## 1AC – Harvard DT

### 1AC – Self Defense

#### CONTENTION 1: SELF-DEFENSE

#### US justifications for targeted killing will spill over to erode legal restraints on all violence and legitimize preventive war

Craig Martin 11, Associate Professor of Law at Washburn University School of Law, “Going Medieval: Targeted Killing, Self-Defence, and the Jus Ad Bellum Regime,” Ch 8 in TARGETED KILLINGS: LAW & MORALITY IN AN ASYMMETRICAL WORLD, p. 223, available at http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1956141

IV. The potential impact of the targeted killing policy on international law

The United States has been engaging in this practice of using drone-mounted missile systems to kill targeted individuals since at least 2002.98 An increasing number of countries have employed different methods of targeted killing that constitute a use of force under jus ad bellum.99 The evidence suggests that the United States intends to continue and indeed expand the program, and there is a growing body of scholarly literature that either defends the policy’s legality, or advocates adjustment in international law to permit such action. There is, therefore, a real prospect that the practice could become more widespread, and that customary international law could begin to shift to reflect the principles implicit in the U.S. justification and in accordance with the rationales developed to support it.¶ Some of the implications of such an adjustment in the jus ad bellum regime are obvious from the foregoing analysis. As discussed, there would be a rejection of the narrow principle of self-defense in favor of something much closer to the Grotian concept of defensive war, encompassing punitive measures in response to past attacks and preventative uses of force to halt the development of future threats. The current conditions for a legitimate use of force in self-defense, namely the occurrence or imminence of an armed attack, necessity, and proportionality, would be significantly diluted or abandoned. Not only the doctrine of self-defense, but other aspects of the collective security system would be relaxed as well. Harkening back to Grotian notions of law enforcement constituting a just cause for war, the adjusted jus ad bellum regime would potentially permit the unilateral use of force against and within states for the purpose of attacking NSAs as such, in effect to enforce international law in jurisdictions that were incapable of doing so themselves.100 This would not only further undermine the concept of self-defense, but would undermine the exclusive jurisdiction that the U.N. Security Council currently has to authorize the use of force for purposes of “law enforcement” under Chapter VII of the Charter. Thus, both of the exceptions to the Article 2(4) prohibition on the use of force would be expanded.¶ In addition, however, the targeted killing policy threatens to create other holes in the jus ad bellum regime. This less obvious injury would arise from changes that would be similarly required of the IHL regime, and the resulting modifications to the fundamental relationship between the two regimes. These changes could lead to a complete severance of the remaining connection between the two regimes. Indeed, Ken Anderson, a scholar who has testified more than once on this subject before the U.S. Congress,101 has advocated just such a position, suggesting that the United States should assert that its use of force against other states in the process of targeted killings, while justified by the right to self-defense, does not rise to such a level that it would trigger the existence of an international armed conflict or the operation of IHL principles.102 If customary international law evolved along such lines, reverting to gradations in the types of use of force the change would destroy the unity of the system comprised of the jus ad bellum and IHL regimes, and there would be legal “black holes” in which states could use force without being subject to the limitations and conditions imposed by the IHL regime.¶ The structure of Harold Koh’s two-pronged justification similarly implies a severance of this relationship between jus ad bellum and IHL, albeit in a different and even more troubling way. His policy justification consists of two apparently independent and alternative arguments—that the United States is in an armed conflict with Al Qaeda and associated groups; and that the actions are justified as an exercise of self-defense. The suggestion seems to be that the United States is entitled on either basis to use armed force not just against the individuals targeted, but also against states in which the terrorist members are located. In other words, the first prong of the argument is that the use of force against another sovereign state, for the purposes of targeting Al Qaeda members, is justified by the existence of an armed conflict with Al Qaeda. If this is indeed what is intended by the policy justification, it represents an extraordinary move, not just because it purports to create a new category of armed conflict (that is, a “transnational” armed conflict without geographic limitation),103 but because it also suggests that there need be no jus ad bellum justification at all for a use of force against another state. Rather, the implication of Koh’s rationale is that the existence of an armed conflict under IHL can by itself provide grounds for exemption from the prohibition against the threat or use of force under the jus ad bellum regime.¶ This interpretation of the justifications cannot be pressed too far on the basis of the language of Mr. Koh’s speech alone, which he hastened to explain at the time was not a legal opinion.104 The two justifications could be explained as being supplementary rather than independent and alternative in nature. But the conduct of the United States in the prosecution of the policy would appear to confirm that it is based on these two independent justifications.105 The strikes against groups and states unrelated to the 9/11 attacks could be explained in part by the novel idea that force can be used against NSAs as such, wherever they may be situated. But even assuming some sort of strict liability for states in which guilty NSAs are found, that explanation still does not entirely account for the failure to tie the use of force against the different groups to specific armed attacks launched by each such group. This suggests that the United States is also relying quite independently on the argument that it is engaged in an armed conflict with all of these groups, and that the existence of such an armed conflict provides an independent justification for the use of force against the states in which the groups may be operating.¶ While the initial use of force in jus ad bellum terms is currently understood to bring into existence an international armed conflict and trigger the operation of IHL, the changes suggested by the policy would turn this on its head, by permitting the alleged existence of a “transnational” armed conflict to justify the initial use of force against third states. Whereas the two regimes currently operate as two components of an overall legal system relating to war, with one regime governing the use of force and the other the conduct of hostilities in the resulting armed conflict, the move attempted by the U.S. policy would terminate these independent but inter-related roles within a single system, and expand the role and scope of IHL to essentially replace aspects of the jus ad bellum regime. This would not only radically erode the jus ad bellum regime’s control over the state use of force, but it could potentially undermine the core idea that war, or in more modern terms the use of force and armed conflict, constitutes a legal state that triggers the operation of special laws that govern the various aspects of the phenomenon. There is a risk of return to a pre-Grotian perspective in which “war” was simply a term used to describe certain kinds of organized violence, rather than constituting a legal institution characterized by a coherent system of laws designed to govern and constrain all aspects of its operation.¶ There is a tendency in the U.S. approach to the so-called “global war on terror” to cherry-pick principles of the laws of war and to apply them in ways and in circumstances that are inconsistent with the very criteria within that legal system that determine when and how it is to operate. This reflects a certain disdain for the idea that the laws of war constitute an internally coherent system of law.106 In short, the advocated changes to the jus ad bellum regime and to the relationship between it and the IHL regime, and thus to the laws of war system as a whole,107 would constitute marked departures from the trajectory the system has been on during its development over the past century, and would be a repudiation of deliberate decisions that were made in creating the U.N. system after the Second World War.108¶ The premise of my argument is not that any return to past principles is inherently regressive. A rejection of recent innovations in favor of certain past practices might be attractive to some in the face of new transnational threats. The argument here is not even to deny the idea that the international law system may have to adapt to respond to the transnational terrorist threat. The point, rather, is that the kinds of changes to the international law system that are implicit in the targeted killing policy, and which are advocated by its supporters, would serve to radically reduce the limitations and constraints on the use of force by states against states. The modern principles that are being abandoned were created for the purpose of limiting the use of force and thus reducing the incidence of armed conflict among nations. The rejection of those ideas and a return to older concepts relating to the law of war would restore aspects of a system in which war was a legitimate tool of statecraft, and international armed conflict was thus far more frequent and widespread.109¶ The entire debate on targeted killing is so narrowly focused on the particular problems posed by transnational terrorist threats, and how to manipulate the legal limitations that tend to frustrate some of the desired policy choices, that there is insufficient reflection on the broader context, and the consequences that proposed changes to the legal constraints would have on the wider legal system of which they are a part. It may serve the immediate requirements of the American government, in order to legitimize the killing of AQAP members in Yemen, to expand the concept of self-defense, and to suggest that states can use force on the basis of a putative “transnational” armed conflict with NSAs. The problem is that the jus ad bellum regime applies to all state use of force, and it is not being adjusted in some tailored way to deal with terrorism alone. If the doctrine of self-defense is expanded to include preventative and punitive elements, it will be so expanded for all jus ad bellum purposes. The expanded doctrine of self-defense will not only justify the use of force to kill individual terrorists alleged to be plotting future attacks, but to strike the military facilities of states suspected of preparing for future aggression. If the threshold for use of force against states “harboring” NSAs is significantly reduced, the gap between state responsibility and the criteria for use of force will be reduced for all purposes. If the relationship between jus ad bellum and IHL is severed or altered, so as to create justifications for the use of force that are entirely independent of the jus ad bellum regime, then states will be entitled to use force against other states under the pretext of self-proclaimed armed conflict with NSAs generally.¶ We may think about each of these innovations as being related specifically to operations against terrorist groups that have been responsible for heinous attacks, and applied to states that have proven uniquely unwilling or unable to take the actions necessary to deal with the terrorists operating within their territory. But no clear criteria or qualifications are in fact tied to the modifications that are being advanced by the targeted killing policy. Relaxing the current legal constraints on the use of force and introducing new but poorly defined standards, will open up opportunities for states to use force against other states for reasons that have nothing to do with anti-terrorist objectives. Along the lines that Jeremy Waldron argues in chapter 4 in this volume,110 more careful thought ought to be given to the general norms that we are at risk of developing in the interest of justifying the very specific targeted killing policy. Ultimately, war between nations is a far greater threat, and is a potential source of so much more human suffering than the danger posed by transnational terrorism. This is not to trivialize the risks that terrorism represents, particularly in an age when Al Qaeda and others have sought nuclear weapons. But we must be careful not to undermine the system designed to constrain the use of force and reduce the incidence of international armed conflict, in order to address a threat that is much less serious in the grand scheme of things.

#### Limiting self-defense avoids preventative war---US norms are modeled

Beau Barnes 12, J.D. Candidate, Boston University School of Law, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874

The slippery slope problem, however, is not just limited to the United States’s military actions and the issue of domestic control. The creation of international norms is an iterative process, one to which the United States makes significant contributions. Because of this outsized influence, the United States should not claim international legal rights that it is not prepared to see proliferate around the globe. Scholars have observed that the Obama Administration’s “expansive and open-ended interpretation of the right to self-defence threatens to destroy the prohibition on the use of armed force . . . .”147 Indeed, “[i]f other states were to claim the broad-based authority that the United States does, to kill people anywhere, anytime, the result would be chaos.”148¶ Encouraging the proliferation of an expansive law of international self-defense would not only be harmful to U.S. national security and global stability, but it would also directly contravene the Obama Administration’s national security policy, sapping U.S. credibility. The Administration’s National Security Strategy emphasizes U.S. “moral leadership,” basing its approach to U.S. security in large part on “pursu[ing] a rules-based international system that can advance our own interests by serving mutual interests.”149 Defense Department General Counsel Jeh Johnson has argued that “[a]gainst an unconventional enemy that observes no borders and does not play by the rules, we must guard against aggressive interpretations of our authorities that will discredit our efforts, provoke controversy and invite challenge.”150 Cognizant of the risk of establishing unwise international legal norms, Johnson argued that the United States “must not make [legal authority] up to suit the moment.”151 The Obama Administration’s global counterterrorism strategy is to “adher[e] to a stricter interpretation of the rule of law as an essential part of the wider strategy” of “turning the page on the past [and rooting] counterterrorism efforts within a more durable, legal foundation.”152¶ Widely accepted legal arguments also facilitate cooperation from U.S. allies, especially from the United States’ European allies, who have been wary of expansive U.S. legal interpretations.153 Moreover, U.S. strategy vis-à-vis China focuses on binding that nation to international norms as it gains power in East Asia.154 The United States is an international “standard-bearer” that “sets norms that are mimicked by others,”155 and the Obama Administration acknowledges that its drone strikes act in a quasi-precedential fashion.156 Risking the obsolescence of the AUMF would force the United States into an “aggressive interpretation” of international legal authority,157 not just discrediting its own rationale, but facilitating that rationale’s destabilizing adoption by nations around the world.158

#### A norm of preventive war pushes all regional conflicts over the brink

James B. Steinberg 2, senior fellow and vice president and director of Foreign Policy Studies at the Brookings Institution, Michael O’Hanlon, Director of Research for the 21st Century Defense Initiative at Brookings, Ph.D. from Princeton in public and international affairs, and Susan Rice, senior fellow in Foreign Policy at Brookings, “The New National Security Strategy and Preemption,” http://www.brookings.edu/research/papers/2002/12/terrorism-ohanlon

A final concern relates to the impact of the precedent set by the United States legitimating action that others might emulate, at the same time reducing its leverage to convince such countries not to use force. This concern is theoretical at one level, since it relates to stated doctrine as opposed to actual U.S. actions. But it is very real at another level. Today's international system is characterized by a relative infrequency of interstate war. Developing doctrines that lower the threshold for preemptive action could put that accomplishment at risk, and exacerbate regional crises already on the brink of open conflict.¶ Of course, no country will embark suddenly on a war of aggression simply because the United States provides it with a quasi-legal justification to do so. But countries already on the brink of war, and leaning strongly towards war, might use the doctrine to justify an action they already wished to take, and the effect of the U.S. posture may make it harder for the international community in general, and the U.S. in particular, to counsel delay and diplomacy.¶ Potential examples abound, ranging from Ethiopia and Eritrea, to China and Taiwan, to the Middle East. But perhaps the clearest case is the India-Pakistan crisis. Last spring, India was poised to attack Pakistan, given Pakistan's suspected complicity in assisting Islamic extremist terrorists who went from Pakistan into the disputed territory of Kashmir. A combination of U.S. pressure on both countries, with some last-minute caution by the leaders of Pakistan and India, narrowly averted a war that had the potential to escalate to the nuclear level once it began. Although India might have intended to limit its action to eliminating terrorist bases in Pakistan-held Kashmir and perhaps some bases inside Pakistan, nuclear-armed Pakistan might well have believed that India's intentions were to overthrow the regime in Islamabad or to eliminate its nuclear weapons capability. That situation would have further exacerbated the risks of escalation. Unfortunately, the terrorist infiltrations from Pakistan to Kashmir that did much to spark the earlier crisis appear to be resuming. Kashmir's status remains contentious, meaning that the risk of conflict remains.¶ Should the crisis resume, a U.S. policy of preemption may provide hawks in India the added ammunition they need to justify a strike against Pakistan in the eyes of their fellow Indian decision-makers. Recently, India Finance Minister (and former Foreign Minister) Jaswant Singh welcomed the administration's new emphasis on the legitimacy of preemption.

#### Indo-Pak causes extinction

Greg Chaffin 11, Research Assistant at Foreign Policy in Focus, July 8, 2011, “Reorienting U.S. Security Strategy in South Asia,” online: http://www.fpif.org/articles/reorienting\_us\_security\_strategy\_in\_south\_asia

The greatest threat to regional security (although curiously not at the top of most lists of U.S. regional concerns) is the possibility that increased India-Pakistan tension will erupt into all-out warthat could quickly escalate into a nuclear exchange. Indeed, in just the past two decades, the two neighbors have come perilously close to war on several occasions. India and Pakistan remain the most likely belligerents in the world to engage in nuclear war. Due to an Indian preponderance of conventional forces, Pakistan would have a strong incentive to use its nuclear arsenal very early on before a routing of its military installations and weaker conventional forces. In the event of conflict, Pakistan’s only chance of survival would be the early use of its nuclear arsenal to inflict unacceptable damage to Indian military and (much more likely) civilian targets. By raising the stakes to unacceptable levels, Pakistan would hope that India would step away from the brink. However, it is equally likely that India would respond in kind, with escalation ensuing. Neither state possesses tactical nuclear weapons, but both possess scores of city-sized bombs like those used on Hiroshima and Nagasaki. Furthermore, as more damage was inflicted (or as the result of a decapitating strike), command and control elements would be disabled, leaving individual commanders to respondin an environment increasingly clouded by the fog of war and decreasing the likelihood that either government (what would be left of them) would be able to guarantee that their forces would follow a negotiated settlement or phased reduction in hostilities. As a result any suchconflict would likely continue to escalateuntil one side incurred an unacceptable or wholly debilitating level of injury or exhausted its nuclear arsenal. A nuclear conflict in the subcontinentwould havedisastrous effects on the world as a whole. In a January 2010 paper published in Scientific American, climatology professors Alan Robock and Owen Brian Toon forecast the global repercussionsof a regional nuclear war. Their results are strikingly similar to those of studies conducted in 1980 that conclude that a nuclear war between the United States and the Soviet Union wouldresult in acatastrophic and prolonged nuclear winter,which could very well place the survival of the human race in jeopardy. In their study, Robock and Toon use computer models to simulate the effect of a nuclear exchange between India and Pakistan in which each were to use roughly half their existing arsenals (50 apiece). Since Indian and Pakistani nuclear devices are strategic rather than tactical, the likely targets would be major population centers. Owing to the population densities of urban centers in both nations, the number of direct casualties could climb as high as 20 million. The fallout of such an exchange would not merely be limited to the immediate area. First, the detonation of a large number of nuclear devices would propel as much as seven million metric tons of ash, soot, smoke, and debris as high as the lower stratosphere. Owing to their small size (less than a tenth of a micron) and a lack of precipitation at this altitude, ash particles would remain aloft for as long as a decade, during which time the world would remain perpetually overcast. Furthermore, these particles would soak up heat from the sun, generating intense heat in the upper atmosphere that would severely damage the earth’s ozone layer. The inability of sunlight to penetrate through the smoke and dust would lead toglobal cooling by as much as 2.3 degrees Fahrenheit. This shift in global temperature would lead to more drought, worldwide food shortages, and widespread political upheaval. Although the likelihood of this doomsday scenario remains relatively low, the consequences are dire enough to warrant greater U.S. and international attention. Furthermore, due to the ongoing conflict over Kashmir and the deep animus held between India and Pakistan, it might not take much to set them off. Indeed, following the successful U.S. raid on bin Laden’s compound, several members of India’s security apparatus along with conservative politicians have argued that India should emulate the SEAL Team Six raid and launch their own cross-border incursions to nab or kill anti-Indian terrorists, either preemptively or after the fact. Such provocative action could very well lead to all-out war between the two that couldquickly escalate.

