no avail that what he had was more than just the common cold or the seasonal flu. ¶ 'You are not sick,' is the kind of reassuring message that Robert Kagan is sending to the nation's foreign policy hypochondriacs aka 'declinists' in his new non-fiction book The World America Made, contending that America is in tip-top military and economic health and ready to take care of the rest of the world. He recalls that the same kind of hypochondriacs had complained that America was really, really in decline in the aftermath of the Vietnam War. ¶ But, as the sad case of our late Key Westerner demonstrates, even hypochondriacs do get sick. In the same way, great powers do decline, both in relative and absolute terms. Hence American global economic power started to decline relative to rising economic players like Japan and Germany in the post-1945 era, and relative to China and India more recently. ¶ And while in absolute terms the US continues to maintain the largest economy - and remains the pre-eminent military superpower based on any standard one applies - it still has to operate by the realist axiom that in the long run, no great power can preserve its military superiority on the basis of a weakening economic superstructure. ¶ Kagan, the son of a renowned historian who had studied the Peloponnesian War and the brother of the author of a book on the Napoleonic Wars, likes to present himself as a hard-core Realpolitik analyst of foreign policy, and tends to bash his intellectual rivals, the so-called 'declinists' as idealists. He says they place their faith in the dreamy notions of an evolving international community and the abolition of war through peaceful diplomacy and international law. ¶ Not unlike your average hypochondriac who dismisses the advice of the medical doctor, these declinists refuse apparently to face reality and listen to a rational scientist of power like Kagan, and instead assume that the US interests and values would continue to prosper in the more multipolar system in the kind of post-American world that commentator Fareed Zakaria imagined in his book on the same subject. ¶ His views matter now as he is a top foreign adviser to Republican presidential candidate Mitt Romney. ¶ But if anything, it is Kagan who refuses to face the reality of current American global power. He also misrepresents the views of Zakaria and other realist foreign policy analysts who believe that the most ineffective way to maintain American power and influence is by continuing to do what Kagan has been advocating since the end of the Cold War - engaging in unnecessary and wasteful wars in the Middle East and picking-up costly diplomatic fights with China and Russia while raising US defence budget to the stratosphere, igniting anti-American sentiment worldwide and eroding US credibility. ¶ Which brings me back to the inscription in the Key West cemetery. Imagine now that the physician who was taking care of that very sick Key Westerner - let's call him Dr Kagan - was not only dismissing the dangerous symptoms exhibited by his patient. How would we have reacted when we found out that the medical doctor was actually the one who had recommended that his patient take an health-inducing (and democracy promoting) trip to the Greater Middle East - with a long stay in Iraq - where the poor man contracted the deadly virus that led eventually to his demise? ¶ Military quagmires¶ Indeed, there is an element of the theatre of the absurd in the spectacle of Kagan, the geo-strategist who was the leading intellectual cheer-leader for the decisions to invade Iraq and launch the Freedom Agenda in the Middle East that were so central to the erosion of US global position. He is now lashing out at others for their lack of faith in American power that he had so helped to diminish so much. ¶ Kagan also fails to recognise that the policies he and other neo-conservative intellectuals advocated - that were embraced by the Administration of George W Bush - played directly into the hands of the Chinese, who were delighted to see the Americans drown in the military quagmires in the Middle East while they were spending their time and resources in opening new markets for their trade and investments, including in Afghanistan and Iraq where security was being provided by US troops. ¶ And much of what Kagan writes about the potential threat to the post-World War II international system created by the US makes little sense. The policies pursued by the second Bush Administration based on the unilateral and pre-emptive strikes against against real and imaginary aggressors with weapons of mass destruction, and right and obligation of the US to do 'regime changes' in other sovereign nation-states, were the ones that ran contrary to the set of international rules promoted by the US and its allies after 1945. ¶ In fact, these policies violated international rules established by the Westphalian Peace of 1648 to which China and Russia continue to adhere (hence, their most recent opposition to Western military intervention in Syria). ¶ Moreover, it seems that Kagan believes that continuing to accumulate power and using it more often is the surest way prevent American decline. Pre-occupied with the high-brow discourse about high-power he refrains from engaging in such 'boring' subjects, like how to fix America's fiscal problems, to revive its manufacturing base, and to reform its ailing public education system. ¶ All Americans need to do is to believe in their power - and it will come to be. ¶ It is quite depressing to see that despite the fact that Kagan the geo-strategist has been so wrong in the past and helped to contribute so much to the decline in American power, he continues to be taken seriously by American policymakers and the media.

#### The only empirical data proves U.S. hegemony’s unrelated to great power peace---every key factor in global stability is decoupled from U.S. primacy

Christopher Fettweis 10, Professor of Political Science at Tulane University, 2010, Dangerous Times? The International Politics of Great Power Peace, p. 175-176

It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as evidence for the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only data we have regarding the likely systemic reaction to a more restrained United States suggests that current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

If the only thing standing between the world and chaos is the U.S. military presence, then an adjustment in grand strategy would be exceptionally counterproductive. But it is worth recalling that none of the other explanations for the decline of war—nuclear weapons, complex economic interdependence, international and domestic political institutions, evolution in ideas and norms— necessitate an activist America to maintain their validity. Were America to become more restrained, nuclear weapons would still affect the calculations of the would-be aggressor; the process of globalization would continue, deepening the complexity of economic interdependence; the United Nations could still deploy peacekeepers where necessary; and democracy would not shrivel where it currently exists. Most importantly, the idea that war is a worthwhile way to resolve conflict would have no reason to return. As was argued in chapter 2, normative evolution is typically unidirectional. Strategic restraint in such a world would be virtually risk-free.

## Intervention

### 2NC---Obama Solves

#### No interventionism AND Congress wouldn’t solve anyway

Tomasky 11 – Newsweek correspondent, editor of Democracy: A Journal of Ideas (8/23, Michael, The Daily Beast, “Obama’s True Claim to Fame”, http://www.thedailybeast.com/articles/2011/08/23/president-obama-s-libya-triumph-a-great-foreign-policy-presidency.html)