#### Escalation’s uniquely likely now---no defense

Jason Overdorf 13, covers India for GlobalPost. Overdorf has spent most of the past 15 years living and working in Asia. He worked as an editor with Dow Jones Newswires in New York, Singapore and Hong Kong before moving to New Delhi and becoming a freelance writer in 2002. He was a frequent contributor to the Far Eastern Economic Review until 2004, covering Indian politics, society and business. Since 2004, he has been a special correspondent at Newsweek International, where he writes on a wide range of topics. He has covered Sonia Gandhi's surprising electoral victory, the ongoing problem of Hindu fundamentalism, the simmering conflict with Maoist rebels, and societal changes resulting from India's meteoric economic growth. He's written for the Atlantic Monthly and the Asian Wall Street Journal. His travel articles, personal essays and political commentary have appeared in Smithsonian Magazine, Departures, Travelers' Tales and other publications. He has degrees in English literature and creative writing from Columbia University, Washington University and Boston University. “Analysis: Are India and Pakistan headed for war? Under heavy shelling, Kashmir is again set to stymie the Indo-Pak peace process. And the risks are mounting”, 8/15, Citing Experts at the Woodrow Wilson Center, <http://www.globalpost.com/dispatch/news/war/conflict-zones/130814/analysis-are-india-and-pakistan-headed-war>

“This is a sad reality of India-Pakistan relations — whenever things are looking up, a saboteur tries to send all progress up in smoke.” The region has been on the boil since the five Indian soldiers were killed in an ambush in the Poonch sector of India-administered Kashmir last week. India said Pakistani soldiers were to blame, and Pakistan disavowed the attack. More from GlobalPost: 7 graphs that prove America is overrated The incident prompted a series of cross-border skirmishes that each country has accused the other of starting. It has all-but scuttled hopes that Sharif and his Indian counterpart, Manmohan Singh, will be able to resume peace negotiations anytime soon. The so-called composite dialogue dates back to January 2004. It was called off following the November 2008 Mumbai terrorist attack, which India believes were perpetrated with the aid of Pakistan's Inter-Services Intelligence agency. Until this week, the formal talks had been set to resume this month. Now even an informal meeting between Singh and Sharif on the sidelines of the September UN General Assembly is at risk. The situation is scary, experts say. Kashmir — a divided territory that both India and Pakistan claim as their own — was the cause of two of the three wars the two countries have fought since they attained independence from Britain in 1947. Now both New Delhi and Islamabad control numerous nukes; Pakistan has the world’s fastest growing arsenal. As the tit-for-tat bombardment continues, the shelling already marks the heaviest exchange since the ceasefire began in 2003, raising fears that the repeated violations will result in a complete breakdown of the truce. Signaling their concern about further escalation, both Washington and the UN have appealed for calm. But which side is responsible for starting the fire? What is the endgame? And how far will the flames spread before cooler heads prevail? Indian analysts remain convinced that Pakistan uses such shelling to provide cover for jihadi militants crossing the border to attack installations in India-administered Kashmir. By India's tally, there have already been 42 such ceasefire violations in 2013, compared with 28 in 2012, according to India Today. Meanwhile, this year 40 members of India's security forces in the area have been killed, compared with 17 the year before. For Indians looking to explain who broke the truce this time, that's a smoking gun. “If you just take the common sensical point of view, India has no interest [in breaking the ceasefire], because we are not sending in infiltrators under cover of fire,” said former Indian foreign secretary Kanwal Sibal. “We have no reason to fire unilaterally because what do we then hope to achieve? We don't score any points either bilaterally or internationally.” Pakistan-watchers, however, argue that its army no longer provides such support for jihadi groups, and hint that the ambush story may have been a ploy by India, or a local Indian commander, to trigger hostilities. Admitting that Pakistani generals “may have” helped jihadis cross into India in the past, for instance, Pakistan-born Shuja Nawaz, director of the South Asia Center at the Atlantic Council, said that policy was ended under former president General Pervez Musharraf, and it would be “surprising if it is being activated again.” Nawaz also questioned why India first called the alleged ambush an attack by “persons dressed in Pakistani uniforms” – only later referring to it as an army assault — and why top military officials allowed tempers to flare for two days before activating a hotline intended to defuse these situations. “What is surprising is that the Director General Military Operations did not activate the hotline till two days [after the alleged ambush]. Why?” said Nawaz. Experts agree it’s not likely that Sharif's civilian government officially sanctioned the alleged ambush of Indian soldiers. But it may well have had the active or tacit support of the military-intelligence combine, or “deep state,” that holds the real power in Pakistan. Moreover, though the ceasefire is expected to hold, the ambush and subsequent saber rattling in Pakistan certainly establishes that its new prime minister — for all his talk of peace — must overcome enormous obstacles in his own country before he can think of negotiating with India. “Overarching all this is the fact that during the election campaign, [Sharif] spoke about his desire to improve relations with India, and there was an exchange of special envoys pretty quickly,” said India's Sibal. “There was hope that he might be able to begin turning a new page. But under his watch all the wrong things are happening... Jihadi organizations [and] what they call the ‘deep state’ in Pakistan [i.e. the army and intelligence apparatus] seem to be at work.” While Sharif has continued to preach peace since his June election, his army and spy agency don't seem to be listening. That's because both have vested interests in stoking fears of an Indian attack — lest they face a sustained drive to curtail their powers, or, worse, a deep cut to the defense budget. On August 3, terrorists whom India claims have links to Pakistan's Inter-Services Intelligence agency (ISI) attacked the Indian consulate in Jalalabad, Afghanistan. Meanwhile, Islamabad allowed alleged terrorist Hafiz Saeed to lead Eid prayers before a massive throng at the Gaddafi stadium in Lahore on August 9. India and the US accuse him of leading of Lashkar-e-Taiba, and Indians accuse of masterminding the 2008 attacks on Mumbai; Washington DC has a $10 million bounty on his head. The Eid prayers were not a one-off. Saeed also led several thousand supporters in a Lahore parade on August 14, to mark Pakistan’s independence day. And amidst the shelling this week, Pakistan's finance minister announced that a plan to grant India “most favored nation” status – once viewed an easily attained step that would be good for both countries – is now off the table. “Neither side wants war nor does either profit from a conflict escalating beyond [Kashmir’s Line of Control]. Local commanders, especially newly posted ones to the region, flex their muscles. But this is a dangerous game,” said the Atlantic Council's Nawaz. Worse still, the game is set to grow more perilous with the approach of 2014 – when the rules will change, according to the Woodrow Wilson Center's Kugelman. The US withdrawal from Afghanistan will leave India and Pakistan contending for influence there, while the exit of US troops will again make India and Kashmir the number one target for Pakistan-based terrorist groups like Lashkar-e-Taiba. Meanwhile, in the face of continued provocations since the 2008 attacks on Mumbai, India's capacity for restraint may have reached its limits, Kugelman worries. And the election slated for May 2014 will put added pressure on Singh's government to take a hard line. “As India's election grows closer, any consequent LoC hostilities could conceivably lead to escalation,” Kugelman said. “And that's a scary thought.”

#### Legitimizing preventive war causes a Chinese attack on US missile defense

Stephen Walt 4, Robert and Renee Belfer Professor of International Affairs at Harvard, PhD in Political Science from UC Berkeley, October 1 2004, “The Strategic Environment,” Panel Discussion at “Preemptive Use of Force: A Reassessment,” Conference held by the Fletcher Forum on International Affairs, <http://www.brookings.edu/views/papers/daalder/daalder_fletcher.pdf>

Finally, as Ivo has already noted, there is this precedent problem. By declaring that preventive war is an effective policy option for us, we make it easier for others to see it as an effective policy option for them. Why can’t India attack Pakistan before it develops more nuclear weapons? Why can’t Turkey attack Iraqi Kurdistan to prevent the emergence of an independent state there? Why was it wrong for Serbia to take preventive action against the Kosovars, given that there was a guerilla army attacking Serbs in Kosovo, and given that the Serbs could see a long term threat to their national security if the Kosovar-Albanians got more and more politically organized and tried to secede? Why couldn’t a stronger China decide that America’s national missile defense program was a direct threat to their nuclear deterrent capability, and therefore decide to order a preventive commando strike against American radar sites in Alaska? Now this sounds wildly far-fetched, of course, but imagine the situation being reversed. Imagine if another country threatened our second strike capability, wouldn’t we have looked for some way to prevent that from happening? Of course we would. So again, we’re creating a precedent here.

#### That goes nuclear

John W. Lewis 12, William Haas Professor of Chinese Politics, emeritus, at Stanford University, PhD from UCLA, and Xue Litai, research scholar at the Project on Peace and Cooperation in the Asian-Pacific Region at Stanford University’s Center for International Security and Cooperation, “Making China’s nuclear war plan,” Bulletin of the Atomic Scientists September/October 2012 vol. 68 no. 5 45-65, http://bos.sagepub.com/content/68/5/45.full

If the CMC authorizes a missile base to launch preemptive conventional attacks on an enemy, however, the enemy and its allies could not immediately distinguish whether the missiles fired were conventional or nuclear. From their perspective, the enemy forces could justifiably launch on warning and retaliate against all the command-and-control systems and missile assets of the Chinese missile launch base and even the overall command-and-control system of the central Second Artillery headquarters. In the worst case, a self-defensive first strike by Chinese conventional missiles could end in the retaliatory destruction of many Chinese nuclear missiles and their related command-and-control systems. That disastrous outcome would force the much smaller surviving and highly vulnerable Chinese nuclear missile units to fire their remaining missiles against the enemy’s homeland. In this quite foreseeable action-reaction cycle, escalation to nuclear war could become accelerated and unavoidable. This means that the double policies could unexpectedly cause, rather than deter, a nuclear exchange.

#### Independently, the plan’s vital to avoid dangerous modeling in the Middle East---legal rules key

Roberts 13, news editor for National Journal, master's in security studies from Georgetown University, master's degree in journalism from Columbia University, March 21st, "When the Whole World Has Drones," National Journal, www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321

To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat. This still-expanding counterterrorism use of drones to kill people, including its own citizens, outside of traditionally defined battlefields and established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order.¶ Hyperbole? Consider this: Iran, with the approval of Damascus, carries out a lethal strike on anti-Syrian forces inside Syria; Russia picks off militants tampering with oil and gas lines in Ukraine or Georgia; Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq who it believes are planning attacks along the border. Label the targets as terrorists, and in each case, Tehran, Moscow, and Ankara may point toward Washington and say, we learned it by watching you. In Pakistan, Yemen, and Afghanistan.¶ This is the unintended consequence of American drone warfare. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and the executive branch’s legal authority to kill by drone outside war zones (thin, by officials’ own private admission)—what goes undiscussed is Washington’s deliberate failure to establish clear and demonstrable rules for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation.

#### Global nuclear war

James Russell 9, Senior Lecturer Department of National Security Affairs, Spring, “Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East” Security Studies Center Proliferation Papers, http://www.analyst-network.com/articles/141/StrategicStabilityReconsideredProspectsforEscalationandNuclearWarintheMiddleEast.pdf

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) the presence of non-state actors that introduce unpredictability into relationships between the antagonists; (3) incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable; (4) perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack; (5) the prospect that Iran’s response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) the lack of a communications framework to build trust and cooperation among framework participants. These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework. Systemic asymmetries between actors in fact suggest a certain increase in the probability of war – a war in which escalation could happen quickly and from a variety of participants. Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent such an outcome, which would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.

#### Your war defense is old

Michael Singh 11, Washington Institute director, 9/22, “What has really changed in the Middle East?”, http://shadow.foreignpolicy.com/posts/2011/09/22/what\_has\_really\_changed\_in\_the\_middle\_east

Third, and most troubling, the Middle East is likely to be a more dangerous and volatile region in the future. For the past several decades, a relatively stable regional order has prevailed, centered around Arab-Israeli peace treaties and close ties between the United States and the major Arab states and Turkey. The region was not conflict-free by any means, and Iran, Iraq, and various transnational groups sought to challenge the status quo, albeit largely unsuccessfully. Now, however, the United States appears less able or willing to exercise influence in the region, and the leaders and regimes who guarded over the regional order are gone or under pressure. Sensing either the need or opportunity to act autonomously, states like Turkey, Saudi Arabia, and Iran are increasingly bold, and all are well-armed and aspire to regional leadership. Egypt, once stabilized, may join this group. While interstate conflict is not inevitable by any means, the risk of it has increased and the potential brakes on it have deteriorated. Looming over all of this is Iran's quest for a nuclear weapon, which would shift any contest for regional primacy into overdrive.

### 1AC – Legitimacy

#### CONTENTION 2: LEGITIMACY

#### International rules will constrain US drone policy and wreck overall legitimacy absent the plan

Kenneth Anderson 9, Prof. of Law @ American University & Research Fellow @ Hoover, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University and Member of its Task Force on National Security and the Law, 5/11/2009, Targeted Killing in U.S. Counterterrorism Strategy and Law, http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511\_counterterrorism\_anderson.pdf

These traditional underpinnings of international law are, however, contested in the contemporary world as the “ownership” of international law—who sets its terms, interprets its rules, determines its content and meaning—is no longer entirely in the hands of sovereign states. Other actors—international advocacy organizations, international tribunals, international organizations and their functionaries, professors and academics, middle-weight states that see international law as a means to constrain more powerful sovereign states—play a significant role in setting the terms of the meaning and interpretation of international law. And while it’s easy now for the American administration to pretend these currents don’t exist, they have a way of seeping in as real constraints on American practice. ¶ The stakes are higher than American policymakers appear to realize—as even a cursory look back over the past few years should make plain. At the most overt level, there is the possibility of prosecution abroad based on a consensus view of international law that the United States rejects. No one who has watched the European eagerness to initiate criminal and civil proceedings against Israeli and American officials in ever-proliferating judicial forums can be entirely sanguine about a giant gulf between American and international understanding of a practice that the international law community regards as murder.96 The more aggressively the United States uses this instrument, the more glaring the gulf will become—until, in some jurisdiction, someone decides to assert the consensus view as operative law. Absent some aggressive effort to defend the American position, that magistrate or prosecutor will have the overwhelming weight of international legal opinion behind him. ¶ But the problem for the United States is not limited to the possibility of criminal proceedings abroad. American courts themselves are far from immune to the influence of soft law development. Consider only the manner in which American detention policy has been affected by parallel currents of international law opinion imported into American law through Supreme Court opinions. Only seven years ago, an American administration took a “so what” attitude toward international law ferment over detention that was rather similar to the current consensus on targeted killings. International legal scholars, NGOs, international organizations, and most countries took a far more restrictive view of the detention authority residing in IHL—specifically with respect to the protections due to unlawful enemy combatants—than did the United States, which had quietly preserved but not fought aggressively for a different approach over the preceding decades. The Supreme Court, however, has now gone a considerable distance to bridge the gulf by insisting that at least a portion of the Geneva Conventions covers all detainees. Whatever one thinks of that judgment, it is a striking example of the capacity to impact American law of the sort of international legal developments we are now seeing with respect to targeted killing. ¶ More broadly, there are hidden but important costs when the United States is perceived by the rest of the world to be acting illegally. For one thing, it limits the willingness and capacity of other countries to assist American efforts. Detention here again offers a striking example; virtually no other country has assisted in American detention operations since September 11 in large part because of concerns over its legality. The more heavily and aggressively the United States banks on a policy that a strong consensus regards as per se criminal, the more tension it can expect in efforts to garner other countries’ and organizations' cooperation in counterterrorism efforts. Absent a strong effort to establish the legitimacy of current American practice, this too, over time, will push the United States away from it.¶ The Obama foreign policy team may assume that the world's goodwill toward the new administration means acceptance over time of these actions. That is surely mistaken. The admirable, if mistaken, views of international law scholars and the international law community on how human rights law should apply universally did not develop because Obama's predecessor was named Bush—and they won't melt in the face of affection for a popular new president. Over the long run, if the Obama Administration wants to continue to fight using more discriminating, precisely-targeted weapons instead of full- scale combat, it's going to have to confront this problem while it still has intellectual and legal maneuvering space.

#### Past hypocrisy just provides a brink---US needs to alter policy now

Daniel W. Drezner 13, Professor of International Politics at Tufts, "American Hypocrisy, R.I.P.?", 10/24, drezner.foreignpolicy.com/posts/2013/10/24/american\_hypocrisy\_rip

That said, I concur with Farrell and Finnemore that the worst of the damage might be yet to come. The interesting theoretical and empirical question is whether a weakening of "hypocritical power" has a disproportionate effect on a hegemon. Even if the U.S. is somewhat less hypocritical than rival great powers, the nature of the liberal international order means that hypocrisy hurts the U.S. more. As Farrell and Finnemore observe: ¶ Of course, the United States is far from the only hypocrite in international politics. But the United States’ hypocrisy matters more than that of other countries. That’s because most of the world today lives within an order that the United States built, one that is both underwritten by U.S. power and legitimated by liberal ideas. American commitments to the rule of law, democracy, and free trade are embedded in the multilateral institutions that the country helped establish after World War II, including the World Bank, the International Monetary Fund, the United Nations, and later the World Trade Organization. Despite recent challenges to U.S. preeminence, from the Iraq war to the financial crisis, the international order remains an American one.¶ This system needs the lubricating oil of hypocrisy to keep its gears turning. To ensure that the world order continues to be seen as legitimate, U.S. officials must regularly promote and claim fealty to its core liberal principles; the United States cannot impose its hegemony through force alone. But as the recent leaks have shown, Washington is also unable to consistently abide by the values that it trumpets. This disconnect creates the risk that other states might decide that the U.S.-led order is fundamentally illegitimate. ¶ Going forward, it will be interesting to see whether the Obama administration adopts new policies and rhetoric designed to reduce the exposed levels of hypocrisy. So far, administration officials have veered in the opposite direction -- the mantra of "we're only using this super-high-powered surveillance stuff on foreigners, not Americans" has tarnished America's image abroad even more. Unless the U.S. government changes its tune, then we're about to get a good empirical test of what happens when the hegemon's "lubricating oil of hypocrisy" evaporates.