Yes, of course, let’s stipulate: the war isn’t actually, you know, over. And even after it is, Libya could descend into chaos or extremism or both (although it is heartening to read that the National Transitional Council, the recognized new governing body, apparently has detailed governance plans in place). So could Egypt, and Tunisia, and so on and so on. Lots of things could, can, and undoubtedly will go wrong. Let’s also stipulate that Obama did not drape himself only in glory on Libya. The administration’s statement in June that the conflict wasn’t under the purview of the War Powers Act because bombing didn’t constitute “hostilities” was ridiculous. And many critics reasonably felt back in March that Obama was a little slow to pull the trigger on the intervention (I didn’t share that view). All that said, the administration has already handled a lot of these changes well (and in the face of absolutely constant know-it-all criticism). One of the best things an American administration can do when big changes are afoot somewhere in the world is stay out of the way and not act as if we can will an outcome just because we’re America. We have a group in this country that likes to will outcomes, and their track record demonstrates that that doesn’t work so well (unless you think, apropos Iraq, that eight years and more than 100,000 lives later defines “well”). Obama has been more in the mold of George H.W. Bush and his secretary of state, Jim Baker, when the Eastern bloc was throwing off Moscow’s shackles. Offer encouragement and stability, give a few speeches about freedom, but otherwise let them do their own work. Obama took a lot of stick for not being more forceful on Egypt in February, but he was right to be cautious—there were lots of stakeholders involved, and sorry, but the president of the United States just can’t say every sweet thing romantics would like him to say. He then, as noted, took heat for moving too slowly on Libya, but here again he was correct. The nature of the Libyan regime is not a direct national-security issue, so there absolutely had to be a specific trigger to justify acting. That trigger was Gaddafi’s threatened assault on Benghazi. That was completely the right thing to do. It was as textbook a fulfillment of “R2P,” or “responsibility to protect,” as one could imagine. The subsequent bombing campaign took longer than advertised, but it has apparently done the job, quickly and with far smaller loss of life (including zero U.S. deaths) than if we’d followed John McCain and Lindsey Graham’s advice and gone in with ground troops. Next comes Syria. Conservatives are pushing Obama to take stronger steps. Maybe he should. I argued back in the spring, before Obama imposed sanctions on Assad, that he needed to be more forceful. But now he has imposed those sanctions and said Assad should step down. Doing much more seems dubious. Bashar al-Assad will go. It’s a matter of when. Better to let it play out. If a true R2P situation arises, then Obama will have to make some decisions. But it’s far better to let the Syrians do this themselves, if they can. We cannot prevent every casualty. That’s starting to sound like a doctrine to me. Call it the doctrine of no doctrine: using our power and influence but doing so prudently and multilaterally, with the crucial recognition that Egypt is different from Libya is different from Syria is different from someplace else. According to the foreign-policy establishment, if you want to have a self-respecting big-D doctrine, you’re not supposed to recognize differences. The doctrine must guide all cases. But that is exactly the kind of thinking that has led—always—to tragedy. The Truman Doctrine was never meant to be applied to Vietnam. The Bush Doctrine was applied to Iraq based on a series of lies told to the American people. And so on. If the Obama Doctrine is nothing like those, so much the better.

#### Intervention impact is all hype --- historical record strongly denies

Brooks et al. 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

temptation. For many advocates of retrenchment, the mere possession of peerless, globe-girdling military capabilities leads inexorably to a dangerous expansion of U.S. definitions of national interest that then drag the country into expensive wars. 64 For example, sustaining ramified, long-standing alliances such as NATO leads to mission creep: the search for new roles to keep the alliance alive. Hence, critics allege that NATO’s need to “go out of area or out of business” led to reckless expansion that alienated Russia and then to a heedless broadening of interests to encompass interventions such as those in Bosnia, Kosovo, and Libya. In addition, peerless military power creates the temptation to seek total, non-Clausewitzian solutions to security problems, as allegedly occurred in Iraq and Afghanistan. 65 Only a country in possession of such awesome military power and facing no serious geopolitical rival would fail to be satisfied with partial solutions such as containment and instead embark on wild schemes of democracy building in such unlikely places. In addition, critics contend, the United States’ outsized military creates a sense of obligation to use it if it might do good, even in cases where no U.S. interests are engaged. As Madeleine Albright famously asked Colin Powell, “What’s the point of having this superb military you’re always talking about, if we can’t use it?” Undoubtedly, possessing global military intervention capacity expands opportunities to use force. If it were truly to “come home,” the United States would be tying itself to the mast like Ulysses, rendering itself incapable of succumbing to temptation. Any defense of deep engagement must acknowledge that it increases the opportunity and thus the logical probability of U.S. use of force compared to a grand strategy of true strategic disengagement. Of course, if the alternative to deep engagement is an over-the-horizon intervention stance, then the temptation risk would persist after retrenchment. The main problem with the interest expansion argument, however, is that it essentially boils down to one case: Iraq. Sixty-seven percent of all the casualties and 64 percent of all the budget costs of all the wars the United States has fought since 1990 were caused by that war. Twenty-seven percent of the causalities and 26 percent of the costs were related to Operation Enduring Freedom in Afghanistan. All the other interventions—the 1990–91 Persian Gulf War, the subsequent airstrike campaigns in Iraq, Somalia, Bosnia, Haiti, Kosovo, Libya, and so on—account for 3 percent of the casualties and 10 percent of the costs. 66 Iraq is the outlier not only in terms of its human and material cost, but also in terms of the degree to which the overall burden was shouldered by the United States alone. As Beckley has shown, in the other interventions allies either spent more than the United States, suffered greater relative casualties, or both. In the 1990–91 Persian Gulf War, for example, the United States ranked fourth in overall casualties (measured relative to population size) and fourth in total expenditures (relative to GDP). In Bosnia, European Union (EU) budget outlays and personnel deployments ultimately swamped those of the United States as the Europeans took over postconflict peacebuilding operations. In Kosovo, the United States suffered one combat fatality, the sole loss in the whole operation, and it ranked sixth in relative monetary contribution. In Afghanistan, the United States is the number one financial contributor (it achieved that status only after the 2010 surge), but its relative combat losses rank fifth. 67 In short, the interest expansion argument would look much different without Iraq in the picture. There would be no evidence for the United States shouldering a disproportionate share of the burden, and the overall pattern of intervention would look “unrestrained” only in terms of frequency, not cost, with the debate hinging on whether the surge in Afghanistan was recklessly unrestrained. 68 How emblematic of the deep engagement strategy is the U.S. experience in Iraq? The strategy’s supporters insist that Iraq was a Bush/neoconservative aberration; certainly, there are many supporters of deep engagement who strongly opposed the war, most notably Barack Obama. Against this view, opponents claim that it or something close to it was inevitable given the grand strategy. Regardless, the more important question is whether continuing the current grand strategy condemns the United States to more such wars. The Cold War experience suggests a negative answer. After the United States suffered a major disaster in Indochina (to be sure, dwarfing Iraq in its human toll), it responded by waging the rest of the Cold War using proxies and highly limited interventions. Nothing changed in the basic structure of the international system, and U.S. military power recovered by the 1980s, yet the United States never again undertook a large expeditionary operation until after the Cold War had ended. All indications are that Iraq has generated a similar effect for the post–Cold War era. If there is an Obama doctrine, Dominic Tierney argues, it can be reduced to “No More Iraqs.” 69 Moreover, the president’s thinking is reflected in the Defense Department’s current strategic guidance, which asserts that “U.S. forces will no longer be sized to conduct large-scale, prolonged stability operations.” 70 Those developments in Washington are also part of a wider rejection of the Iraq experience across the American body politic, which political scientist John Mueller dubbed the “Iraq Syndrome.” 71 Retrenchment advocates would need to present much more argumentation and evidence to support their pessimism on this subject.