#### Restoring legitimacy’s vital to continued hegemony, preventing prolif, terrorism and Latin American relations

Suzanne Nossel 7, Senior Fellow at the Center for American Progress and the Century Foundation and previously served as deputy to the Ambassador for UN Management and Reform at the U.S. Mission to the United Nations, "Going Legit", Winter, www.democracyjournal.org/3/6507.php?page=all

It’s a truism today that America’s position as the world’s superpower is shakier than it used to be. The nation’s military is overstretched and unable to take on new commitments. Interest payments on the national debt topped $400 billion in the 2006 fiscal year, threatening to crowd out needed expenditures to sustain economic competitiveness. And Washington has made little progress on urgent foreign policy objectives, including stabilizing Iraq, curbing Iran’s and North Korea’s nuclear programs, expanding global trade, and ending anti-American extremism in the Arab and Muslim worlds.¶ The Iraq war has directly caused much of this damage. Financially, it has been a huge drain: The Congressional Budget Office reported in mid-2006 that costs topped $432 billion. Militarily, it has been punishing: The Pentagon admits that the conflict has badly stretched the Armed Forces, with 70 percent of troops scheduled to return to Iraq next year set to serve their third tours. In human terms, the price has been high: nearly 3,000 American troops have died to date.¶ The war’s dearest casualty, however, has been to America’s international standing, specifically its legitimacy abroad. The Iraq intervention has eroded the esteem, respect, and trust that the United States once commanded on every continent, hampering a host of current policy objectives and putting ambitious and important new goals out of reach. Rehabilitating America’s legitimacy, therefore, will be essential to ensuring that the Iraq war does not exact a permanent toll on American global influence.¶ International legitimacy is a measure of the acceptability and justifiability of a state’s actions in the eyes of other states and their citizens. Legitimacy, a kind of moral capital, reflects a collective judgment that the assertion of power, through a policy or an action, is valid even if it is unpopular. After all, leadership requires taking the occasional unpopular stand; but whereas popularity is inherently ephemeral, contingent on personalities and temporary alignments of interest, legitimacy is more enduring. It provides a foundation for respect and understanding that can transcend short-term, conflicting goals. Practically, when America’s purposes are well-founded, openly articulated, and broadly consistent with its professed values, the use of power toward those ends is generally judged legitimate. But when the United States misleads others about its motives, acts on inadequate or selective evidence, flouts its own principles, or unilaterally exempts itself from broadly agreed standards of conduct, its legitimacy suffers.¶ The current administration has put little weight on legitimacy as a criteria for policy-making. The Iraq war, for instance, wasn’t waged without regard for international legitimacy; on the contrary, eschewing legitimacy was part of the plan. From the start, Bush Administration officials derided the idea that American power should answer to international norms. Vice President Dick Cheney resisted calls by Secretary of State Colin Powell to bring Washington’s case against Iraq to the UN, judging such diplomatic machinations a waste of time. The Administration even sometimes seemed to suggest, perversely, that if leading European nations or the UN were involved, results would be slower and less effective.¶ Undoing this damage is a precondition for setting U.S. foreign policy back on course. International legitimacy, viewed by the Bush Administration as constraining American power, must now be recognized as an indispensable tool for fortifying and extending it. As we look to a post-Bush foreign policy, progressives need to recognize that a concerted effort to reconstitute America’s legitimacy is the best way to safeguard American superpowerdom in the long term.¶ The History of Legitimacy¶ The increasing importance of international legitimacy and the rise of the United States as a global power go hand-in-hand. During the colonial era of great power politics, military prowess and territorial control ruled the day; countries with resources and armies did not worry much about the court of international opinion. But after World War II, as leading nations grappled with how to administer war-ravaged Europe and Japan and how to prevent future world wars, legitima0cy moved to the forefront. International law was expounded through treaty-based organizations like the UN, NATO, and the Bretton Woods institutions. The dismantling of far-flung colonial empires and the emergence of the principle of self-determination helped fulfill the widening belief that power needed to be made accountable to peoples affected by it.¶ The United States enjoyed a great deal of legitimacy in the postwar period. The conservative scholar Robert Kagan argued in Foreign Affairs that U.S. legitimacy derived mainly from the Cold War itself: Among Western European governments and publics American actions were seen as justified to face down a totalitarian menace. While violent proxy wars in Latin America and Asia had some corrupting effects on America’s image, they did not outweigh the perception of credibility in the Cold War’s primary battleground of Europe. In contrast, political scientists Robert Tucker and David Hendrickson contend that America’s legitimacy derived not from its struggle against communism per se, but rather from the respect President Harry Truman and his successors showed for international law and norms.¶ The end of the Cold War scrambled the situation. On the one hand, it left the United States as the world’s sole remaining superpower. With liberal democracy ascendant, American values–including the market capitalism that much of the world once saw as synonymous with imperialist exploitation–now enjoyed wide acceptance in Eastern Europe, Asia, and elsewhere. With the Soviet Union gone, what Kagan identified as the “legitimizing effect” of the Cold War struggle evaporated. At the same time, America’s legitimacy also came under closer scrutiny. This imbalance led to concern over the unparalleled degree of U.S. influence over the world economy, decision-making at the UN, and oil supplies in the Middle East. Skeptics impugned American motives and methods by pointing to examples of Washington’s hypocritical support for oil-rich oligarchies in the Middle East, uneven commitment to global free trade, and insufficiently aggressive efforts to halt greenhouse gas emissions.¶ The Clinton Administration handled these concerns through balanced policies and a degree of self-regulation. It showed enough respect for the views of allies and for the UN to get away with circumventing international rules from time to time–as when it failed for many years (due to congressional resistance) to pay its dues to the UN or failed to ratify the International Criminal Court (ICC) . During the Clinton era, conservatives sharpened their longstanding critique of the idea that American foreign policy needed to enjoy international legitimacy. Many of these thinkers and politicians had, during the Cold War, seen international institutions like the UN as Soviet-influenced impediments to American interests. Now they argued that America must not be constricted by external norms of legitimacy, particularly if legitimacy might be arbitrated by international institutions like the UN that, despite the Soviet Union’s collapse, still counted dictatorships and tyrannies among their ranks.¶ Such an argument was implicit in Kagan and William Kristol’s 1996 call for a foreign policy based on “benevolent hegemony”–a concept that continued to animate neoconservatives through the 2003 Iraq invasion. Rooted in the Cold War experience in which Eastern European peoples drew inspiration from Western liberal ideals, benevolent hegemony held that if the United States acted from passionate conviction, its moral rectitude would be recognized and followed, if not immediately then in the long run. The concept of benevolent hegemony guided the Bush Administration’s foreign policy even before September 11–evident, for example, in its decision in late 2001 to withdraw from the Anti-Ballistic Missile Treaty. The Administration knew the action would initially be derided, but it believed that the world would come to recognize that the creation of a North American missile shield would ultimately enhance not just American security, but also “the interests for peace in the world.”¶ After September 11, Bush’s decision to frame the battle against terrorism as one of good versus evil also drew on assumptions of benevolent hegemony. Bush expected that the self-evidently moral basis of the fight against al Qaeda would insulate the United States from any potential questions about the legitimacy of its actions, much as the battle against Soviet totalitarianism had once done in many quarters. For a short time after September 11, that logic seemed to prevail broadly, uniting the world in swift approval for the U.S.-led invasion of Afghanistan and other aggressive steps to clamp down on global terrorism. But while the 2001 terrorist attacks temporarily legitimized an aggressive American foreign policy, they also emboldened the conservative critique of legitimacy itself. Conservatives–such as Attorney General John Ashcroft and his Deputy John Yoo–crafted arguments on the premise that to be constrained by internationally accepted legal constructs after the attacks would be to short-change U.S. security and abdicate America’s natural right to defend itself as it saw fit. Bush and his supporters summoned the visceral patriotism of a wounded nation to argue that the United States must unshackle itself from the constraints of international rules that could tie its hands. The embrace of the doctrine of preemptive war in the 2002 National Security Strategy was a deliberate signal to the world that the United States no longer saw itself constrained by norms of legitimacy, arrogating for itself a unilateral right with no articulated justification as to why it alone was authorized to preempt threats with force.¶ Thus the Administration approached the Iraq conflict with broad confidence in the world’s belief in America’s benevolent hegemony and a dismissive attitude toward the constraints of legitimacy. Although Powell managed to convince the Administration to make a pitstop at the UN Security Council to seek approval for its planned invasion, the UN membership (and much of the American public) correctly suspected the decision had already been made. And indeed, when the Security Council balked at Bush’s case, the Administration moved forward anyway, constrained by neither the holes in its case for intervention nor by the world’s resistance. Washington was convinced that its rightness, even if not ratified in advance, would be revealed after the fact.¶ But instead the opposite happened. As Francis Fukuyama describes in America at the Crossroads, it became apparent soon after the invasion that benevolence would not come to America’s rescue. Instead of welcoming American soldiers with sweets and flowers, Iraqi society exploded into a complex civil war. U.S. forces failed to find weapons of mass destruction, debasing the war’s central aim in both domestic and foreign eyes. And high-profile cases of prisoner abuse and war crimes against civilians made a mockery of Bush’s lofty vision of bringing liberty and democracy to the Middle East. Both at home and abroad, even those who initially believed the invasion was well-intended–not just conservatives, but also many Democrats in Congress–came to feel duped.¶ The Case for Legitimacy¶ While the United States remains preeminent in its military and economic strength, the most potent global challenges it faces–nuclear proliferation, terrorism, failed states, and the scramble for energy–are not amenable to resolution through money or firepower. They depend on America’s ability to forge agreements, build consensus, and persuade others, all of which in turn are contingent on whether Washington enjoys international legitimacy.¶ A drive to restore America’s legitimacy, then, must rest on a clear understanding of what legitimacy is, how it is attained, and why it is useful. Bush has caricatured legitimacy as a straitjacket, a “permission slip” from the world. But legitimacy has two rather more respectable sources: rules and rectitude. The first involves authorization by a formal body or written set of laws, such as an international agreement or treaty. Acts that meet the criterion include measures taken in self-defense against an imminent threat under the UN Charter, policies on detention that match the Geneva Conventions, and extradition agreements consistent with the Rome Statute of the ICC.¶ The second source of international legitimacy, rectitude, cannot be granted or taken away through any formal process; it must be earned. It revolves around the perception that a policy or action is justified and is not as easy to come by as following a set of prescribed rules. Indeed, codified international law is too ill-defined, incomplete, and unevenly applied to be the only test of international legitimacy. For example, when the United States has employed the technique of targeted assassinations against al Qaeda leaders, international outcry has been muted despite the fact that such extralegal killings violate international law. Judgments of the rectitude of particular actions take account of individual circumstances: whether an action is provoked, what alternatives were available, and whether appropriate methods were used. In the case of targeted terrorist assassinations–where the provocation is clear, the prospects for capturing an elusive and well-protected terrorist alive are low, and the harm to innocents is nil–the weight of legitimacy may be on the side of the assassin.¶ International legitimacy–whether derived from rules, rectitude, or both–can be affirmed and judged in three different forums. First, standing multilateral institutions–principally the UN Security Council, but also international courts or regional entities like NATO and the African Union–can formally ratify actions such as military interventions. Second, states can individually express their support or acquiescence with the actions of other states. For example, when the United States, Europe, and others indicated in the spring of 2006 that they would reduce funding to the elected Hamas-led government in the Palestinian territories because Hamas was a terrorist organization, they helped legitimize Israel’s decision not to turn over collected tax monies to Hamas.¶ Third, legitimacy gets arbitrated by the public at large in newspapers, cafés, web sites, and street protests. Particularly in this last form, legitimacy can sound slippery and hard to define. But the concept’s elusiveness does not diminish its importance. Liberal advocates of legitimacy need to embrace alternative sources of legitimacy when, for example, the UN Security Council is paralyzed in the face of a threat. The United States can–and should–act alone if it must. While the withholding of international support will suggest that others doubt the legitimacy of an action, such misgivings do not–in themselves–render the act illegitimate. While not prohibiting action, broad international reservations should occasion a hard look at why support is not forthcoming and whether reasonable measures–for example, further attempts at resolution short of the use of force–are warranted. A certain measure of legitimacy will derive from the very willingness to engage and debate where the boundaries of legitimacy lie, rather than standing aloof and claiming that such questions don’t matter to Washington.¶ The lampooning of legitimacy by the Bush Administration, of course, has made the concept taboo in some circles. After the first presidential debate in 2004, John Kerry was drubbed by critics for suggesting that acts of preemption should have some widely recognizable justification (in his ill-chosen words, passing a “global test”). Afraid of being portrayed as weak on defense, many progressives now hedge their arguments, calling for building support for U.S. policies and rebuilding America’s popular image, but not speaking of restoring international legitimacy.¶ Though a worthy goal in its own right, renewing America’s popularity is not the same as restoring its legitimacy. A charismatic new president who traveled the world could help rebuild America’s image and favorability ratings. A generous new foreign aid program might do the same. But, unless accompanied by visibly increased attention to international norms, these changes will not allay concerns over America’s motives.¶ The crumbling of American legitimacy has had wide ripple effects, from the spread of jihadism to the rise of anti-American governments in Latin America to the inability of the United States to muster UN support for an intervention in Darfur. According to the UN’s special envoy for Sudan, that country’s beleaguered population is wary that international intervention is a first step to recolonization and has a “genuine fear of the Iraq scenario being repeated.” As human rights advocate David Rieff has pointed out, even liberal interventionists clamoring to stop the Darfur genocide must confront the fact that, after Iraq, a U.S. invasion may well be more inflammatory than pacific.¶ Taking Legitimacy Seriously¶ Legitimacy is not a sweeping foreign policy vision, but rather a principle that functions like a set of guardrails to keep the country on course toward the overriding goal of sustaining American superpowerdom. Mouthing the rhetoric of legitimacy will not help. The Bush Administration’s Orwellian invocation of the language of liberal internationalism–active promotion of freedom, human rights, and the rule of law–amid policies marked by unilateralism, preemptive force, and human and civil rights abuses has all but drained the meaning from those terms. In projecting the embrace of legitimacy as a centerpiece of its foreign policy, the United States will be judged not by its words but by its actions.

#### Heg prevents great power war and global governance failures

BradleyThayer 13, PhD U Chicago, former research fellow at Harvard Kennedy School’s Belfer Center, political science professor at Baylor, professor in the political science department at Baylor University, “Humans, Not Angels: Reasons to Doubt the Decline of War Thesis”, September, International Studies Review Volume 15, Issue 3, pages 396–419

Accordingly, while Pinker is sensitive to the importance of power in a domestic context—the Leviathan is good for safety and the decline of violence—he neglects the role of power in the international context, specifically he neglects US power as a force for stability. So, if a liberal Leviathan is good for domestic politics, a liberal Leviathan should be as well for international politics. The primacy of the United States provides the world with that liberal Leviathan and has four major positive consequences for international politics (Thayer 2006). In addition to ensuring the security of the United States and its allies, American primacy within the international system causes many positive outcomes for the world. The first has been a more peaceful world. During the Cold War, US leadership reduced friction among many states that were historical antagonists, most notably France and West Germany. Today, American primacy and the security blanket it provides reduce nuclear proliferation incentives and help keep a number of complicated relationships stable such as between Greece and Turkey, Israel and Egypt, South Korea and Japan, India and Pakistan, Indonesia and Australia. Wars still occur where Washington's interests are not seriously threatened, such as in Darfur, but a Pax Americana does reduce war's likelihood—particularly the worst form—great power wars**.** Second, American power gives the United States the ability to spread democracy and many of the other positive forces Pinker identifies. Doing so is a source of much good for the countries concerned as well as the United States because liberal democracies are more likely to align with the United States and be sympathetic to the American worldview. In addition, once states are governed democratically, the likelihood of any type of conflict is significantly reduced. This is not because democracies do not have clashing interests. Rather, it is because they are more transparent, more likely to want to resolve things amicably in concurrence with US leadership. Third, along with the growth of the number of democratic states around the world has been the growth of the global economy. With its allies, the United States has labored to create an economically liberal worldwide network characterized by free trade and commerce, respect for international property rights, mobility of capital, and labor markets. The economic stability and prosperity that stems from this economic order is a global public good. Fourth, and finally, the United States has been willing to use its power not only to advance its interests but to also promote the welfare of people all over the globe. The United States is the earth's leading source of positive externalities for the world. The US military has participated in over 50 operations since the end of the Cold War—and most of those missions have been humanitarian in nature. Indeed, the US military is the earth's “911 force”—it serves, de facto, as the world's police, the global paramedic, and the planet's fire department. There is no other state, group of states, or international organizations that can provide these global benefits. Without US power, the liberal order created by the United States will end just as assuredly. But, the waning of US power, at least in relative terms, introduces additional problems for Pinker concerning the decline of violence in the international realm. Given the importance of the distribution of power in international politics, and specifically US power for stability, there is reason to be concerned about the future as the distribution of relative power changes and not to the benefit of the United States.

#### Material power’s irrelevant---lack of legitimacy makes heg ineffective

Barak Mendelsohn 10, assistant professor of political science at Haverford College and a senior fellow of FPRI. Author of Combating Jihadism: American Hegemony and Interstate Cooperation in the War on Terrorism, June, “The Question of International Cooperation in the War on Terrorism”, http://www.fpri.org/enotes/201006.mendelsohn.cooperationwarterror.html

Going against common conceptions, I argue that the United States sought to advance more than what it viewed as simply its own interest. The United States stands behind multiple collaborative enterprises and should be credited for that. Nevertheless, sometimes it has overreached, sought to gain special rights other states do not have, or presented strategies that were not compatible with the general design of the war on terrorism, to which most states subscribed. When it went too far, the United States found that, while secondary powers could not stop it from taking action, they could deny it legitimacy and make the achievement of its objectives unattainable. Thus, despite the common narrative, U.S. power was successfully checked, and the United States found the limitations of its power, even under the Bush administration. Defining Hegemony Let me begin with my conception of hegemony. While the definition of hegemony is based on its material aspects—the preponderance of power—hegemony should be understood as a part of a social web comprised of states. A hegemon relates to the other states in the system not merely through the prism of power balances, but through shared norms and a system of rules providing an umbrella for interstate relations. Although interstate conflict is ubiquitous in international society and the pursuit of particularistic interests is common, the international society provides a normative framework that restricts and moderates the hegemon's actions. This normative framework accounts for the hegemon's inclination toward orderly and peaceful interstate relations and minimizes its reliance on power. A hegemon’s role in the international community relies on legitimacy. Legitimacy is associated with external recognition of the hegemon’s right of primacy, not just the fact of this primacy. States recognize the hegemon’s power, but they develop expectations that go beyond the idea that the hegemon will act as it wishes because it has the capabilities to do so. Instead, the primacy of the hegemon is manifested in the belief that, while it has special rights that other members of the international society lack, it also has a set of duties to the members of the international society. As long as the hegemon realizes its commitment to the collective, its position will be deemed legitimate. International cooperation is hard to achieve. And, in general, international relations is not a story of harmony. A state’s first inclination is to think about its own interests, and states always prefer doing less over doing more. The inclination to pass the buck or to free ride on the efforts of others is always in the background. If a hegemon is willing to lead in pursuit of collective interests and to shoulder most of the burden, it can improve the prospects of international cooperation. However, even when there is a hegemon willing to lead a collective action and when states accept that action is needed, obstacles may still arise. These difficulties can be attributed to various factors, but especially prominent is the disagreement over the particular strategy that the hegemon promotes in pursuing the general interest. When states think that the strategy and policies offered by the hegemon are not compatible with the accepted rules of “rightful conduct” and break established norms, many will disapprove and resist. Indeed, while acceptance of a hegemon’s leadership in international society may result in broad willingness to cooperate with the hegemon in pursuit of shared interests it does not guarantee immediate and unconditional compliance with all the policies the hegemon articulates. While its legitimacy does transfer to its actions and grants some leeway, that legitimacy does not justify every policy the hegemon pursues—particularly those policies that are not seen as naturally deriving from the existing order. As a result, specific policies must be legitimated before cooperation takes place. This process constrains the hegemon’s actions and prevents the uninhibited exercise of power.

#### Prolif causes extinction

Matthew Kroenig 12, is an Assistant Professor of Government at Georgetown University and a Stanton Nuclear Security Fellow on the Council on Foreign Relations, May 26th, 2012, “The History of Proliferation Optimism: Does It Have A Future?” <http://www.npolicy.org/article.php?aid=1182&tid=30>

What’s Wrong with Proliferation Optimism?

**The proliferation optimist position**, while having a distinguished pedigree, **has several major flaws**. Many of these weaknesses have been chronicled in brilliant detail by Scott Sagan and other contemporary proliferation pessimists.34 Rather than repeat these substantial efforts, I will use this section to offer some original critiques of the recent incarnations of proliferation optimism.¶ First and foremost, proliferation optimists do not appear to understand contemporary deterrence theory. I do not say this lightly in an effort to marginalize or discredit my intellectual opponents. Rather, I make this claim with all due caution and sincerity. A careful review of the contemporary proliferation optimism literature does not reflect an understanding of, or engagement with, the developments in academic deterrence theory over the past few decades in top scholarly journals such as the American Political Science Review and International Organization.35 While early optimists like Viner and Brodie can be excused for not knowing better, the writings of contemporary proliferation optimists **ignore much of the past fifty years of academic research on nuclear deterrence theory.**¶In the 1940s, Viner, Brodie, and others argued that the advent of Mutually Assured Destruction (MAD) rendered war among major powers obsolete, but nuclear deterrence theory soon advanced beyond that simple understanding.36 After all, great power political competition does not end with nuclear weapons. And nuclear-armed states still seek to threaten nuclear-armed adversaries. States cannot credibly threaten to launch a suicidal nuclear war, but they still want to coerce their adversaries. This leads to a credibility problem: “how can states credibly threaten a nuclear-armed opponent? Since the 1960s academic nuclear deterrence theory has been devoted almost exclusively to answering this question.37 And, unfortunately for proliferation optimists, the answers do not give us reasons to be optimistic.¶ Thomas Schelling was the first to devise a rational means by which states can threaten nuclear-armed opponents.38 He argued that leaders cannot credibly threaten to intentionally launch a suicidal nuclear war, but they can make a “threat that leaves something to chance.”39 They can engage in a process, the nuclear crisis, which increases the risk of nuclear war in an attempt to force a less resolved adversary to back down. As states escalate a nuclear crisis there is an increasing probability that the conflict will spiral out of control and result in an inadvertent or accidental nuclear exchange. As long as the benefit of winning the crisis is greater than the incremental increase in the risk of nuclear war, threats to escalate nuclear crises are inherently credible. In these games of nuclear brinkmanship, the state that is willing to run the greatest risk of nuclear war before backing down will win the crisis as long as it does not end in catastrophe. It is for this reason that Thomas Schelling called great power politics in the nuclear era a “competition in risk taking.”¶ 40 This does not mean that states eagerly bid up the risk of nuclear war. Rather, they face gut-wrenching decisions at each stage of the crisis. They can quit the crisis to avoid nuclear war, but only by ceding an important geopolitical issue to an opponent. Or they can the escalate the crisis in an attempt to prevail, but only at the risk of suffering a possible nuclear exchange.¶ Since 1945 there were have been many high stakes nuclear crises (by my count, there have been twenty) in which “rational” states like the United States run a frighteningly-real risk of nuclear war.41 By asking whether states can be deterred or not, therefore, proliferation optimists ask the wrong question. The right question to ask is: what risk of nuclear war is a specific state willing to run against a particular opponent in a given crisis? Optimists are likely correct when they assert that Iran will not intentionally commit national suicide by launching a bolt-from-the-blue nuclear attack on the United States or Israel. This does not mean that Iran will never use nuclear weapons, however. Indeed, it is almost inconceivable to think that a nuclear-armed Iran would not, at some point, find itself in a crisis with another nuclear-armed power. It is also inconceivable that in those circumstances, Iran would not be willing to run any risk of nuclear war in order to achieve its objectives. If a nuclear-armed Iran and the United States or Israel have a geopolitical conflict in the future, over, for example, the internal politics of Syria, an Israeli conflict with Iran’s client Hezbollah, the U.S. presence in the Persian Gulf, passage through the Strait of Hormuz, or some other issue, do we believe that Iran would immediately capitulate? Or is it possible that Iran would push back, possibly even brandishing nuclear weapons in an attempt to coerce its adversaries? If the latter, there is a real risk that proliferation to Iran could result in nuclear war.¶ An optimist might counter that nuclear weapons will never be used, even in a crisis situation, because states have such a strong incentive, namely national survival, to ensure that nuclear weapons are not used. But, this objection ignores the fact that **leaders operate under competing pressures.** Leaders in nuclear-armed states also have very strong incentives to convince their adversaries that nuclear weapons could very well be used. Historically we have seen that leaders take actions in crises, such as **placing nuclear weapons on** high alert **and** delegating **nuclear** launch authority **to low level commanders**, to purposely increase the risk of accidental nuclear war in an attempt to force less-resolved opponents to back down.

#### Effective LA relations are key to a successful Energy and Climate Partnership of the Americas

Guy [Edwards](http://www.intercambioclimatico.com/pt-br/author/guy/) 11, Research fellow @ [Brown University’s Center for Environmental Studies](http://envstudies.brown.edu/), Researcher for and works with the [Latin American Platform on Climate](http://www.intercambioclimatico.com/en/2011/02/17/latin-american-platform-on-climate-strategy-2010/) and the [Climate and Development Knowledge Network](http://cdkn.org/), “Climate, energy to dominate US-Latin American relations,” Thomson Reuters Foundation, 18 Jul 2011, http://www.trust.org/item/?map=climate-energy-to-dominate-us-latin-american-relations/

With the challenges of climate change, clean energy, resource scarcity and green growth [are] set to dominate U.S.-Latin American relations, Valenzuela’s successor should have experience in these areas. ¶ These issues are a [priority](http://www.state.gov/p/wha/rls/rm/2011/154105.htm) for the Obama administration and present lucrative opportunities for the U.S. to improve trade and commercial relations with Latin America at a time when the region is a magnet for investment in clean energy.¶ In Chile, President Barack Obama spoke of the [urgency](http://www.whitehouse.gov/the-press-office/2011/03/21/remarks-president-obama-latin-america-santiago-chile) of tackling climate change and embracing a more secure and sustainable energy future in the Americas. The Energy and Climate Partnership of the Americas (ECPA), which aims to accelerate the deployment of clean energy and advance energy security, is an essential component of hemispheric relations.¶ Multiple U.S. agencies and departments are carrying out extensive work on climate change. The U.S. Agency for International Development (USAID), which runs the Global Climate Change Initiative, [argues](http://www.usaid.gov/our_work/environment/climate/) that climate change is one of the century’s greatest challenges and will be a diplomatic and development priority.¶ The U.S. Special Envoy for Climate Change, Todd [Stern](http://www.ecpamericas.org/files/events/Todd_Stern_20100416_eng.pdf), says that Latin America is a significant focus of funding with over $60 million spent in 2009-10 on climate-related bilateral assistance in the region. The U.S. military Southern Command [co-hosted](http://www.intercambioclimatico.com/en/2011/07/14/wp-content/uploads/Civil-Military-Collaboration-to-Address-Adaptation-to-Climate-Change-in-South-America.pdf) two events in Colombia and Peru focused on climate change concluding that the issue is a major security concern and as a result could be a powerful vehicle for U.S. military engagement in the region.¶ This year the Union of South American Nations’ (UNASUR) Defense Council (CDS) [inaugurated](http://en.mercopress.com/2011/05/23/unasur-defence-strategic-studies-centre-opens-this-week-in-buenos-aires) the new Defense Strategic Studies Center (CEED), which will look at various challenges including the protection of strategic [energy](http://www.rpp.com.pe/2011-05-27-ministros-de-defensa-de-unasur-piden-proteger-recursos-estrategicos-noticia_369675.html) and food resources and adapting to [climate change](http://www.google.com/hostednews/epa/article/ALeqM5jwR9CJoQuzRwgF3cGM48NV0LuyOA?docId=1538629).¶ THE REGION’S RESOURCES¶ Latin America and the Caribbean boast incredible and highly coveted natural resources including 25 percent of the planet’s arable land, 22 percent of its forest area, [and] 31 percent of its freshwater, 10 percent of its oil, 4.6 percent of its natural gas, 2 percent of coal reserves and 40 percent of its copper and silver reserves.¶ The International Energy Agency [forecasts](http://www.nytimes.com/2011/06/16/business/energy-environment/16oil.html?_r=2) that in the future world consumers are going to become more dependent on the Americas to satisfy their demand for oil with Brazil, Colombia, the U.S. and Canada set to meet the demand.¶ Brazil will host the U.N. [Conference on Sustainable Development](http://www.uncsd2012.org/rio20/) in 2012 with the green economy theme topping the agenda. Peter [Hakim](http://www.thedialogue.org/page.cfm?pageID=32&pubID=2679), president emeritus of Inter-American Dialogue, argues that while U.S.-Brazilian relations are fraught, both countries need to work harder to improve cooperation.¶ Climate change, clean energy, resource scarcity and green growth are key potential areas for U.S.-Brazilian relations. The launch of a [U.S](http://www.whitehouse.gov/the-press-office/2011/03/19/united-states-and-brazil-fact-sheets).[-Brazilian Strategic Energy Dialogue](http://www.whitehouse.gov/the-press-office/2011/03/19/united-states-and-brazil-fact-sheets), focusing on cooperation on biofuels and renewable energy, among other areas, is a productive start.¶ Although Latin America and the Caribbean continue to be the largest U.S. export market, the U.S.’s share of the region’s imports and exports has [dropped](http://www.eclac.org/publicaciones/xml/4/42854/2011_195_Highlights_of_economics_and_trade_WEB.pdf) over the last few years. China is now the top destination for the [exports](http://www.eclac.cl/comercio/publicaciones/xml/4/43664/People_Republic_of_China_and_Latina_America_and_the_Caribbean_trade.pdf) of Argentina, Venezuela, Brazil, Chile, Costa Rica, Peru and Uruguay. Latin American exports to China are concentrated in raw materials, which account for nearly [60 percent](http://www.eclac.cl/comercio/publicaciones/xml/4/43664/People_Republic_of_China_and_Latina_America_and_the_Caribbean_trade.pdf), while exports to the U.S. are more diversified.¶ THE RISE OF CHINA¶ Arturo Valenzuela [says](http://www.miamiherald.com/2011/05/25/2236198/washington-says-its-not-scared.html) this makes Latin Americans better off trading with the U.S. because they can take advantage of greater technology in the value chain. However, crude oil remained the top [export](http://www.eclac.org/cgi-bin/getProd.asp?xml=/publicaciones/xml/4/42854/P42854.xml&xsl=/comercio/tpl/p9f.xsl&base=/tpl/top-bottom.xsl) to the U.S. for Argentina, Brazil, Colombia, Ecuador, Mexico and Venezuela in the 2007-2009 time period.¶ The U.S. may assert it has a superior trade model to China, but the U.N.’s economic commission for the region [argues](http://www.eclac.org/publicaciones/xml/4/42854/2011_195_Highlights_of_economics_and_trade_WEB.pdf) there is a perceived lack of strategic vision by the U.S. in Latin America. Although the Energy and Climate Partnership of the Americas (ECPA) is the flagship U.S. initiative in the region and will be a key focus for President Obama at the 2012 Summit of the Americas, it is not yet comparable to past initiatives such as the 1960s-era [Alliance for Progress](http://en.wikipedia.org/wiki/Alliance_for_Progress).

#### ECPA facilitates sustainable development globally

Daniel M. Kammen 12, Professor of Energy at UC Berkeley and Diego Ponce de Leon Barido, Doctoral student in the Energy and Resources Group at UC Berkeley who has done research on Latin American water management and ecosystem services, “[Building Bridges to a Sustainable Energy Future](http://www.greatenergychallengeblog.com/2012/12/05/building-bridges-to-a-sustainable-energy-future/),” National Geographic, December 5, http://www.greatenergychallengeblog.com/2012/12/05/building-bridges-to-a-sustainable-energy-future/

The Americas are undergoing a transition in the energy sector that will have global geopolitical ramifications. At the same time as the United States is touted to become the world’s largest oil producer by 2020, and a net exporter by 2030, Brazil, Nicaragua, and Panama show the most promise in becoming regional hubs not only for clean energy investment, but for sustained low-carbon economic growth (see related story: “[U.S. to Overtake Saudi Arabia, Russia as World’s Top Energy Producer](http://news.nationalgeographic.com/news/energy/2012/11/121112-iea-us-saudi-oil/)“).¶ Although Latin America and the Caribbean lag behind the United States and Canada in terms of implemented clean energy policy and project funding, 7 percent of the region’s total installed capacity today is renewables, and it is expected to grow faster in years to come. (See related interactive map: [“The Global Electricity Mix](http://environment.nationalgeographic.com/environment/energy/great-energy-challenge/world-electricity-mix/)“) Faced with ever-changing economic and political realities, regional collaborations for knowledge-creation and -sharing are crucial for fostering lasting partnerships that can make ‘sustainability science’, well, sustainable.¶ International partnerships that lead to concrete action are often the clearest signs of innovation. At the state to state level, the [Energy and Climate Partnership for the Americas](http://www.ecpamericas.org) (ECPA) and at the person-to-person level, the Fulbright [NEXUS](http://www.cies.org/nexus/) program provide clear evidence regional collaborations that are clearly changing the modes of engagement within the hemisphere. One of us just returned from a partnership-building ECPA sponsored trip to Nicaragua, facilitated by both the U. S. Embassy team and a local NGO, [blueEnergy](http://www.blueenergygroup.org/?lang=en), which is discussed below and [here](http://www.partnersoftheamericas.net/2012/08/senior-ecpa-fellow-returns-from.html), focused on community energy.¶ Just two years after its launch by President Obama in 2009, ECPA has moved beyond its initial focus on knowledge sharing around cleaner and more efficient energy, and now also supports sustainable forest and land use initiatives as well as climate change adaptation strategies. Governments and institutions such as the Organization of American States (OAS), the World Bank, and the Inter-American Development Bank (IDB), have all worked together to support regional technical workshops, business strategies, and other initiatives for new and cleaner ways to provide energy. ECPA has also become a vehicle for leaders in sustainability research and practice to work at the institutional level to link industry, university, and civil-society groups in the New World.