# 1NR

## Politics

#### TPA is a BIGGER internal link to their Asia impacts---solves SCS and deters all China conflict

Patrick Mendis 13, Senior Fellow and Affiliate Professor at the School of Public Policy, George Mason University., March 13th, 2013, How Washington’s Asia pivot and the TPP can benefit Sino–American relations, http://www.eastasiaforum.org/2013/03/06/how-washingtons-asia-pivot-and-the-tpp-can-benefit-sino-american-relations/

But Washington’s pivot strategy is better understood within a new framework of mutually assured prosperity (MAP) — a twist on the Cold War containment practices backed by a doctrine of mutually assured destruction (MAD).¶ First, at present, strong interdependent economic relations exist as importer–exporter, debtor–creditor and consumer–producer between the United States and China. This already forces the two countries to caution and resort to trade diplomacy within the WTO framework, rather than retaliatory competition or military threats to resolve differences.¶ Second, Sino–American trade and commercial history suggests that convergence between the two largest economies — intensifying indirectly and multilaterally through the TPP — may instead solidify this existing symbiotic economic relationship. Since America’s founding, commerce has been the uniting factor among states and with foreign nations. To achieve Thomas Jefferson’s vision of an ‘Empire of Liberty,’ Alexander Hamilton devised an ingenious strategy that entailed a strong manufacturing base, a national banking system, the centralised federal government and an export-led economic and trade scheme protected by the US Navy. Similarly, Deng Xiaoping’s export-led liberalisation of Chinese economic policy also implicitly recognised the role of trade and commerce as a unifier of peoples.¶ There are three dimensions to the new MAP framework — geopolitics, geo-economics and geo-security — intertwined to the extent that the lines of distinction between each are blurred. Geopolitically, Washington’s re-engagement with the Asia Pacific after a decade of distraction is not so much a paradigm shift as the revival of a traditional and historic role. Since the Cold War, the United States has underwritten the regional security architecture through bilateral ties with allies such as Australia, Japan, South Korea, the Philippines and Thailand. In recent years as South China Sea tensions have intensified, Beijing’s perceived use of force in its own neighborhood causes weaker states to question the necessity of its current status as a regional hegemon, and to look for a balancer. America’s return to the Asian region reassures stakeholders that China will not overwhelm its neighbors.¶ Economically, through trade engagement and transparency via the TPP, Washington affords smaller countries the opportunity to collectively rebalance asymmetries in bilateral trade with China without undermining China as a valued and vital trade partner. This simultaneously eliminates the need for naval competition, reducing the likelihood of hostile engagement over South China Sea disputes of the so-called gunboat diplomacy sort — a term often applied to Washington’s historically preferred method of advancing foreign trade policy objectives in Asia.¶ Meanwhile, from a security perspective, China will be able to continue to prosper from regional stability. The expansion of Chinese military capabilities and the establishment of ports of call for PLA Navy ships will seem less threatening if the US Navy is engaged in the region in a cooperative, multilateral fashion, avoiding direct confrontation but implicitly projecting the show of force without war to restrain the adversarial behaviour. This may give China the space to ease into its role as the dominant — but not domineering — regional power in a way that will best serve its own economic growth and national security interests. It is also the finest insurance policy for China that holds over $1 trillion worth of American treasury securities.¶ Ultimately, a regional TPP-led free trade zone is the best ‘pacifying’ security architecture for long-term stability between the two economic superpowers in the Pacific Ocean.The TPP will deliver benefits for individual restraint between the two power centres, and may advance regional development, encourage the integration of the Chinese economy, and allow surrounding nations to hedge their bets on (and therefore contribute to) China’s ‘Peaceful Rise.’ In the Asian century, alliances are complex, and multilateralism and flexibility are the new currency. This era of Sino–American relations will require measured diplomacy.

#### Obama has just enough PC for trade promotion

Business Times Singapore 1/23 Chance for Obama to push trade agenda, 1/23/14, Lexis.

AS US President Barack Obama prepares to deliver his sixth State of the Union address next Tuesday evening, he may already be regarded by his adversaries as a lame-duck president whose dwindling power discourages other political players from cooperating and making deals with him. While Mr Obama is expected to serve three more years in office, there is a sense among Washington insiders that his ability to continue pursuing his policy agenda has been considerably curtailed after his performance during the first year of his second term.¶ Indeed, despite his impressive re-election victory, a determined Republican-controlled House of Representatives continued rejecting all of Mr Obama's major initiatives, ranging from new gun control legislation to immigration reform and new environmental rules, not to mention resistance to a bipartisan deal to put America's fiscal house in order.¶ At the same time, even the White House's most ardent supporters agree that the Obama administration has botched the rollout of the Affordable Care Act (ACA), aka "Obamacare", which was considered to be Mr Obama's signature legislative achievement. And while Mr Obama has resisted pressure to entangle the United States in new military conflicts, his handling of several crucial foreign policy challenges has been less than effective.¶ No surprise then that he has been experiencing a plummeting in his popularity in recent months. There is a growing perception that he may lack the skills or the resolve to get things done according to his wishes.¶ But starting with his prime-time State of the Union address, Mr Obama has an opportunity to launch a course correction and push forward new policy initiatives. In a way, the perception that he is a lame duck gives him a political advantage. Since he won't be running for another term, he is now in a stronger position to advance policies and even make unpopular decisions.¶ In this context, he may have a unique strategic advantage if he decides to use some of his remaining political capital to pursue his ambitious global trade agenda, which includes negotiating historic free trade deals with the Pacific Rim economies and the European Union. These ideas are backed by a coalition of pro-free trade members of Congress, including the majority of Republicans, but have been resisted by a large number of Democratic lawmakers.¶ The president could highlight during his address next week the contribution that growing trade would make in strengthening the American economy. His first step in that direction should be to call on Congress to extend his trade promotion authority. That could help recreate a bipartisan pro-free trade coalition and mobilise support for policies that would not only revitalise the Obama presidency, but also strengthen US global leadership and boost the world economy.