#### Prevents extinction

Dr. Glen Barry 13, Political ecologist with expert proficiencies in old forest protection, climate change, and environmental sustainability policy, Ph.D. in "Land Resources" and Masters of Science in "Conservation Biology and Sustainable Development” from the University of Wisconsin-Madison, “ECOLOGY SCIENCE: Terrestrial Ecosystem Loss and Biosphere Collapse,” Forests.org, February 4, 2013, pg. http://forests.org/blog/2013/02/ecology-science-terrestrial-ec.asp

Blunt, Biocentric Discussion on Avoiding Global Ecosystem Collapse and Achieving Global Ecological Sustainability
Science needs to do a better job of considering worst-case scenarios regarding continental- and global-scale ecological collapse. The loss of biodiversity, ecosystems, and landscape connectivity reviewed here shows clearly that ecological collapse is occurring at spatially extensive scales. The collapse of the biosphere and complex life, or eventually even all life, is a possibility that needs to be better understood and mitigated against. A tentative case has been presented here that terrestrial ecosystem loss is at or near a planetary boundary. It is suggested that a 66% of Earth's land mass must be maintained in terrestrial ecosystems, to maintain critical connectivity necessary for ecosystem services across scales to continue, including the biosphere. Yet various indicators show that around 50% of Earth's terrestrial ecosystems have been lost and their services usurped by humans. Humanity may have already destroyed more terrestrial ecosystems than the biosphere can bear. There exists a major need for further research into how much land must be maintained in a natural and agroecological state to meet landscape and bioregional sustainable development goals while maintaining an operable biosphere.
It is proposed that a critical element in determining the threshold where terrestrial ecosystem loss becomes problematic is where landscape connectivity of intact terrestrial ecosystems erodes to the point where habitat patches exist only in a human context. Based upon an understanding of how landscapes percolate across scale, it is recommended that 66% of Earth's surface be maintained as ecosystems; 44% as natural intact ecosystems (2/3 of 2/3) and 22% as agroecological buffer zones. Thus nearly half of Earth must remain as large, connected, intact, and naturally evolving ecosystems, including old-growth forests, to provide the context and top-down ecological regulation of both human agroecological, and reduced impact and appropriately scaled industrial activities.
Given the stakes, it is proper for political ecologists and other Earth scientists to willingly speak bluntly if we are to have any chance of averting global ecosystem collapse. A case has been presented that Earth is already well beyond carrying capacity in terms of amount of natural ecosystem habitat that can be lost before the continued existence of healthy regional ecosystems and the global biosphere itself may not be possible. Cautious and justifiably conservative science must still be able to rise to the occasion of global ecological emergencies that may threaten our very survival as a species and planet.
Those knowledgeable about planetary boundaries – and abrupt climate change and terrestrial ecosystem loss in particular – must be more bold and insistent in conveying the range and possible severity of threats of global ecosystem collapse, while proposing sufficient solutions. It is not possible to do controlled experiments on the Earth system; all we have is observation based upon science and trained intuition to diagnose the state of Earth's biosphere and suggest sufficient ecological science–based remedies.
If Gaia is alive, she can die. Given the strength of life-reducing trends across biological systems and scales, there is a need for a rigorous research agenda to understand at what point the biosphere may perish and Earth die, and to learn what configuration of ecosystems and other boundary conditions may prevent her from doing so. We see death of cells, organisms, plant communities, wildlife populations, and whole ecosystems all the time in nature – extreme cases being desertification and ocean dead zones. There is no reason to dismiss out of hand that the Earth System could die if critical thresholds are crossed. We need as Earth scientists to better understand how this may occur and bring knowledge to bear to avoid global ecosystem and biosphere collapse or more extreme outcomes such as biological homogenization and the loss of most or even all life. To what extent can a homogenized Earth of dandelions, rats, and extremophiles be said to be alive, can it ever recover, and how long can it last?
The risks of global ecosystem collapse and the need for strong response to achieve global ecological sustainability have been understated for decades. If indeed there is some possibility that our shared biosphere could be collapsing, there needs to be further investigation of what sorts of sociopolitical responses are valid in such a situation. Dry, unemotional scientific inquiry into such matters is necessary – yet more proactive and evocative political ecological language may be justified as well. We must remember we are speaking of the potential for a period of great dying in species, ecosystems, humans, and perhaps all being. It is not clear whether this global ecological emergency is avoidable or recoverable. It may not be. But we must follow and seek truth wherever it leads us.
Planetary boundaries have been quite anthropocentric, focusing upon human safety and giving relatively little attention to other species and the biosphere's needs other than serving humans. Planetary boundaries need to be set that, while including human needs, go beyond them to meet the needs of ecosystems and all their constituent species and their aggregation into a living biosphere. Planetary boundary thinking needs to be more biocentric.
I concur with Williams (2000) that what is needed is an Earth System–based conservation ethic – based upon an "Earth narrative" of natural and human history – which seeks as its objective the "complete preservation of the Earth's biotic inheritance." Humans are in no position to be indicating which species and ecosystems can be lost without harm to their own intrinsic right to exist, as well as the needs of the biosphere. For us to survive as a species, logic and reason must prevail (Williams 2000).
Those who deny limits to growth are unaware of biological realities (Vitousek 1986). There are strong indications humanity may undergo societal collapse and pull down the biosphere with it. The longer dramatic reductions in fossil fuel emissions and a halt to old-growth logging are put off, the worse the risk of abrupt and irreversible climate change becomes, and the less likely we are to survive and thrive as a species. Human survival – entirely dependent upon the natural world – depends critically upon both keeping carbon emissions below 350 ppm and maintaining at least 66% of the landscape as natural ecological core areas and agroecological transitions and buffers. Much of the world has already fallen below this proportion, and in sum the biosphere's terrestrial ecosystem loss almost certainly has been surpassed, yet it must be the goal for habitat transition in remaining relatively wild lands undergoing development such as the Amazon, and for habitat restoration and protection in severely fragmented natural habitat areas such as the Western Ghats.
The human family faces an unprecedented global ecological emergency as reckless growth destroys the ecosystems and the biosphere on which all life depends. Where is the sense of urgency, and what are proper scientific responses if in fact Earth is dying? Not speaking of worst-case scenarios – the collapse of the biosphere and loss of a living Earth, and mass ecosystem collapse and death in places like Kerala – is intellectually dishonest. We must consider the real possibility that we are pulling the biosphere down with us, setting back or eliminating complex life.
The 66% / 44% / 22% threshold of terrestrial ecosystems in total, natural core areas, and agroecological buffers gets at the critical need to maintain large and expansive ecosystems across at least 50% of the land so as to keep nature connected and fully functional. We need an approach to planetary boundaries that is more sensitive to deep ecology to ensure that habitable conditions for all life and natural evolutionary change continue. A terrestrial ecosystem boundary which protects primary forests and seeks to recover old-growth forests elsewhere is critical in this regard. In old forests and all their life lie both the history of Earth's life, and the hope for its future. The end of their industrial destruction is a global ecological imperative.
Much-needed dialogue is beginning to focus on how humanity may face systematic social and ecological collapse and what sort of community resilience is possible. There have been ecologically mediated periods of societal collapse from human damage to ecosystems in the past (Kuecker and Hall 2011). What makes it different this time is that the human species may have the scale and prowess to pull down the biosphere with them. It is fitting at this juncture for political ecologists to concern themselves with both legal regulatory measures, as well as revolutionary processes of social change, which may bring about the social norms necessary to maintain the biosphere. Rockström and colleagues (2009b) refer to the need for "novel and adaptive governance" without using the word revolution. Scientists need to take greater latitude in proposing solutions that lie outside the current political paradigms and sovereign powers.
Even the Blue Planet Laureates' remarkable analysis (Brundtland et al. 2012), which notes the potential for climate change, ecosystem loss, and inequitable development patterns neither directly states nor investigates in depth the potential for global ecosystem collapse, or discusses revolutionary responses. UNEP (2012) notes abrupt and irreversible ecological change, which they say may impact life-support systems, but are not more explicit regarding the profound human and ecological implications of biosphere collapse, or the full range of sociopolitical responses to such predictions. More scientific investigations are needed regarding alternative governing structures optimal for pursuit and achievement of bioregional, continental, and global sustainability if we are maintain a fully operable biosphere forever. An economic system based upon endless growth that views ecosystems necessary for planetary habitability primarily as resources to be consumed cannot exist for long.
Planetary boundaries offer a profoundly difficult challenge for global governance, particularly as increased scientific salience does not appear to be sufficient to trigger international action to sustain ecosystems (Galaz et al. 2012). If indeed the safe operating space for humanity is closing, or the biosphere even collapsing and dying, might not discussion of revolutionary social change be acceptable? Particularly, if there is a lack of consensus by atomized actors, who are unable to legislate the required social change within the current socioeconomic system. By not even speaking of revolutionary action, we dismiss any means outside the dominant growth-based oligarchies.
In the author's opinion, it is shockingly irresponsible for Earth System scientists to speak of geoengineering a climate without being willing to academically investigate revolutionary social and economic change as well. It is desirable that the current political and economic systems should reform themselves to be ecologically sustainable, establishing laws and institutions for doing so. Yet there is nothing sacrosanct about current political economy arrangements, particularly if they are collapsing the biosphere. Earth requires all enlightened and knowledgeable voices to consider the full range of possible responses now more than ever.
One possible solution to the critical issues of terrestrial ecosystem loss and abrupt climate change is a massive and global, natural ecosystem protection and restoration program – funded by a carbon tax – to further establish protected large and connected core ecological sustainability areas, buffers, and agro-ecological transition zones throughout all of Earth's bioregions. Fossil fuel emission reductions must also be a priority. It is critical that humanity both stop burning fossil fuels and destroying natural ecosystems, as fast as possible, to avoid surpassing nearly all the planetary boundaries.
In summation, we are witnessing the collective dismantling of the biosphere and its constituent ecosystems which can be described as ecocidal. The loss of a species is tragic, of an ecosystem widely impactful, yet with the loss of the biosphere all life may be gone. Global ecosystems when connected for life's material flows provide the all-encompassing context within which life is possible. The miracle of life is that life begets life, and the tragedy is that across scales when enough life is lost beyond thresholds, living systems die.

### 1AC – Plan

#### The United States Congress should statutorily limit the war powers authority of the President of the United States for self-defense targeted killings that:

#### - are not guided by self-defense standards of necessity, proportionality and impending peril of the threat; and

#### - are not reported to Congressional intelligence committees.

### 1AC – Solvency

#### CONTENTION 3: SOLVENCY

#### Limiting self-defense targeting using more restrictive guidelines solves inevitable damage to jus ad bellum and expansiveness

Craig Martin 11, Associate Professor of Law at Washburn University School of Law, “GOING MEDIEVAL: TARGETED KILLING, SELF-DEFENSE AND THE JUS AD BELLUM REGIME”, SSRN

Without going through the analysis for each of these scenarios in detail, we can nonetheless conclude that while it may be possible to justify the use of force against these states on the basis of self-defense, the crucial point is that the justificatory analysis is case-dependent. When the United States engages in strikes that constitute the use of force against each of these states, the claim of the right of self-defense must make specific reference to the armed attacks that justify it, how the group that is the object of the use of force is responsible for the attacks, and how the state in which the group is being targeted can itself be held legally responsible for the operations of that group so as to justify the use of force against the state. The problem with the current U.S. claim of self-defense is that it does none of this, but rather asserts a general right to use force against Al Qaeda, the Taliban, and any other groups associated with them; and against any country in which the members of such groups are located, not based on the state’s actual involvement in the group’s attacks, but merely on it being insufficiently willing or able to suppress the group’s operations.96¶ It almost goes without saying that the principles of necessity and proportionality cannot be satisfied under such sweeping and general claims of self-defense. It is not possible to demonstrate that the use of force was strictly necessary when there has been no identification of the armed attacks in question, or explanation of how the specific groups being targeted pose the threat of imminent armed attacks, that can only be stopped through the use of force. Similarly, there can be no proportionality analysis without the identification of the harm that would be caused by specific attacks, against which one can compare the harm being inflicted by the defensive use of force.97 Thus, in order to satisfy the necessity and proportionality principles that are at the core of the doctrine, the United States must provide the information required for such analysis.¶ In sum, the U.S. government’s reliance upon self-defense as a justification for the targeted killing policy in countries such as Yemen, Somalia, and Pakistan, at least in the very general terms with which it has been asserted, is not consistent with the principles of self-defense under the jus ad bellum regime. This finding would suggest that, unless and until the administration offers more particularized support for this justification, the ongoing use of missile strikes for the purposes of killing suspected “terrorists,” “militants” and “insurgents” in countries like Somalia, Yemen, and Pakistan, is a violation of the prohibition on the use of armed force.¶

Such a conclusion is troubling enough. But even more important in the long run is the potential harm this continued practice could cause to the jus ad bellum regime, and to the relationship between the jus ad bellum and IHL regimes, to which we turn next.

#### Only Congress can align the political branches and send lawful signal --- oversight is necessary

Kenneth Anderson 10, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University and Member of its Task Force on National Security and the Law, 3/18, Rise of the Drones: Unmanned Systems and the Future of War, digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1002&context=pub\_disc\_cong

• Third, the proper legal rationale for the use of force in drone operations in special, sometimes covert, operations outside of traditional zones of armed conflict is the customary international law doctrine of self-defense, rather than the narrower law of armed conflict. ¶ • Fourth, Congress has vital roles to play here, mostly in asserting the legality of the use of drones. These include: (i) Plain assertion of the legality of the programs as currently used by the Obama administration, as a signal to courts in the US as well as the international community and other interested actors, that the two political branches are united on an issue of vital national security and foreign policy. (ii) Congressional oversight mechanisms should also be strengthened in ensuring Congress’s meaningful knowledge and ability to make its views known. (iii) Congress also should consider legislation to clarify once and for all that that covert use of force is lawful under US law and international law of self-defense, and undertake legislation to make clear the legal protection of individual officers. (iv) Congress should also strongly encourage the administration to put a public position on the record. In my view, that public justification ought to be something (self-defense, in my view) that will ensure the availability of targeted killing for future administrations outside the context of conflict with Al Qaeda – and protect against its legal erosion by acquiescing or agreeing to interpretations of international law that would accept, even by implication, that targeted killing by the civilian CIA using drones is per se an unlawful act of extrajudicial execution.

#### Congress is necessary for legal clarity to prevent ad-hoc self-defense

Mark David Maxwell 12, Colonel, Judge Advocate with the U.S. Army, Winter, “TARGETED KILLING, THE LAW, AND TERRORISTS”, Joint Force Quarterly, http://www.ndu.edu/press/targeted-killing.html

In the wake of the attacks by al Qaeda on September 11, 2001, an analogous phenomenon of feeling safe has occurred in a recent U.S. national security policy: America’s explicit use of targeted killings to eliminate terrorists, under the legal doctrines of selfdefense and the law of war. Legal scholars define targeted killing as the use of lethal force by a state4 or its agents with the intent, premeditation, and deliberation to kill individually selected persons who are not in the physical custody of those targeting them.5 In layman’s terms, targeted killing is used by the United States to eliminate individuals it views as a threat.6 Targeted killings, for better or for worse, have become “a defining doctrine of American strategic policy.”7 Although many U.S. Presidents have reserved the right to use targeted killings in unique circumstances, making this option a formal part of American foreign policy incurs risks that, unless adroitly controlled and defined in concert with Congress, could drive our practices in the use of force in a direction that is not wise for the long-term health of the rule of law. This article traces the history of targeted killing from a U.S. perspective. It next explains how terrorism has traditionally been handled as a domestic law enforcement action within the United States and why this departure in policy to handle terrorists like al Qaeda under the law of war—that is, declaring war against a terrorist organization—is novel. While this policy is not an ill-conceived course of action given the global nature of al Qaeda, there are practical limitations on how this war against terrorism can be conducted under the orders of the President. Within the authority to target individuals who are terrorists, there are two facets of Presidential power that the United States must grapple with: first, how narrow and tailored the President’s authority should be when ordering a targeted killing under the rubric of self-defense; and second, whether the President must adhere to concepts within the law of war, specifically the targeting of individuals who do not don a uniform. The gatekeeper of these Presidential powers and the prevention of their overreach is Congress. The Constitution demands nothing less, but thus far, Congress’s silence is deafening.¶ History of Targeted Killing During the Cold War, the United States used covert operations to target certain political leaders with deadly force.8 These covert operations, such as assassination plots against Fidel Castro of Cuba and Ngo Dinh Diem of South Vietnam, came to light in the waning days of the Richard Nixon administration in 1974. In response to the public outrage at this tactic, the Senate created a select committee in 1975, chaired by Senator Frank Church of Idaho, to “Study Government Operations with Respect to Intelligence Activities.”9 This committee, which took the name of its chairman, harshly condemned such targeting, which is referred to in the report as assassination: “We condemn assassination and reject it as an instrument of American policy.”10 In response to the Church Committee’s findings, President Gerald R. Ford issued an Executive order in 1976 prohibiting assassinations: “No employee of the United States Government shall engage in, or conspire to engage in political assassination.”11 The order, which is still in force today as Executive Order 12333, “was issued primarily to preempt pending congressional legislation banning political assassination.”12 President Ford did not want legislation that would impinge upon his unilateral ability as Commander in Chief to decide on the measures that were necessary for national security. 13 In the end, no legislation on assassinations was passed; national security remained under the President’s purview. Congress did mandate, however, that the President submit findings to select Members of Congress before a covert operation commences or in a timely fashion afterward.14 This requirement remains to this day. Targeted killings have again come to center stage with the Barack Obama administration’s extraordinary step of acknowledging the targeting of the radical Muslim cleric Anwar al-Awlaki, a U.S. citizen who lived in Yemen and was a member of an Islamic terrorist organization, al Qaeda in the Arabian Peninsula.15 Al-Awlaki played a significant role in an attack conducted by Umar Farouk Abdulmutallab, the Nigerian Muslim who attempted to blow up a Northwest Airlines flight bound for Detroit on Christmas Day 2009.16 According to U.S. officials, al-Awlaki was no longer merely encouraging terrorist activities against the United States; he was “acting for or on behalf of al-Qaeda in the Arabian Peninsula . . . and providing financial, material or technological support for . . . acts of terrorism.”17 Al-Awlaki’s involvement in these activities, according to the United States, made him a belligerent and therefore a legitimate target. The context of the fierce debates in the 1970s is different from the al-Awlaki debate. The targeted killing of an individual for a political purpose, as investigated by the Church Committee, was the use of lethal force during peacetime, not during an armed conflict. During armed conflict, the use of targeted killing is quite expansive.18 But in peacetime, the use of any lethal force is highly governed and limited by both domestic law and international legal norms. The presumption is that, in peacetime, all use of force by the state, especially lethal force, must be necessary. The Law Enforcement Paradigm Before 9/11, the United States treated terrorists under the law enforcement paradigm—that is, as suspected criminals.19 This meant that a terrorist was protected from lethal force so long as his or her conduct did not require the state to respond to a threat or the indication of one. The law enforcement paradigm assumes that the preference is not to use lethal force but rather to arrest the terrorist and then to investigate and try him before a court of law.20 The presumption during peacetime is that the use of lethal force by a state is not justified unless necessary. Necessity assumes that “only the amount of force required to meet the threat and restore the status quo ante may be employed against [the] source of the threat, thereby limiting the force that may be lawfully applied by the state actor.”21 The taking of life in peacetime is only justified “when lesser means for reducing the threat were ineffective.”22 Under both domestic and international law, the civilian population has the right to be free from arbitrary deprivation of life. Geoff Corn makes this point by highlighting that a law enforcement officer could not use deadly force “against suspected criminals based solely on a determination an individual was a member of a criminal group.”23 Under the law enforcement paradigm, “a country cannot target any individual in its own territory unless there is no other way to avert a great danger.”24 It is the individual’s conduct at the time of the threat that gives the state the right to respond with lethal force. The state’s responding force must be reasonable given the situation known at the time. This reasonableness standard is a “commonsense evaluation of what an objectively reasonable officer might have done in the same circumstances.”25 The U.S. Supreme Court has opined that this reasonableness is subjective: “[t]he calculus of reasonableness must embody allowances for the fact that police officers often are forced to make split-second judgments . . . about the amount of force that is necessary in a particular situation.”26 The law enforcement paradigm attempts to “minimize the use of lethal force to the extent feasible in the circumstances.”27 This approach is the starting point for many commentators when discussing targeted killing: “It may be legal for law enforcement personnel to shoot to kill based on the imminence of the threat, but the goal of the operation, from its inception, should not be to kill.”28 The presumption is that intentional killing by the state is unlawful unless it is necessary for self-defense or defense of others.29 Like the soldier who acts under the authority of self-defense, if one acts reasonably based on the nature of the threat, the action is justified and legal. What the law enforcement paradigm never contemplates is a terrorist who works outside the state and cannot be arrested. These terrorists hide in areas of the world where law enforcement is weak or nonexistent. The terrorists behind 9/11 were lethal and lived in ungovernable areas; these factors compelled the United States to rethink its law enforcement paradigm. The Law of War Paradigm The damage wrought by the 9/11 terrorists gave President George W. Bush the political capital to ask Congress for authorization to go to war with these architects of terror, namely al Qaeda. Seven days later, Congress gave the President the Authorization for the Use of Military Force (AUMF) against those “nations, organizations, or persons [the President] determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.”30 For the first time in modern U.S. history, the country was engaged in an armed conflict with members of an organization, al Qaeda, versus a state. The legal justification to use force, which includes targeted killings, against al Qaeda, the Taliban, and associated forces is twofold: self-defense and the law of war.31 In armed conflict, the rules governing when an individual can be killed are starkly different than in peacetime. The law enforcement paradigm does not apply in armed conflict. Rather, designated terrorists may be targeted and killed because of their status as enemy belligerents. That status is determined solely by the President under the AUMF. Unlike the law enforcement paradigm, the law of war requires neither a certain conduct nor an analysis of the reasonable amount of force to engage belligerents. In armed conflict, it is wholly permissible to inflict “death on enemy personnel irrespective of the actual risk they present.”32 Killing enemy belligerents is legal unless specifically prohibited—for example, enemy personnel out of combat like the wounded, the sick, or the shipwrecked.33 Armed conflict also negates the law enforcement presumption that lethal force against an individual is justified only when necessary. If an individual is an enemy, then “soldiers are not constrained by the law of war from applying the full range of lawful weapons.”34 Now the soldier is told by the state that an enemy is hostile and he may engage that individual without any consideration of the threat currently posed. The enemy is declared hostile; the enemy is now targetable. Anticipatory Self-defense¶ This paradigm shift is novel for the United States. The President’s authority to order targeted killings is clear under domestic law; it stems from the AUMF. Legal ambiguity of the U.S. authority to order targeted killings emerges, however, when it is required to interpret international legal norms like self-defense and the law of war. The United States has been a historic champion of these international norms, but now they are hampering its desires to target and kill terrorists.¶ Skeptics of targeted killing admit that “[t]he decision to target specific individuals with lethal force after September 11 was neither unprecedented nor surprising.”35 Mary Ellen O’Connell has conceded, for example, that targeted killing against enemy combatants in Afghanistan is not an issue because “[t]he United States is currently engaged in an armed conflict” there.36 But when the United States targets individuals outside a zone of conflict, as it did with alAwlaki in Yemen,37 it runs into turbulence because a state of war does not exist between the United States and Yemen.38 A formidable fault line that is emerging between the Obama administration’s position and many academics, international organizations,39 and even some foreign governments40 is where these targeted killings can be conducted.41¶ According to the U.S. critics, if armed conflict between the states is not present at a location, then the law of war is never triggered, and the state reverts to a peacetime paradigm. In other words, the targeted individual cannot be killed merely because of his or her status as an enemy, since there is no armed conflict. Instead, the United States, as in peacetime, must look to the threat the individual possesses at the time of the targeting. There is a profound shift of the burden upon the state: the presumption now is that the targeted killing must be necessary. When, for example, the United States targeted and killed six al Qaeda members in Yemen in 2002, the international reaction was extremely negative: the strike constituted “a clear case of extrajudicial killing.”42¶ The Obama administration, like its predecessor, disagrees. Its legal justification for targeted killings outside a current zone of armed conflict is anticipatory self-defense. The administration cites the inherent and unilateral right every nation has to engage in anticipatory self-defense. This right is codified in the United Nations charter43 and is also part of the U.S. interpretation of customary international law stemming from the Caroline case in 1837. A British warship entered U.S. territory and destroyed an American steamboat, the Caroline. In response, U.S. Secretary of State Daniel Webster articulated the lasting acid test for anticipatory self-defense: “[N]ecessity of self defense [must be] instant, overwhelming, leaving no choice of means and no moment for deliberation . . . [and] the necessity of self defense, must be limited by that necessity and kept clearly within it.”44¶ A state can act under the guise of anticipatory self-defense. This truism, however, leaves domestic policymakers to struggle with two critical quandaries: first, the factual predicate required by the state to invoke anticipatory self-defense, on the one hand; and second, the protections the state’s soldiers possess when they act under this authority, on the other. As to the first issue, there is simply no guidance from Congress to the President; the threshold for triggering anticipatory self-defense is ad hoc. As to the second issue, under the law of war, a soldier who kills an enemy has immunity for these precapture or warlike acts.45 This “combatant immunity” attaches only when the law of war has been triggered. Does combatant immunity attach when the stated legal authority is self-defense? There is no clear answer.¶ The administration is blurring the contours of the right of the state to act in Yemen under self-defense and the law of war protections afforded its soldiers when so acting. Therefore, what protections do U.S. Airmen enjoy when operating the drone that killed an individual in Yemen, Somalia, or Libya? If they are indicted by a Spanish court for murder, what is the defense? Under the law of war, it is combatant immunity. But if the law of war is not triggered because the killing occurred outside the zone of armed conflict, the policy could expose Airmen to prosecution for murder. In order to alleviate both of these quandaries, Congress must step in with legislative guidance. Congress has the constitutional obligation to fund and oversee military operations.46 The goal of congressional action must not be to thwart the President from protecting the United States from the dangers of a very hostile world. As the debates of the Church Committee demonstrated, however, the President’s unfettered authority in the realm of national security is a cause for concern. Clarification is required because the AUMF gave the President a blank check to use targeted killing under domestic law, but it never set parameters on the President’s authority when international legal norms intersect and potentially conflict with measures stemming from domestic law.

#### Oversight is an effective restriction to ensure compliance---political costs

Douglas Kriner 9, Assistant Professor of Political Science, “Can Enhanced Oversight Repair the Broken Branch,” 89 B.U. L. Rev. 765, http://www.bu.edu/law/central/jd/organizations/journals/bulr/volume89n2/documents/KRINER.pdf

The foregoing analyses suggest that congressional oversight has the potential to serve as an important congressional check on powers delegated to the President. Even though oversight alone cannot formally compel the President or any other executive actor to change course, it can encourage a change in executive behavior at least in part through its ability to influence public opinion and raise the political costs of ignoring legislative wishes for the President. The case of military policymaking examined above may be exceptional; congressional oversight may not have the same capacity to shape public opinion and generate political pressure in other policy venues with lower levels of public salience. However, the empirical evidence showing that the voice of Congress can compete with that of the President and influence public opinion in a policy realm dominated by the executive also suggests that Congress may be even more influential through its oversight actions in the public sphere in other policy realms traditionally dominated by the legislature.

#### Congress prevents circumvention and ensures sufficient clarity

Mark David Maxwell 12, Colonel, Judge Advocate with the U.S. Army, Winter, TARGETED KILLING, THE LAW, AND TERRORISTS, Joint Force Quarterly, http://www.ndu.edu/press/targeted-killing.html

The weakness of this theory is that it is not codified in U.S. law; it is merely the extrapolation of international theorists and organizations. The only entity under the Constitution that can frame and settle Presidential power regarding the enforcement of international norms is Congress. As the check on executive power, Congress must amend the AUMF to give the executive a statutory roadmap that articulates when force is appropriate and under what circumstances the President can use targeted killing. This would be the needed endorsement from Congress, the other political branch of government, to clarify the U.S. position on its use of force regarding targeted killing. For example, it would spell out the limits of American lethality once an individual takes the status of being a member of an organized group. Additionally, statutory clarification will give other states a roadmap for the contours of what constitutes anticipatory self-defense and the proper conduct of the military under the law of war. Congress should also require that the President brief it on the decision matrix of articulated guidelines before a targeted killing mission is ordered. As Kenneth Anderson notes, “[t]he point about briefings to Congress is partly to allow it to exercise its democratic role as the people’s representative.”74 The desire to feel safe is understandable. The consumers who buy SUVs are not buying them to be less safe. Likewise, the champions of targeted killings want the feeling of safety achieved by the elimination of those who would do the United States harm. But allowing the President to order targeted killing without congressional limits means the President can manipulate force in the name of national security without tethering it to the law advanced by international norms. The potential consequence of such unilateral executive action is that it gives other states, such as North Korea and Iran, the customary precedent to do the same. Targeted killing might be required in certain circumstances, but if the guidelines are debated and understood, the decision can be executed with the full faith of the people’s representative, Congress. When the decision is made without Congress, the result might make the United States feel safer, but the process eschews what gives a state its greatest safety: the rule of law.

### Russia Impact

#### Russian preventive model escalates---causes US retaliation

Stephen J. Blank 11, Strategic Studies Institute expert on the post-Soviet world and the Soviet bloc, former Associate Professor of Soviet Studies at the Center for Aerospace Doctrine, Research and Education at Maxwell Air Force Base, Ph.D. in history from the University of Chicago, “RUSSIA AND NUCLEAR WEAPONS,” Ch 7 in Russian Nuclear Weapons: Past, Present, and future,” <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB1087.pdf>

Thus, nuclear weapons are warfighting weapons. Moscow’s threats from October 2009 not only follow previous doctrine, they expand on it by openly admitting that limited nuclear war is its option or ace in the hole. If Russia should decide to invade or seize one or more Baltic State, then that would mean it is prepared to wage nuclear war against NATO and the United States to hold onto that acquisition although it would prefer not to, or thinks it could get away without having to do so. The idea behind such a “limited nuclear war” is that Russia would seize control of the intra-war escalation process by detonating a first-strike even in a preventive or preemptive mode, and this would supposedly force NATO to negotiate a political solution that allows Russia to hold onto at least some of its gains. Apart from the immensity of Moscow’s gamble that NATO will not have the stomach to retaliate against Russian nuclear strikes, which will be carried out to inflict a “preset” amount of damage that Moscow believes will signal its “limited” intent. In essence, Moscow is essentially engaging in a game of nuclear chicken or blackmail. In fact, the real risk here is that the West will not acquiesce but rather that it will retaliate or even escalate, further adding to the inherent unpredictability of any conceivable nuclear war scenario.

#### Extinction

Ira Helfand 9, M.D., and John O. Pastore, M.D., are past presidents of Physicians for Social Responsibility. March 31, “U.S.-Russia nuclear war still a threat”, http://www.projo.com/opinion/contributors/content/CT\_pastoreline\_03-31-09\_EODSCAO\_v15.bbdf23.html

President Obama and Russian President Dimitri Medvedev are scheduled to Wednesday in London during the G-20 summit. They must not let the current economic crisis keep them from focusing on one of the greatest threats confronting humanity: the danger of nuclear war. Since the end of the Cold War, many have acted as though the danger of nuclear war has ended. It has not. There remain in the world more than 20,000 nuclear weapons. Alarmingly, more than 2,000 of these weapons in the U.S. and Russian arsenals remain on ready-alert status, commonly known as hair-trigger alert. They can be fired within five minutes and reach targets in the other country 30 minutes later. Just one of these weapons can destroy a city. A war involving a substantial number would cause devastation on a scale unprecedented in human history. A study conducted by Physicians for Social Responsibility in 2002 showed that if only 500 of the Russian weapons on high alert exploded over our cities, 100 million Americans would die in the first 30 minutes. An attack of this magnitude also would destroy the entire economic, communications and transportation infrastructure on which we all depend. Those who survived the initial attack would inhabit a nightmare landscape with huge swaths of the country blanketed with radioactive fallout and epidemic diseases rampant. They would have no food, no fuel, no electricity, no medicine, and certainly no organized health care. In the following months it is likely the vast majority of the U.S. population would die. Recent studies by the eminent climatologists Toon and Robock have shown that such a war would have a huge and immediate impact on climate world wide. If all of the warheads in the U.S. and Russian strategic arsenals were drawn into the conflict, the firestorms they caused would loft 180 million tons of soot and debris into the upper atmosphere — blotting out the sun. Temperatures across the globe would fall an average of 18 degrees Fahrenheit to levels not seen on earth since the depth of the last ice age, 18,000 years ago. Agriculture would stop, eco-systems would collapse, and many species, including perhaps our own, would become extinct. It is common to discuss nuclear war as a low-probabillity event. But is this true? We know of five occcasions during the last 30 years when either the U.S. or Russia believed it was under attack and prepared a counter-attack. The most recent of these near misses occurred after the end of the Cold War on Jan. 25, 1995, when the Russians mistook a U.S. weather rocket launched from Norway for a possible attack. Jan. 25, 1995, was an ordinary day with no major crisis involving the U.S. and Russia. But, unknown to almost every inhabitant on the planet, a misunderstanding led to the potential for a nuclear war. The ready alert status of nuclear weapons that existed in 1995 remains in place today.

# 2AC

## Case

### EU Relations AO

#### CT violations spill over to end EU relations

Thorsten Wetzling 11, non-resident fellow at the Center for Transatlantic Relations at the Paul H. Nitze School of Advanced International Studies (SAIS), PhD in Political Science, “What role for what rule of law in EU-US counterterrorism cooperation?”, <http://transatlantic.sais-jhu.edu/publications/articles/Chapter1_EUISS_ChaillotPaper127_WETZLING.pdf>

Having said this, it is instructive to recall David Cole’s observation that ‘the rule of law may be tenacious when it is supported, but violations of it that go unaccounted corrode its very foundation’.17 Thus, while a more balanced depiction of ‘compatible’ and ‘incompatible’ counterterrorism practices may be required to substantiate broader claims, it is also true that a few severely misguided counterterrorism practices sufﬁce to discredit the ever-present promise of ‘full respect for our obligations under applicable international and domestic constitutional law’.18 In the light of the potentially contagious effect of individual rule-of-law deviations on the entire collaborative effort, the actual percentage of incompatible practices among the grand total of transatlantic counterterrorism activities appears secondary.