#### The counterplan unites Obama’s push for TPA which makes success likely---only the PLAN shatters Dem unity

NYT 2-16 – New York Times, 2/16/14, “Global Trade Talks Threaten Obama’s Longtime Balancing Act,” http://www.nytimes.com/2014/02/17/us/politics/global-trade-talks-threaten-obamas-longtime-balancing-act.html?\_r=0

Aficionados liken trade expansion to riding a bicycle: If it does not move forward, it tips over. Under President Obama, the bicycle has wobbled.

But it has not fallen. Whether Mr. Obama can keep that from happening, while juggling competing priorities, is a big question mark over his second-term economic and foreign policy agenda.

He plainly wants to achieve the Trans-Pacific Partnership deal that the United States is currently negotiating with Asian countries and, less urgently, a separate pact with the European Union. Both hold the promise of accelerating global economic growth, which has been sluggish.

But they conflict with another, more immediate political goal: to preserve unity among fellow Democrats. Many of them believe that those deals would undercut efforts to narrow income inequality and therefore complicate the party’s campaign for midterm House and Senate elections.

Those competing pressures have come into sharper focus lately. Mr. Obama plans to travel to Asia in April, by which time his administration hopes to have Trans-Pacific Partnership talks all but wrapped up.

However, Democratic leaders in Congress have openly rejected legislation Mr. Obama wants that would smooth the path for those deals.

Not only has the president declined to challenge them, but Vice President Joseph R. Biden Jr. last week acknowledged in a meeting with Democratic lawmakers that “local political priorities” prevented action on the legislation now.

That balancing act has marked Mr. Obama’s approach since 2008. Courting union voters who blame globalization for stagnant wages, Obama the candidate spoke of renegotiating the North American Free Trade Agreement. Then, as president, he dropped the idea.

He won approval, on revised terms, of agreements with Colombia, Panama and South Korea that he inherited from the George W. Bush administration. But new trade deals took a back seat to economic recovery, Wall Street regulation and health care during his first term.

Global trade talks through the World Trade Organization, which began in 2001 and stalled during the Bush administration, continued to languish. Critics faulted the administration for lukewarm commitment at the expense of growth and expanded exports.

“It’s a major problem for global economies that the multilateral trading system is stuck in the mud,” said Susan Schwab, who served as Mr. Bush’s trade representative.

“President Obama is playing catch-up on trade,” added James Bacchus, a Democratic former congressman and trade official under President Jimmy Carter.

Mr. Obama’s trade representative, Michael Froman, disputes that Mr. Obama has played down the issue.

In December, W.T.O. talks in Bali produced a modest accord to cut red tape. The next month, the United States and major trading partners decided to seek agreement on free trade of environmentally friendly “green goods.”

Together with the potential Asian and European deals, it represents “among the most ambitious trade agendas in history,” Mr. Froman said in an interview.

Mr. Obama has, however, allowed the window for achieving it to narrow. Though he called on Congress to enact “Trade Promotion Authority” in his State of the Union address, he has not pressed for action as vigorously as on other issues like raising the minimum wage.

The House Democratic leader, Nancy Pelosi, and her Senate counterpart, Harry Reid, have both waved off his request for this year. Mr. Obama picked a leading Democratic trade advocate, retiring Senator Max Baucus of Montana, as his new ambassador to China. The maneuver was designed in part to increase Democrats’ chances of holding Mr. Baucus’s seat.

Presidents value the Trade Promotion Authority because it forces Congress to vote up or down on trade deals, shielding them from House and Senate amendments at the behest of corporations, unions, environmental groups or other interests. It also helps negotiating partners conclude agreements by clarifying the United States’ bottom line.

“Unless the administration has T.P.A., it’s not an endgame,” said Joshua Meltzer, a trade scholar at the Brookings Institution and a former Australian trade official.

As a fallback strategy, Mr. Obama and his aides now aim to flip that dynamic around. They hope to persuade lawmakers to grant that authority after midterm elections by showing them a tentative Asia deal.

That would leave little time for action before the 2016 presidential primary season — which, if 2008 is any guide, will probably amplify Democratic resistance.

The stakes for Mr. Obama extend beyond the economy. The Trans-Pacific Partnership represents a central element of his attempt to “pivot” American foreign policy toward Asia and its growing power.

His challenge is a mirror image of the one facing Republicans on immigration. Republican presidential aspirants feel pressure to court Hispanic voters that many House members and senators, because of the contours of their constituencies, do not.

Two decades ago, President Bill Clinton established trade expansion as a tenet of efforts by modern Democrats to promote growth and court the support of businesses. He won over enough intraparty allies to join with Republican backers and win passage of Nafta as well as admit China to the W.T.O. (Mr. Clinton waited to embrace Nafta until after the 1992 Democratic primaries, however, in deference to the same intraparty pressures Mr. Obama faces now.)

That could happen again before Mr. Obama leaves office. Mr. Reid, the Senate majority leader, will not feel the same imperative to block a president of his party after the battle to preserve Democrats’ Senate majority has concluded.

But like Republicans whose gerrymandered districts have few Hispanic voters, many union-friendly House Democrats heed different voices than presidents do. They insist that trade expansion keeps squeezing low-income workers through escalating competition with cheaper foreign labor.

Mr. Obama “wants to battle the plague of income inequality and he wants to expand the Nafta model,” David E. Bonior, a former House Democratic whip, wrote last month in The New York Times. “But he cannot have it both ways.”

The White House insists he can. But bucking that resistance, as Mr. Clinton did, would require a stronger presidential push.

#### Yes Dems

WSJ 2/3/14

Fractures Emerge Between Obama, Congressional Democrats

Coming Midterms Complicate White House's Agenda on Trade, Energy, Health Care

http://online.wsj.com/news/articles/SB10001424052702304851104579361340885310508?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702304851104579361340885310508.html

Despite those tensions, Democrats and White House officials say they remain united on major elements of the legislative and political agenda, such as the extension of unemployment benefits that lapsed late last year. "There is far more that Democrats in Congress and the president agree on than there are areas where there might be differences," said Obama pollster Joel Benenson.

#### \*\*Putting pressure on Reid is key to passage---and failure on TPA destroys the overall trade agenda

Ramesh Ponnuru 2-20, Bloomberg View columnist, visiting fellow at the American Enterprise Institute and senior editor at the National Review, 2/20/14, “Obama's misguided approach to free trade deals,” http://www.sddt.com/News/article.cfm?SourceCode=20140218fax&\_t=Obamas+Misguided+Approach+to+Free+Trade+Deals+Ramesh+Ponnuru#.UwYc4PldVbE

Trade-promotion authority is the rare issue where President Barack Obama is closer to congressional Republicans than to Democrats.