#### Nuke war

Dr. Yannis. A. Stivachtis 10, Professor of Poli Sci & Ph.D. in Politics & International Relations from Lancaster University, THE IMPERATIVE FOR TRANSATLANTIC COOPERATION,” The Research Institute for European and American Studies, http://www.rieas.gr/research-areas/global-issues/transatlantic-studies/78.html

There is no doubt that US-European relations are in a **period of transition**, and that the stresses and strains of globalization are increasing both the number and the seriousness of the challenges that confront transatlantic relations. The events of 9/11 and the Iraq War have added significantly to these stresses and strains. At the same time, international terrorism, the nuclearization of **North Korea** and especially **Iran**, the proliferation of weapons of mass destruction (WMD), the transformation of **Russia** into a stable and cooperative member of the international community, the growing power of **China**, the political and economic transformation and integration of the **Caucasian** and **Central Asian** states, the integration and stabilization of the **Balkan** countries, the promotion of peace and stability in the **Mid**dle **East**, poverty, climate change, AIDS and other emergent problems and situations require further cooperation among countries at the regional, global and institutional levels. Therefore, cooperation between the U.S. and Europe is more **imperative** than ever to deal effectively with these problems. It is fair to say that the challenges of crafting a new relationship between the U.S. and the EU as well as between the U.S. and NATO are more regional than global, but the implications of success or failure will be global. The transatlantic relationship is still in crisis, despite efforts to improve it since the Iraq War. This is not to say that differences between the two sides of the Atlantic did not exist before the war. Actually, post-1945 relations between Europe and the U.S. were fraught with disagreements and never free of crisis since the Suez crisis of 1956. Moreover, despite trans-Atlantic proclamations of solidarity in the aftermath of 9/11, the U.S. and Europe parted ways on issues from global warming and biotechnology to peacekeeping and national missile defense. Questions such as, the future role of NATO and its relationship to the common European Security and Defense policy (ESDP), or what constitutes terrorism and what the rights of captured suspected terrorists are, have been added to the list of US-European disagreements. There are two reasons for concern regarding the transatlantic rift. First, if European leaders conclude that Europe must become **counterweight** to the U.S., rather than a partner, it will be difficult to engage in the kind of open search for a common ground than an elective partnership requires. Second, there is a risk that public opinion in both the U.S. and Europe will make it difficult even for leaders who want to forge a new relationship to make the necessary accommodations. If both sides would actively work to heal the breach, a new opportunity could be created. A vibrant transatlantic partnership remains a real possibility, but only if both sides make the necessary political commitment. There are strong reasons to believe that the security challenges facing the U.S. and Europe are more shared than divergent. The most dramatic case is terrorism. Closely related is the common interest in halting the spread of weapons of mass destruction and the nuclearization of Iran and North Korea. This commonality of threats is clearly perceived by publics on both sides of the Atlantic. Actually, Americans and Europeans see eye to eye on more issues than one would expect from reading newspapers and magazines. But while elites on both sides of the Atlantic bemoan a largely illusory gap over the use of military force, biotechnology, and global warming, surveys of American and European public opinion highlight sharp differences over global leadership, defense spending, and the Middle East that threaten the future of the last century’s most successful alliance. There are other important, shared interests as well. The transformation of Russia into a stable cooperative member of the international community is a priority both for the U.S. and Europe. They also have an interest in promoting a stable regime in Ukraine. It is necessary for the U.S. and EU to form a united front to meet these challenges because first, there is a risk that dangerous materials related to **WMD** will fall into the wrong hands; and second, the **spread of conflict** along those countries’ periphery could destabilize neighboring countries and provide **safe havens for terrorists** and other international criminal organizations. Likewise, in the Caucasus and Central Asia both sides share a stake in promoting political and economic transformation and integrating these states into larger communities such as the OSCE. This would also minimize the risk of instability spreading and prevent those countries of becoming havens for international terrorists and criminals. Similarly, there is a common interest in integrating the Balkans politically and economically. Dealing with Iran, Iraq, Lebanon, and the Israeli-Palestinian conflict as well as other **political issues in the Mid**dle **East** are also of a great concern for both sides although the U.S. plays a dominant role in the region. Finally, US-European cooperation will be more effective in dealing with the **rising power of China** through engagement but also containment. The post Iraq War realities have shown that it is no longer simply a question of adapting transatlantic institutions to new realities. The changing structure of relations between the U.S. and Europe implies that a new basis for the relationship must be found if transatlantic cooperation and partnership is to continue. The future course of relations will be **determined above all by U.S. policy towards Europe** and the Atlantic Alliance. Wise policy can help forge a new, more enduring strategic partnership, through which the two sides of the Atlantic cooperate in meeting the many major challenges and opportunities of the evolving world together. But a policy that **takes Europe for granted** and routinely **ignores or** even **belittles Europe**an concerns, may force Europe to conclude that the costs of continued alliance outweigh its benefits.

## Legitimacy

### AT: Brooks and Wohlforth

#### Brooks and Wohlforth are wrong---yes legitimacy impact

Loomis 8 “LEVERAGING LEGITIMACY IN SECURING U.S. LEADERSHIP NORMATIVE DIMENSIONS OF HEGEMONIC AUTHORITY”, A Dissertation submitted to the Faculty of the Graduate School of Arts and Sciences of Georgetown University in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Government, August 4

Questioning Illegitimacy Costs: The Brooks-Wohlforth Challenge A nuanced perspective that avoids taking a paradigmatic position on the question of legitimacy costs is that recently advanced by Stephen Brooks and William Wohlforth.24 Brooks and Wohlforth focus their argument on the impact of U.S. unilateralism and insist that current international relations theory simply does not support an academic claim that U.S. unilateral behavior negatively impacts U.S. interests in the divergent ways that Neorealism, Neoliberal Institutionalism, and Constructivism predicts. United States unilateralism is a prime candidate for conduct perceived to be illegitimate and thus is a good test for my argument that perceived illegitimacy degrades U.S. influence. Given the extensiveness of U.S. power, the exaggerated levels of alarm that U.S. unilateralism presumably has generated, and the extent to which legal and social norms proscribe unilateral behavior, it is widely expected that U.S. unilateralism has a particularly strong deteriorating effect on U.S. authority. Brooks and Wohlforth conclude that the empirical evidence and the logical sequence of each of the three mainstream traditions of international relations theory provide insufficient evidence that the United States faces tangible costs as a result of unilateral behavior. Their analysis, however, suffers from a misspecification of the “costs” that they are looking for in response to U.S. unilateralism. Because the heart of their argument is that the costs of unilateral behavior are relatively low, a close inspection of the contours of these costs is required to evaluate their claim. First, challenging the Realist critique of U.S. unilateralism, the authors propose that balancing behavior against the United States is an expected cost of U.S. unilateralism. They conclude that because balancing is not observable, there are no tangible costs. Yet given the vastness of U.S. military preponderance, balancing is unlikely irrespective of U.S. behavior. Yet despite the fact that balancing is remote considering its short-term futility, the absence of balancing is not a fair test of the costs of illegitimate behavior. They do point to resistance strategies of key European states—notably Germany and France—as a form of “soft balancing”, but they suggest that this behavior was the result of German and French domestic politics and had little to do with unilateralism of the United States. Yet they do not make clear why ally domestic opposition to U.S. behavior, which restricts ally behavior vis-àvis U.S. requests, should not be considered a cost of U.S. unilateralism. This oversight is particularly problematic in cases in which domestic opposition generates real costs for the United States. Furthermore, irrespective of the fact that this behavior would be difficult to characterize as acts of balancing (soft or hard) in the definition they provide, their restriction of authority costs to balancing-type behavior renders an analysis of the impact of perceived illegitimacy incomplete.25 Second, Brooks and Wohlforth suggest that the paucity of evidence that unilateral behavior resulted in a major reduction in efficiency gains predicted in the neoliberal literature undermines the institutionalist critique of unilateralism. For one thing, they argue, there is no clear consensus in the literature on the impact of unilateral behavior on U.S. bargaining leverage. In addition, they argue, much of this literature is heavily empirical and devoid of theoretical content. Furthermore, the costs of multilateral action are significant and must be considered against the professed gains of multilateral coordination. Lastly, they suggest that the claim that the United States suffers from bad-faith behavior vis-à-vis institutional engagement is entangled with the emerging literature on reputation effects, which is, in their words, “woefully underdeveloped”.26 In sum, in their view, the theoretical and empirical evidence is insufficiently robust to identify the precise costs that the U.S. faces as a result of a unilateral foreign policy. It is not so much that the institutionalist literature is incorrect on the subject, but that the research agenda is incomplete. Yet by missing the costs in the form of degraded authority, they are prevented from assessing the full range of effects that U.S. unilateralism triggers. Third, Brooks and Wohlforth raise doubts about the constructivist argument that U.S. unilateralism degrades the legitimacy of the architecture of international order—an order from which the United States directly benefits—requiring increased U.S. costs for continued maintenance of the existing order. In establishing the contours of constructivism, they restrict this school of thought to its emphasis on the habituation of international rules, consistent with James March and Johan Olsen’s suggestion that a “logic of appropriateness” shapes decision-making processes.27 Brooks and Wohlforth then challenge constructivist 26 Brooks and Wohlforth, "International Relations Theory and the Case against Unilateralism," 516. 27 March and Olsen, Rediscovering Institutions : The Organizational Basis of Politics, 23. 24 claims that unilateral behavior toward Iraq in 2003 will generate unacceptable costs by suggesting there were other degrading effects of the onset of the Iraq war besides the fact that it was largely unilateral. Their criticism here, too, fails to explore the full range of authority costs, and thus fails to undermine the essential core of my argument. First, the argument I am advancing suggests that ideational factors—perceived fidelity to widely accepted international norms— influence decisions to resist U.S. authority. While legitimacy is widely considered to be the realm of constructivist scholarship, as discussed above, its effects are not dependent on the socialization effects and subsequent internalization of those norms. The argument here is that states can choose to comply with normative influences as a matter of strategic choice, which bypasses the centrality of identity transformation often identified with constructivists (and presumed by Brooks and Wohlforth as forming the outer boundary of constructivist thought). The main reason the Brooks and Wohlforth critique is unconvincing with respect to the constructivist expectation of legitimacy costs again turns on the subject of costs. They argue that because constructivist scholarship fails to satisfactorily answer three entangled complexities—that some forms of unilateralism are more costly than others, compensating strategies may mollify the possible costs, and unilateralism can shape the normative landscape to the hegemon’s advantage—constructivism cannot establish any generalities regarding the legitimacy effects of unilateralism with any degree of confidence. The problem is not that constructivist arguments about unilateralism are wrong, but rather that the scope 25 conditions have not been sufficiently specified. As a result, they argue, the constructivist perspective is deprived of analytical leverage. The 2003 Iraq war is a single data point, they suggest, exhibiting many features that may have degraded U.S. legitimacy. Here their entire argument hangs on the fact that constructivism has not provided sufficient purchase beyond the case of Iraq. How can one be certain that it was unilateralism that had the effect that constructivists now claim in retrospect? This question is valid. Yet in making this case they admit that “many other aspects of the (Iraq) case… are obviously corrosive of legitimacy.”28 Limiting constructivist arguments to unilateralism may be overly restrictive, but according to Brooks’ and Wohlforth’s own standards, the soil is fertile for new work on the broader question of the costs of perceived illegality and illegitimacy. It is on this broader question that this dissertation seeks to provide insight. Brooks and Wohlforth ultimately conclude that academic criticisms of President Bush’s unilateral policies were motivated largely by the substance of the policies (on which academia traditionally has little to offer), but focused on procedural issues (on which it does). They call for increased attention to clarifying the distinction between criticisms of substance and of procedure. In one respect, this dissertation is an answer to their skepticism that international relations scholarship has much to offer in terms of generalities around unilateralism. I am seeking to expand the specification of the independent variable beyond unilateral behavior to include the character of U.S. foreign policy, measured by its normative 28 Brooks and Wohlforth, "International Relations Theory and the Case against Unilateralism," 518. 26 consistency with international standards regulating the use of force. This should help satisfy the criticism that the outcome of unilateralism is under-determined.

### Trade AO

#### Legitimacy prevents trade conflict

Martha Finnemore 9, professor of political science and international affairs at George Washington University, January 2009, “Legitimacy, Hypocrisy, and the Social Structure of Unipolarity: Why Being a Unipole Isn’t All It’s Cracked Up to Be,” World Politics, Volume 61, Number 1

It suggests, however, that successful unipoles need strategies for managing inevitable hypocrisy—strategies that involve some combination of social strength (i.e., deep legitimacy) and sympathy among potential accusers with the values conflict that prompts unipole hypocrisy. If the unipole (or any actor) has great legitimacy and others believe deeply in the value claims that legitimate its power, they may simply overlook or excuse a certain amount of hypocrisy, even of a venal kind. Many countries for many years have accepted U.S. and European protectionism in agriculture because they valued deeply the larger free-trade system supported by them.55 “Good,” or legitimate, unipoles get some slack. Others may tolerate hypocrisy if they can be persuaded that it flows from a trade-off among shared values, not just from convenience or opportunism of the unipole. Agreement to violate one value, sovereignty, to promote others, security and justice, by toppling a sitting government member of the UN was easy to come by in the case of Afghanistan after September 11, 2001. Other states were convinced that this was a necessary value trade-off. Conversely, side agreements protecting U.S. troops from International Criminal Court prosecution look self-serving since other troops receive no such protection.

#### Nuke 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**.

## T

### 2AC T – WPA

#### We meet: Plan restricts implicit Presidential authorization

Jack Goldsmith 13, Harvard Law School, 9/1/, “A Quick Primer on AUMFs”, www.lawfareblog.com/2013/09/a-quick-primer-on-aumfs/

Via Ilya Somin at Volokh, I see that the administration has proffered its proposed Authorization for the Use of Military Force (AUMF) for Syria. Now it is Congress’s turn to decide what proposal(s) it wants to debate and possibly approve. And it appears that the scope of the authorization will be an issue in Congress. For example, Senators Graham and McCain have announced that they will not support a narrow AUMF supporting only isolated strikes, and some members of Congress surely will not support one that is that broad.¶ An article that I wrote with Curt Bradley, which examined AUMFs throughout American history, provides a framework for understanding AUMFs. (And the Lawfare Wiki collects many historical AUMFs and declarations of war, here.) AUMFs can (as Bradley and I argued on pp. 2072 ff.) be broken down into five analytical components:¶ (1) the authorized military resources;¶ (2) the authorized methods of force;¶ (3) the authorized targets;¶ (4) the purpose of the use of force; and¶ (5) the timing and procedural restrictions on the use of force¶ Most AUMFs in U.S. History – for example, AUMFs for the Quasi-War with France in the 1790s, for repelling Indian tribes, for occupying Florida, for using force against slave traders and pirates, and many others – narrowly empower the President to use particular armed forces (such as the Navy) in a specified way for limited ends. At the other extreme, AUMFs embedded within declarations of war (here is the one against Germany in World War II) typically authorize the President to employ the entire U.S. armed forces without restriction except for the named enemy. The Gulf of Tonkin Resolution for Vietnam was also famously broad, as was the 2002 AUMF for Iraq, although the latter did require the President to make certain diplomatic and related determinations, and to report to Congress. Narrower AUMFs in the post-World War II era include the one in 1955 for Taiwan (narrow purpose and timing limitations) and the 1991 Iraq AUMF (narrow purpose and many procedural restrictions). Narrower yet were AUMFs for Lebanon in 1983 and Somalia in 1993, both of which had a very narrow and restrictive purpose, and which contained time limits on the use of force. And of course there is the relatively broad AUMF that everyone knows, from September 18, 2001.¶ Bradley and I summarized historical AUMFs as follows:¶ This survey of authorizations to use force shows that Congress has authorized the President to use force in many different situations, with varying resources, an array of goals, and a number of different restrictions. All of the authorizations restrict targets, either expressly (as in the Quasi-War statutes’ restrictions relating to the seizure of certain naval vessels), implicitly (based on the identified enemy and stated purposes of the authorization), or both. Such restrictions may be constitutionally compelled. Congress’s power to authorize the President to use force, whatever its scope, arguably could not be exercised without specifying (at least implicitly) an enemy or a purpose.¶ The primary differences between limited and broad authorizations are as follows: In limited authorizations, Congress restricts the resources and methods of force that the President can employ, sometimes expressly restricts targets, identifies relatively narrow purposes for the use of force, and sometimes imposes time limits or procedural restrictions. In broad authorizations, Congress imposes few if any limits on resources or methods, does not restrict targets other than to identify an enemy, invokes relatively broad purposes, and generally imposes few if any timing or procedural restrictions.