Rep. Dave Camp, the Republican chairman of the House Ways and Means Committee, told me he's eager to give that authority to Obama and to the next president. Senate Majority Leader Harry Reid, a Democrat, says he won't let it happen.

Supporters of free trade should hope that Obama and Camp win this one. But they should also reconsider whether trade- promotion authority ought to be as central to their game plan as it has been for the last few decades.

When Congress passes trade-promotion authority, it says that if the president submits a trade agreement it will get an up-or-down vote, with no amendments, within three months.

The idea is that other countries will be more likely to make a trade deal with the U.S. if they know the terms won't be renegotiated on Capitol Hill.

For a long time, this procedure really did promote trade liberalization, and Camp appeals to this record in making his case. "Every president since FDR has had this authority," he told me.

He thinks renewing the authority will help talks over a Trans-Pacific Partnership -- a free-trade deal among 12 Pacific Rim countries -- succeed, and enable other agreements in the future.

And if presidents aren't given that authority? "There are other avenues to negotiate new markets with, and other countries don't have our systems of government," he said. In other words: Countries will make deals with China or Russia instead of with the United States.

Even so, the old argument for trade-promotion authority has lost some of its force. K. William Watson, who studies trade for the Cato Institute, a libertarian research group, argued in December that passing the trade-promotion authority just to conclude the Trans-Pacific Partnership didn't make sense.

Talks were already well under way, and could be slowed down by the new negotiating demands Congress would make as a condition for passing the authority.

Watson points out that the standard procedure for freeing trade requires winning two votes in Congress: First the authority has to be granted, and then the final deal passed. "Why have the same debate twice?" he asks. It's actually worse than that, because it's harder to get the trade-promotion authority than to enact a deal.

Congress hasn't granted the authority since 2002, when a Republican House passed it by a 215-212 vote.

It lapsed in 2007. Yet Congress has been able to pass several notable trade agreements by wide margins since then.

In 2011, a free-trade deal with Colombia got 262 votes in the House, one with South Korea got 278, and one with Panama got 300.

The congressional debate over trade-promotion authority tends to turn on the abstract question of whether free trade is a good idea.

Protectionists can conjure up all kinds of grim scenarios about where liberalization will lead.

In the debate over actual trade agreements, on the other hand, proponents can point to concrete benefits -- this specific market will be opened in this specific way to our exports -- to set against such fears. It's an easier fight for the pro-trade side.

And other countries can't count on trade-promotion authority to mitigate the risks of negotiating with the U.S.

When Democrats had control of the House in 2008, they voted against complying with the commitment to make a quick decision on trade agreements. The "fast track" took three more years.

Watson concedes that, at this point, the Obama administration can't walk away from its demand for trade- promotion authority without sending a bad signal about its resolve to complete trade deals. But that resolve is, in fact, in question.

A few days after Reid said trade-promotion authority was going nowhere, he had a long meeting with Obama. Afterward, Reid said that trade hadn't even come up.

Camp refused to comment on whether Obama was doing enough, saying only, "That's going to be the administration's job, to get support from Democrats in Congress." If he wants the authority, Obama will have to lean on Reid to allow a vote.

#### Empirics prove---fighting restrictions on Iraq destroyed the rest of Bush’s domestic 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. 267-277

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

FT 2-10 – Financial Times, 2/10/14, “Trade: Pacts of strife,” http://www.ft.com/intl/cms/s/0/c1254a20-8ff3-11e3-aee9-00144feab7de.html#axzz2tuqJqFDZ

To supporters of trade liberalisation, the TPP deal across the Pacific, and the Transatlantic Trade and Investment Partnership with the EU, will spur growth across economies covering almost 70 per cent of global gross domestic product. The new rules would put pressure on those large emerging-market countries left outside the deals, led by China, to adapt or suffer the consequences. The effort is being cheered on by many US blue-chip companies and even some smaller businesses that see liberalised trade as essential to bolstering their exports, global market share and competitive edge.

There are also strategic arguments to be made in favour of both pacts: to reinforce Mr Obama’s “pivot to Asia” and to rekindle what often seems to be a tired transatlantic relationship.

But the American public appears more focused on the slow economic recovery. Unemployment is high and wages remain stagnant. Twenty years after Nafta, there are still doubts that globalisation and more open trade is a solution to middle-class woes.

Critics say that free trade agreements will only lead to a regulatory “race to the bottom”, a flood of cheap imports, an expansion of the US trade deficit and job losses. Some of the arguments mirror the quip by Nafta opponent and former presidential candidate Ross Perot about the “giant sucking sound” of jobs moving to Mexico as a result of the deal.

“These deals cost jobs and depress wages in the United States. They have also contributed to rising corporate profits and growing inequality,” said Robert Scott, director of trade and manufacturing policy research at the Economic Policy Institute, a liberal think-tank, in a paper last week.

With the trade sceptics gaining momentum, and midterm congressional elections looming in November, it is far from certain that Mr Obama can win the political support he needs for the deals – at least this year.

Last month Harry Reid, the Democratic Senate majority leader, said he opposed “fast track” legislation – or “Trade Promotion Authority” – and that “everyone would be well advised to not push this right now”.

His comments, just a day after Mr Obama had called on Congress to endorse his trade agenda in the State of the Union address, echoed across Washington but not just because it was an unexpected rebuke to the president. It also appeared to signal that no trade bill would move through the Senate until at least after the midterm elections, in which Mr Reid is facing an uphill battle to preserve the Democratic majority in the upper chamber.

“At this point I think it’s going to be difficult to get either the transpacific or the transatlantic trade bills done on the schedule those of us who are free traders would prefer,” says Jim Moran, a veteran Democratic congressman from northern Virginia.

Trade negotiators around the world – from Brussels to Tokyo to Mexico City – are scrambling to weigh the implications of the imperilled domestic support for Mr Obama’s plans. The TPP agreement is close to being finalised after several years of talks but is the most controversial in the US because it includes a number of lower-wage countries such as Vietnam. The TTIP is about halfway to completion, with a crucial “stocktaking” session set for this month, so it is less vulnerable to US political uncertainty for the time being. On both counts, the Obama administration insists the talks are on track and is adamant that it will secure the backing it needs from Congress. But many believe there will be repercussions.

“It sucks oxygen out of the negotiations,” says Simon Evenett, a professor of economics at St Gallen University in Switzerland and co-ordinator of the Global Trade Alert, which monitors protectionism around the world.

Susan Schwab, former US trade representative (USTR) under George W Bush and now a professor at the University of Maryland, says: “US negotiators could still close an agreement but may feel the need to pull their punches, and then end up with a lesser deal.”

Fredrik Erixon, a trade expert at the European Centre for International Political Economy in Brussels, puts it another way. “If the USTR now wants to push negotiations to the final point . . . they are not going to get what they want. Why on earth would [Japanese prime minister Shinzo] Abe start to agree to difficult agricultural reform at this time when he is going to have a hard time of it in Japan?”

To critics, Mr Obama’s domestic troubles with his trade agenda result from his “lukewarm” attitude to the issue – and lack of passion in defending trade as beneficial to America’s middle class.

But, internationally, he has perhaps done more than any other leader to re-energise trade talks. Soon after he took office in 2009 he asked aides to come up with new approaches towards trade. One result was a push led by Mr Obama to rethink the long-stalled Doha Round launched in 2001 within the World Trade Organisation. In December, WTO ministers agreed in Bali to mount a global attack on red tape at borders. The Obama administration is also leading talks in Geneva on services and information technology products. And in Davos it launched negotiations to liberalise trade in solar panels and other “environmental goods”.

White House officials argue that they have been guided in part by the need to update a system that does not reflect the rise of large emerging economies over the past decade. “If you take a look at what happened to manufacturing over the course of the 2000s and competition with China and others, our view was that we are still an open economy but we want there to be a greater commitment to openness by everybody. It’s not going to be a one-way street,” says Michael Froman, the USTR.

The Obama administration says it can forge a political consensus in favour of trade liberalisation by striking deals that are less divisive than earlier ones, such as Nafta. These “21st-century” deals will have stricter environmental and labour standards, while setting rules that protect intellectual property rights and the role of state-owned enterprises.. . .

But that vision is colliding with a sobering domestic reality. Passing big trade bills though Congress has always been difficult, relying on a coalition of a majority of pro-business Republicans and a strong minority of Democrats willing to buck their base. The first part of that equation is shakier than usual, with Tea Party and conservative Republicans shying away from giving Mr Obama any victory. Securing the second part remains a big challenge.

Obama administration officials – including cabinet members, Mr Froman and the White House chief of staff – have stepped up efforts to stoke political momentum for trade on Capitol Hill. According to people familiar with the meetings, the president made strong pitches in favour of his trade agenda at private gatherings of congressional Democrats last week. But many believe he will have to do a lot more private arm-twisting and even deliver some high-profile speeches on trade to the American public if he really wants to change the political dynamic in his favour.

“If the president wants to get these trade deals done . . . he is going to have to work harder to pick up Democratic votes,” says Jim Manley, a former senior aide to Mr Reid. “People up for [re-election] in 2014 don’t want to deal with this, and many rank-and-file Democrats have a hard time supporting trade deals that may lead to job losses at home.”

Despite Mr Reid’s comments, there is a path to congressional approval of trade legislation to which optimists can point. A bipartisan fast-track bill introduced last month by Max Baucus, a Democratic senator, and Orrin Hatch, a Republican senator, is on hold because of Mr Baucus’s looming departure to become ambassador to Beijing. Ron Wyden, Mr Baucus’s successor as Senate finance committee chairman, may well want to make a few changes to the legislation to make it more palatable to the Democratic base. But if he succeeds, the finance committee could vote to advance it, sending it to Mr Reid and putting pressure on him to at least bring it to the floor for a final vote. At that point the business community lobbying would kick into gear and help carry the legislation over the finishing line.

#### Political capital’s key --- only way to overcome Reid opposition

Bill Frenzel 2/9/14, Guest Scholar in Economic Studies @ the Brookings Institute, “These Are The Deals That Only President Obama Can Close,” Forbes, http://www.forbes.com/sites/billfrenzel/2014/02/09/these-are-the-deals-that-only-president-obama-can-close/

After reelection, President Obama’s first State-of-the-Union speech stressed trade expansion. He was pushing two treaties, still being negotiated. The first, the Trans-Pacific Partnership (TPP), is close to completion, and the second, the Transatlantic Trade and Investment Partnership (T-TIP) is off to a good start, but is a long-term prospect. In 2013, negotiations continued on both treaties. In addition, significant parts of the Doha Round of the WTO seemed to indicate progress. But the key to any trade negotiation is that the president needs a law passed to give him what used to be called “fast track” authority and now is called Trade Promotion Authority (TPA). TPA’s critical element is that it prohibits Congressional amendments. Under TPA, Congress can reject the treaty, or approve it, but not amend it. TPA was created in 1974, when the Kennedy Round of GATT was ratified. It recognized that various non-tariff barriers had become greater slow-downs to trade than customs duties. Since 1974, no major trade bill has been passed without some sort of TPA. TPA or “fast track” is essential for the President to complete negotiations. Negotiators for our trading partners would be foolish to sign off on a treaty unless they knew that the Congress could not amend it. If any country’s concessions were changed, the treaty could become a liability to it. So, our partners’ best offers will only come after they are certain that the negotiations will not be changed. If Congress did amend any part of the completed negotiations, the whole package of give and take between nations would likely fall apart. It is worth recalling that the last time a trade bill was substantially amended in Congress was the infamous Smoot-Hawley Bill, which exacerbated and extended the Great Depression. Throughout 2013, rumors about TPA circulated through the Congress as the leaders of the House Ways & Means Committee and the Senate Finance Committee were working with the President’s U.S. Trade Representative and others on a specific form of a TPA bill. At the end of last year, those leaders, not including the ranking Minority member of the Ways & Means Committee, but with the blessing of the USTR, announced their agreement on a TPA bill. The President, key House Republicans, and key Democratic Senators were in agreement on that bill. So far, so good. A TPA bill would allow the Trans Pacific Partnership Treaty, said to be in its final stages, to be completed and ratified. In addition to its trade and economic benefits, TPP is the most prominent piece of the Obama “pivot to Asia,” his attempt to exercise more leadership in the area. TPP is supposed to lead the region to our version of open, reciprocal trade rather than have the region move toward the Chinese mercantilist model. But it only took a few days before the Senate Majority Leader, Harry Reid, blew the TPA, TPP, and our Asia policy out of the water. He doesn’t like TPA. We knew that. But, he also threatened to prevent a Senate vote on it this year. That’s bad news for the Republic, but also bad news for the President. His USTR has been working to assure negotiating partners that the President will get his TPA. Since the Reid threat, that story seems suddenly less reassuring. So, if the Senate leader has his way, there will be no TPA, no TPP, nor any other trade bill this year. The press seems to assume that Reid is stifling the trade vote to protect his Senate majority in the November elections. That would be consistent with his previous actions in preventing any Senate votes on the budget for a couple of years, and in regularly loading up the “amendment tree.” Those ploys are intended to stifle any possibly embarrassing votes for his majority colleagues. The Senate Majority Leader regularly assails Republicans for stopping legislative progress. So it is more than ironic that he has the biggest thumb in the legislative bottle. The feeble efforts of Republicans to defer Obamacare look like child’s play compared to the highly effective veto tactics of Senator Reid. These kinds of games are never over until they are over, but the Reid veto appears to be convincing at this time. The President, if he really wants his Asia pivot and his TPP, is going to have to work a lot harder on them. Presidential spokespeople can make the pitch, but presidents have to make their own sales. That may not be enough, but nothing else will do it.

#### History is on our side – presidential push leads to TPA

Kagan and Piccone 1/23

By: Robert Kagan and Ted Piccone, January 23, 2014, “Reassert U.S. Leadership of a Liberal Global Order” http://www.brookings.edu/research/papers/2014/01/us-leadership-liberal-global-order-kagan-piccone

You can both strengthen and capitalize on these developments by doubling down on efforts to negotiate the Trans-Pacific Partnership (TPP) and the Trans-Atlantic Trade and Investment Partnership (TTIP). These will require a much bigger domestic political effort than your administration has made so far, both to persuade the public of the advantages of global free trade and to gain congressional trade promotion authority. The payoffs of these trade agreements, however, will be enormous, not only in the boost they would give to the American economy but in shoring up the liberal economic order which has served to protect American interests and more broadly has produced a more peaceful and prosperous world. It is also time to play offense in the global debate on regulation of the Internet by protecting it from those who seek to restrict access and leading by example through serious reforms of our own policies.¶ Complementing the restoration of American leadership in the global economy, we also need a reassertion of American leadership in the strategic realm. This will require active American engagement in both East Asia and in the Middle East and North Africa. In East Asia you need to double down on showing America’s commitment to regional security and stability. This means ensuring that sequestration or any alternative budget agreement does not damage U.S. military readiness and capabilities in the western Pacific and does not undermine the planned deployments as set forth in your rebalancing strategy. Successful negotiation and passage of the TPP will help strengthen the image of an America that is deepening its engagement in a rules-based system.¶ In the Middle East the challenges are greater. Many of our allies in the region are already beginning to operate on the assumption that the United States is withdrawing its power and influence. This is leading them to take matters in their own hands in ways which are unhelpful and detrimental to our interests and the interests of regional peace. One big step in reversing this trend would be a deal that successfully limits and then ends Iran’s nuclear program. Such a breakthrough would lessen regional tensions considerably and open up opportunities for progress on other fronts, including a broader dialogue with Iran concerning both domestic and foreign policies. You must also be prepared, however, for an unsuccessful negotiation, which would further diminish American influence and credibility unless you take steps to shore up the international sanctions regime and deter efforts by Iran to cross the nuclear threshold.¶ In Syria, your present course may be leading to one of the worst-case outcomes your administration has sought to avoid: an increasingly powerful jihadist force battling a determined and brutal dictator with no moderate alternatives and with the Syrian population the victim. A strategy that aims at the status quo will fail. Change is inevitable, and the only question is whether the United States wants to try to influence the direction change takes. Over two years ago, you declared that “Assad must go.” That should continue to be your medium-term goal, and our strategy toward Syria ought to be aimed at achieving it. This does not require the insertion of ground forces into Syria. It does require arming, training and advising those elements of the opposition who are not jihadists and coordinating the efforts of our allies in the region. You should also continue to push hard on all parties, including Russia, to find a political settlement that will allow immediate delivery of humanitarian assistance and accelerate a transition to a post-Assad regime that excludes militants.¶ Conclusion¶ In short, there is still time for you to steer the United States toward a more active and engaged role in the world, one that would benefit both Americans and those who share our values. Some past presidents have accomplished a great deal in the last two years of their second term, President Ronald Reagan negotiated a landmark arms control treaty with the Soviet Union; Bill Clinton used force effectively to avert a humanitarian disaster in Kosovo and shore up the NATO alliance. Similar important breakthroughs remain possible. To take advantage of these opportunities, however, and to avert possible disasters that lurk over the horizon, will require the kind of leadership, energy and focus that only a president can provide.

#### Obama WILL fight plan---recent signing statements prove, specifically true because of Iran

Stephen Dinan 12-26, December 26th, 2013, "Obama issues signing statement objecting to restrictions on Gitmo transfer," www.washingtontimes.com/news/2013/dec/26/obama-statement-object-restrictions-gitmo-transfer/?page=all

President Obama signed the massive defense policy bill into law Thursday but used an accompanying statement to say he reserved the right to ignore part of the legislation that prevents him from transferring detainees at Guantanamo Bay, Cuba, to the U.S. mainland.¶ It’s a standard objection that Mr. Obama, who signed the measure while on family vacation in Hawaii, has raised every year as Congress passes the National Defense Authorization Act, with the president claiming the power to conduct military affairs and to determine where to try cases, and arguing that preventing detainees from being transferred into the U.S. conflicts with his powers under the Constitution.¶ “For decades, Republican and Democratic administrations have successfully prosecuted hundreds of terrorists in federal court. Those prosecutions are a legitimate, effective and powerful tool in our efforts to protect the nation,” Mr. Obama said in his signing statement. “Removing that tool from the executive branch does not serve our national security interests.”¶ Mr. Obama also signed the bipartisan budget deal that cleared Congress earlier this month, which eases some of the sequester cuts this year and next year and replaces them with fee increases and other spending cuts spread out over the next decade.¶ Even that deal’s authors admitted they made a mistake by cutting cost-of-living benefit increases for wounded veterans, and some veterans’ groups had pleaded with Mr. Obama to veto the bill and force Congress to rework it.¶ Instead, lawmakers have said they’ll come back early next year and try to patch the cuts — though they are already sparring over where to find the money to do so, and the veterans could end up finding themselves competing with the unemployed and others for scarce federal dollars.¶ The vacationing Mr. Obama signed five other bills Thursday, as he began to clear the decks of last-minute legislation Congress approved before adjourning for the year.¶ The defense bill almost didn’t pass at all, with Republicans and Democrats fighting over how much debate or amendments to allow in the Senate on the legislation. Finally, lawmakers gave up on a debate altogether, and negotiated a deal with the House, bypassing the Senate for all but a final vote of approval.¶ The bill creates new safeguards designed to make sure military sexual-assault cases get prosecuted and victims are protected, and it provides pay increases for service members.¶ It does not, however, include any new move to sanction Iran for that nation’s nuclear program. Mr. Obama had urged lawmakers not to tie his hands while he’s in the midst of international talks with Tehran.¶ The president only issued a signing statement on the defense bill.¶ Mr. Obama ran for the White House in 2008 as an opponent of then-President George W. Bush’s practice of issuing signing statements. But in his five years in office Mr. Obama has issued about two dozen of them himself.¶ This year’s statement actually contains fewer objections than previous defense policy bill statements — in part because the president won some small concessions from Congress.¶ The new legislation eases some of the tight restrictions that had made it nearly impossible to transfer detainees from Guantanamo Bay to foreign countries. After some heated fighting, Congress agreed to the changes and pushed the bill through the House earlier this month and the Senate late last week.¶ Despite the improvements, Mr. Obama said there are still too many restrictions on his ability to transfer detainees, including conditions that must be met for transfer, and said those limits still interfere with his constitutional powers.¶ “The executive branch must have the flexibility, among other things, to act swiftly in conducting negotiations with foreign countries regarding the circumstances of detainee transfers,” Mr. Obama said.¶ He assured Congress that even without any limits he himself would have made sure not to send detainees home if he wasn’t reasonably sure they would no longer pose a threat or wouldn’t be subjected to torture.¶ Mr. Obama took office vowing to close the prison at Guantanamo, but has been thwarted at every step by both Democrats and Republicans in Congress, who have said they don’t want detainees brought to the U.S. where they could enjoy more rights, and who say that transferring them to other countries could help some of them return quickly to the battlefield.

#### Failing in the TPA push destroys the entire trade agenda---even if theoretically there are alternatives to TPA

Ramesh Ponnuru 2-20, Bloomberg View columnist, visiting fellow at the American Enterprise Institute and senior editor at the National Review, 2/20/14, “Obama's misguided approach to free trade deals,” http://www.sddt.com/News/article.cfm?SourceCode=20140218fax&\_t=Obamas+Misguided+Approach+to+Free+Trade+Deals+Ramesh+Ponnuru#.UwYc4PldVbE

Even so, the old argument for trade-promotion authority has lost some of its force. K. William Watson, who studies trade for the Cato Institute, a libertarian research group, argued in December that passing the trade-promotion authority just to conclude the Trans-Pacific Partnership didn't make sense.

Talks were already well under way, and could be slowed down by the new negotiating demands Congress would make as a condition for passing the authority.

Watson points out that the standard procedure for freeing trade requires winning two votes in Congress: First the authority has to be granted, and then the final deal passed. "Why have the same debate twice?" he asks. It's actually worse than that, because it's harder to get the trade-promotion authority than to enact a deal.

Congress hasn't granted the authority since 2002, when a Republican House passed it by a 215-212 vote.

It lapsed in 2007. Yet Congress has been able to pass several notable trade agreements by wide margins since then.

In 2011, a free-trade deal with Colombia got 262 votes in the House, one with South Korea got 278, and one with Panama got 300.

The congressional debate over trade-promotion authority tends to turn on the abstract question of whether free trade is a good idea.

Protectionists can conjure up all kinds of grim scenarios about where liberalization will lead.

In the debate over actual trade agreements, on the other hand, proponents can point to concrete benefits -- this specific market will be opened in this specific way to our exports -- to set against such fears. It's an easier fight for the pro-trade side.

And other countries can't count on trade-promotion authority to mitigate the risks of negotiating with the U.S.

When Democrats had control of the House in 2008, they voted against complying with the commitment to make a quick decision on trade agreements. The "fast track" took three more years.

Watson concedes that, at this point, the Obama administration can't walk away from its demand for trade- promotion authority without sending a bad signal about its resolve to complete trade deals. But that resolve is, in fact, in question.

# 2NR

#### Leadership statements prove --- decline in the US extended deterrent triggers wildfire prolif

Keith Payne 7 [Keith Payne is Head of the Graduate Department of Defense and Strategic Studies, Missouri State University. He also serves as CEO and President of the National Institute for Public Policy, a non-profit research center located in Fairfax, Virginia.In 2002 and 2003, Dr. Payne served in the Department of Defense as the Deputy Assistant Secretary of Defense for Forces Policy. He received the Distinguished Public Service Medal from Secretary of Defense Rumsfeld, and the Forces Policy office Dr. Payne led received a Joint Meritorious Unit Award. “U.S. Nuclear Weapons Policy”, HEARING BEFORE THE STRATEGIC FORCES SUBCOMMITTEE OF THE COMMITTEE ON ARMED SERVICES HOUSE OF REPRESENTATIVES,http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\_house\_hearings&docid=f:37955.pdf]

Next, we can examine the role of nuclear weapons for the assurance of allies. Nuclear weapons are essential to the U.S. extended deterrent. This "nuclear umbrella" is central to the basic U.S. defense goal of assurance. This is not a trivial goal. The assurance provided to allies by U.S. security commitments, particularly including the U.S. nuclear umbrella, is key to the maintenance of U.S. alliance structures globally. It is part of the basic security considerations of countries such as Japan, South Korea and Turkey. The continuing role of U.S. nuclear weapons for this purpose may not be the preference of those in the United States who would prefer that the U.S. umbrella be non-nuclear. But what does or does not assure allies is not decided by U.S. commentators or U.S. political preferences, but by the allies themselves. The United States can decide if the assurance of allies is a worthy continuing goal, but only our allies can decide whether they are sufficiently assured. In this regard, available evidence points strongly to the fact that nuclear weapons remain critical to the assurance of key allies. For example, the recent responses by Japan and South Korea to the North Korean nuclear test of October 9, 2006 demonstrated explicitly that U.S. nuclear weapons are viewed by allies as critical to their confidence in the U.S. extended deterrent. The discomfort felt by allies and friends in the Middle East given the prospect of Iranian nuclear weapons points in the same direction. We could decide that we would prefer to withdraw the nuclear umbrella and provide non-nuclear extended deterrence. But, with the nuclear proliferation of North Korea and the apparent Iranian aspirations for nuclear weapons, the response of key allies to the U.S. withdrawal of its nuclear extended deterrent coverage would create new and potentially severe problems, i.e., nuclear proliferation by U.S. tended nuclear deterrence. Japanese leaders have been explicit about the extreme security value they attach to the U.S. nuclear umbrella, and that Japan would be forced to reconsider its non-nuclear status in the absence of the U.S. extended nuclear deterrent. Ironically, nuclear non-proliferation is tied closely to the U.S. preservation of its extended nuclear deterrent. This point is contrary to the typical contention that U.S. movement toward nuclear disarmament promotes nuclear non-proliferation. Precisely the reverse linkage may be more the reality: U.S. movement toward nuclear disarmament will unleash what some have called a "cascade" of nuclear proliferation among those countries which otherwise have felt themselves secure under the U.S. extended nuclear deterrent and therefore have chosen to remain non-nuclear. We should be extremely careful before moving in a direction that carries the risk of unleashing this "cascade," such as deciding that U.S. nuclear weapons are unnecessary for assurance and moving toward a non-nuclear force structure.