#### C/I: War powers authority is the President executing warfighting missions---that includes self-defense

Fred F. Magnet 87, Fmr. Legal Counsel @ C.I.A, Records of the Central Intelligence Agency, 1894 – 2002, Articles from "Studies in Intelligence", 1955 – 1992, Summer 1987: 10-114-7: Presidential War Powers (A Constitutional Basis for Foreign Intelligence Operations), “Presidential War Powers.” In Extracts from studies in Intelligence: A Commemoration of the Bicentennial of the U.S. Constitution. Washington. D.C Central Intelligence Agency, 1987, http://research.archives.gov/description/7283242

**The President has constitutional authority to order defensive military action in response to aggression without congressional approval**. This theory of **self-defense** has justified many military actions, from the Barbary Coast to the Mexican-American War to the Tonkin Gul£. 29 The Supreme Court has agreed. In The Prize Cases, it found that President Lincoln had the right to blockade southern states without a congressional declaration of war: "If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. " 30 In a case arising out of the Vietnam war, the defendant claimed that draft law was unconstitutionally applied to him because Congress had not declared war. The court rejected that claim, stating that on the basis of the Commander in Chief power, "Unquestionably the President can start the gun at home or abroad to meet force with force. " 3 1 **When the President acts in defense of the nation, he acts under war powers authority**.¶ 3. Protection of Life and Property¶ The President also has the power to order military intervention in foreign countries to protect American citizens and property without prior congressional approval.32 This theory has been cited to justify about 200 instances of use of force abroad in the last 200 years.33 The theory was given legal sanction in a case arising from the bombardrment of a Nicaraguan court by order of the President in 1854, in retaliation for an attack on an American consul. The court stated that it is the President to whom ".. . citizens abroad must look for protection of person and property. . . . The great object and duty of Government is the protection of the lives, liberty, and property of the people composing it, whether abroad or at home.'3~Other cases have been in accord.35 The President may use force or any other means to protect American citizens in foreign countries under his war powers authority. This extends even to a retaliatory military strike against a country supporting terrorist acts against Americans, which occurred in April1986 when US Navy and Air Force aircraft bombed the modern Barbary Coast nation of Libya. ¶ 4. Collective Security¶ The President may also authorize military operations without prior congressional approval pursuant to collective security agreements such as NA TO or OAS treaties. Unilaterial presidential action under these agreements may be justified as necessary for the protection of national security even though hostilities occur overseas and involve allies.36¶ 5. National Defense Power¶ The President's war powers authority is actually a national defense power that exists at all times, whether or not there is a war declared by Congress, an armed conflict, or any other hostilities or fighting. In a recent case the Supreme Court upheld the revocation of the passport of a former CIA employee (Agee) and rejected his contention that certain statements of Executive Branch policy were entitled to diminished weight because they concerned the powers of the Executive in wartime. The Court stated: "History eloquently attests that grave problems of national security and foreign policy are by no means limited to times of formally declared war. "3; Another court has said that the war power is not confined to actual engagements on fields of battle only but embraces every aspect of national defense and comprehends everything reQuired to wage war successfully.3H A third court stated: "It is-and must be-true that the Executive should be accorded wide and normally unassailable discretion with respect to the conduct of the national defense and the prosecution of national objectives through military means."39¶ Thus, the Executive Branch 's constitutional war powers authority does not spring into existence when Congress declares war, nor is it dependent on there being hostilities. It empowers the President to prepare for war as well as wage it, in the broadest sense. It operates at all times.¶ 6. Role of the Military¶ The fundamental function of the armed forces is to fight or to be ready to fight wars. 40 The Supreme Court has recognized the existence of limited, partial, and undeclared wars:41 Thus, there is a judicially recognized and legitimate activity of the armed services in times of no armed conflict that stems directly from **the war powers authority of the President**. That activity is the preparation for the successful waging of war, which may come in any form or level of conflict. **Any actions of the Executive Branch that** are part of the fundamental functions of the armed services in **ready**ing **for any type of hostility are based on** constitutional war powers authority of the President.

#### Oversight’s a restriction---limits authority for action

CAA 8 (COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613)

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition.").¶ P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

## CP

### AT: Concurrent Rez CP

#### Not force of law

American Heritage Dictionary 2k http://www.thefreedictionary.com/concurrent+resolution

A resolution adopted by both houses of a bicameral legislature that does not have the force of law and does not require the signature of the chief executive.

#### Only determines internal operations of Congress---means the Prez wouldn’t have to comply

Robert Longley no date http://usgovinfo.about.com/od/uscongress/a/concurrentresos.htm

Concurrent resolutions address matters affecting the operations of both the House of Representatives and Senate. In modern practice, concurrent and simple resolutions normally are not legislative in character since they are not "presented" to the president for approval, but are used merely for expressing facts, principles, opinions, and purposes of the two chambers of Congress. Concurrent resolutions expressing the opinion of both chambers of Congress are typically called "Sense of the Congress" resolutions. A concurrent resolution is not equivalent to a bill and its use is narrowly limited within these bounds. The term "concurrent", like "joint", does not signify simultaneous introduction and consideration in both chambers.

#### Hard law is key to legal certainty---Congress key

Gregory Shaffer 11, Professor of Law, University of Minnesota Law School, and Mark Pollack, Professor of Political Science and Jean Monnet Chair, Temple University., Sept, ARTICLE: HARD VERSUS SOFT LAW IN INTERNATIONAL SECURITY, 52 B.C. L. Rev 1147

To effect specific policy goals, state and private actors increasingly turn to legal instruments that are harder or softer in manners that best align with such proposals. n79 These variations in precision, obligation, and third-party delegation can be used strategically to advance both international and domestic policy goals. Much of the existing literature examines the relative strengths and weaknesses of hard and soft law for the states that make it. It is important, for our purposes, to address these purported advantages in order to assess the implications of the interaction of hard and soft law on each other.¶ Hard law as an institutional form features a number of advantages. n80 Hard law instruments, for example, allow states to commit themselves more credibly to international agreements by increasing the costs of reneging. They do so by imposing legal sanctions or by raising the costs to a state's reputation where the state has acted in violation of its legal commitments. n81 In addition, hard law treaties may have the advantage of creating direct legal effects in national jurisdictions, again increasing the incentives for compliance. n82 They may solve problems of incomplete contracting by creating mechanisms for the interpretation and elaboration of legal commitments over time, n83 including through the use of dispute settlement bodies such as courts. n84 In different ways, they thus permit states to monitor, clarify, and enforce their commitments. Hard law, as a result, can create more legal certainty. States, as well as private actors working with and through state representatives, [\*1163] should use hard law where "the benefits of cooperation are great but the potential for opportunism and its costs are high." n85

### AT: Courts CP

#### Courts fail

Paul Taylor 13, Senior Fellow at the Center for Policy & Research, JD from Seton Hall Law School, “A FISC for Drones?” Feb 9, http://transparentpolicy.org/2013/02/a-fisc-for-drones/

Judges would likely be much more comfortable with ex post review. Ex post review would free them from any implication that they are issuing a “death warrant” and would place them in a position that they are much more comfortable with: reviewing executive uses of force after the fact. While there are clearly parallels that could be drawn between the ex ante review proposed here and the search and seizure warrants that judges routinely deal with, there are also important differences. First and foremost is that this implicates not the executive’s law enforcement responsibility but its war-making and foreign relations responsibilities, with which courts are loath to interfere, but are sometimes willing to review for abuse.¶ Additionally, in search and seizure warranting, there an ex post review will eventually be available. That will likely not be the case in drone strikes and other targeted killings unless such a process is specifically created. There are simply too many hurdles to judicial review (including state secrets, political questions, discovery problems, etc) for the courts to create such an opportunity without congressional action.

#### Congress necessary to prevent Court evisceration of War Powers

Benjamin Wittes 8, Senior Fellow in Governance Studies at the Brookings Institution, co-founder and editor-in-chief of the Lawfare blog, member of the Hoover Institution’s Task Force on National Security Law, Law and the Long War: The Future of Justice in the Age of Terror, google books

What the Supreme Court has done is carve itself a seat at the table. It has intimated, without ever deciding, that a constitutional basis for its actions exists—in addition to the statutory bases on which it decided the cases—meaning that its authority over overseas detentions may be an inherent feature of judicial power, not a policy question on which the legislature and executive can work their will. Whether the votes exist on the court to go this extra step we will find out soon enough. But the specter of a vastly different judicial posture in this area now haunts the executive branch—one in which the justices assert an inherent authority to review executive detention and interrogation practices, divine rights to apply with that jurisdiction based on due process and vaguely worded international humanitarian law principles not clearly implemented in U.S. law, and allow their own power to follow the military’s anywhere in the world. Such a posture would constitute an earthquake in the relationships among all three branches of government, and the doctrinal seeds for it have all been planted. Whether they ultimately take root depends on factors extrinsic to the war on terror—particularly the future composition of a Supreme Court now closely divided on these questions. It will also pivot on the manner in which the political branches posture the legal foundations of the war in the future. Building a strong legislative architecture now may be the only way to avert a major expansion of judicial power over foreign policy and warfare.

### AT: CMR DA

#### No impact – empirics prove

Feaver and Kohn 5 - Peter Feaver, professor of Political Science and Public Policy and the director of the Triangle Institute for Security Studies at Duke University, and Richard H. Kohn, Professor of History at the University of North Carolina, 2005, “The Gap: Soldiers, Civilians, and Their Mutual Misunderstanding,” in American Defense Policy, 2005 edition, ed. Paul J. Bolt, Damon V. Coletta, Collins G. Shackelford, p. 339

Concerns about a troublesome divide between the armed forces and the society they serve are hardly new and in fact go back to the beginning of the Republic. Writing in the 1950s, Samuel Huntington argued that the divide could best be bridged by civilian society tolerating, if not embracing, the conservative values that animate military culture. Huntington also suggested that politicians allow the armed forces a substantial degree of cultural autonomy. Countering this argument, the sociologist Morris Janowitz argued that in a democracy, military culture necessarily adapts to changes in civilian society, adjusting to the needs and dictates of its civilian masters.2 The end of the Cold War and the extraordinary changes in American foreign and defense policy that resulted have revived the debate. The contemporary heirs of Janowitz see the all volunteer military as drifting too far away from the norms of American society, thereby posing problems for civilian control. They make tour principal assertions. First, the military has grown out of step ideologically with the public, showing itself to be inordinately right-wing politically, and much more religious (and fundamentalist) than America as a whole, having a strong and almost exclusive identification with the Republican Party. Second, the military has become increasingly alienated from, disgusted with, and sometimes even explicitly hostile to, civilian culture. Third, the armed forces have resisted change, particularly the integration of women and homosexuals into their ranks, and have generally proved reluctant to carry out constabulary missions. Fourth, civilian control and military effectiveness will both suffer as the military—seeking ways to operate without effective civilian oversight and alienated from the society around it—loses the respect and support of that society. By contrast, the heirs of Huntington argue that a degenerate civilian culture has strayed so far from traditional values that it intends to eradicate healthy and functional civil-military differences, particularly in the areas of gender, sexual orientation, and discipline. This camp, too, makes four key claims. First, its members assert that the military is divorced in values from a political and cultural elite that is itself alienated from the general public. Second, it believes this civilian elite to be ignorant of, and even hostile to, the armed forces—eager to employ the military as a laboratory for social change, even at the cost of crippling its warfighting capacity. Third, it discounts the specter of eroding civilian control because it sees a military so thoroughly inculcated with an ethos of subordination that there is now too much civilian control, the effect of which has been to stifle the military's ability to function effectively Fourth, because support for the military among the general public remains sturdy, any gap in values is inconsequential. The problem, if anything, is with the civilian elite. The debate has been lively (and inside the Beltway, sometimes quite vicious), but it has rested on very thin evidence—(tunneling anecdotes and claims and counterclaims about the nature of civilian and military attitudes. Absent has been a body of systematic data exploring opinions, values, perspectives, and attitudes inside the military compared with those held by civilian elites and the general public. Our project provides some answers.

## DA

### AT: SSR DA

#### Multiple other issues undermines EU rule of law leadership

Thorsten Wetzling 11, non-resident fellow at the Center for Transatlantic Relations at the Paul H. Nitze School of Advanced International Studies (SAIS), PhD in Political Science, “What role for what rule of law in EU-US counterterrorism cooperation?”, <http://transatlantic.sais-jhu.edu/publications/articles/Chapter1_EUISS_ChaillotPaper127_WETZLING.pdf>

**\*\*note: table is reproduced since I couldn’t copy and paste it w/ correct formatting**

Sources of concern for the rule of law

It is beyond the scope of this chapter to evaluate the quality of all pertinent counterterrorism laws and to assess the performance of the principal actors in each constitutive layer of the rule-of-law protection in the US, the EU Member States and the EU. Instead, the remainder of this chapter concentrates on three specific ‘problem children’ for rule-oflaw protection in transatlantic counterterrorism. Naturally, given this selective focus, the text may only draw limited inferences from these specific cases to the broader spectrum of EU-US counterterrorism cooperation.

Having said this, it is instructive to recall David Cole’s observation that

‘the rule of law may be tenacious when it is supported, but violations of

it that go unaccounted corrode its very foundation’.17 Thus, while a more

balanced depiction of ‘compatible’ and ‘incompatible’ counterterrorism

practices may be required to substantiate broader claims, it is also true

that a few severely misguided counterterrorism practices suffice to

discredit the ever-present promise of ‘full respect for our obligations under

applicable international and domestic constitutional law’.18 In the light

of the potentially contagious effect of individual rule-of-law deviations

on the entire collaborative effort, the actual percentage of incompatible

practices among the grand total of transatlantic counterterrorism

activities appears secondary.

Each selected case (see the overview table on the next page) focuses on one particular counterterrorism practice and highlights the most pressing rule-of-law issues commonly associated with it. Knowing that laws and conventions can only go so far to ensure the compatibility of political practice with the rule of law, the focus then extends to parliamentary oversight and judicial review. Each miniature study also briefly outlines a transatlantic partner’s reaction to the rule-of-law defence or its forbearance across the pond.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Level  | Practice | Issue | Rule of LawDefenderFocus | CooperationPartnerFocus |
| EU – US CT  | **Exchange****of European****SWIFT data** toUS TFTP | **Data Privacy** | Europol JSB/EuropeanParliament | US Congress |
| EU MS – USCT | **Extraordinary****rendition** | **Prohibition of****torture** | BritishParliament& High Court | US Govt |
| US CT  | Capture-or-killraids | **Due Process****Right to life** | US Congress& US Courts | German Govt |

#### This is about US SSR, not Europe—it’s also too late

Nicholas J. Armstrong 11, "Afghan Security Force Assistance or Security Sector Reform? Despite Recent Improvements in the Afghan Security Forces, More Emphasis on Ministerial Development and Police Reform is Needed", INSCT on Security, Institute for National Security and Counterterrorism Syracuse University, December 21, insct.org/commentary-analysis/2011/12/21/afghan-security-force-assistance-or-security-sector-reform-despite-recent-improvements-in-the-afghan-security-forces-more-emphasis-on-ministerial-development-and-police-reform-is-needed/

A recent policy recommendation by retired Army LTG David Barno, Dr. Andrew Exum, and Matthew Irvine at the Center for New American Security calls for a more accelerated change of mission to ‘security force assistance’ (SFA) to begin pushing the ANSF to the fore as its country’s lead security provider. The current approach features NATO forces leading COIN operations as the main effort supported by the NATO Training Mission in Afghanistan (NTM-A), responsible for rapidly growing and fielding the ANSF to partner with, and eventually replace, NATO units in the field. As the authors of this brief suggest, accelerating the shift to SFA, with a greater number of Afghan units in the field supported by embedded advisors, certainly assumes a greater risk to Afghanistan’s security in the short run. Yet, providing Afghan units greater opportunities to learn and gain valuable field experience now with the bulk of NATO resources still in country – as opposed to a rapid security handover in the final months before the 2014 transition – will increase the likelihood that the ANSF will hold on to their hard fought security gains and allow some space for institution building and economic development beyond 2014. It now appears the mission is headed in this direction with the announcement of four U.S. Army brigades to deploy as Security Force Assistance Teams.

[NU’s card begins]

Security force assistance is the next logical step in the triage of armed statebuilding in Afghanistan. But the ‘train and equip’ model of security assistance runs against the grain of long term SSR goals. SSR involves the cultural and structural transformation – and construction where absent – of a state’s core security actors into effective, professional, and accountable agents under civilian control. Training security forces (e.g., SFA) is a core element of SSR, but doing it without an equal emphasis on developing civilian capacity and control and oversight mechanisms in the ministries of defense and interior and in the judicial system may be dangerous. It may, in fact, militarize the security sector to the point of entrenching an imbalance in civil-military relations that would make the challenges of fighting corruption and preventing human rights abuses, or worse, coup attempts all the more difficult.

NTM-A has made significant progress in building the size and capabilities of the ANSF since its inception in 2009, increasing the Afghan National Army and Police by roughly 75,000 and 40,000, respectively. Likewise, NTM-A is on track to meet its November 2012 ANSF end strength target of 352,000 as well. For now it remains unclear, however, how NATO’s efforts to date, focused mainly on the uniformed services, will influence broader institutional reform across the Afghan security sector.

First, the Afghan National Police are currently trained and employed – mostly by U.S. military personnel – to fill a COIN role in local communities, serving essentially as paramilitary forces focused on citizen protection and holding territory cleared by NATO and Afghan Army units. But as Robert Perito of the U.S. Institute of Peace indicates in a recent interview, to be sustainable the Afghan police still needs significant training to provide regular civilian police functions, such as crime prevention, emergency management, and traffic regulation, critical functions for demonstrating the legitimacy of the Afghan state. Additionally, more must be done to bring the Afghan Local Police (ALP) – a community based initiative started in 2010 to increase security by paying armed locals to protect themselves – into the fold under the supervision of the Afghan government and NTM-A. While the ALP has proven valuable in COIN efforts against the Taliban, a recent Human Right Watch report recommends improved mechanisms to vet, train and monitor the ALP following reports of abusive and criminal behavior.

### AT: Russia Civil War

#### Kremlin can crush any opposition

Goodrich and Zeihan 9 [Lauren Goodrich, Stratfor's Director of Analysis and Senior Eurasia analyst, and Peter Zeihan, Vice President of Analysis at Stratfor, “The Financial Crisis and the Six Pillars of Russian Strength,” March 3 2009, <http://www.stratfor.com/weekly/20090302_financial_crisis_and_six_pillars_russian_strength>]

Politics: It is no secret that the Kremlin uses an iron fist to maintain domestic control. There are few domestic forces the government cannot control or balance. The Kremlin understands the revolutions (1917 in particular) and collapses (1991 in particular) of the past, and it has control mechanisms in place to prevent a repeat. This control is seen in every aspect of Russian life, from one main political party ruling the country to the lack of diversified media, limits on public demonstrations and the infiltration of the security services into nearly every aspect of the Russian system. This domination was fortified under Stalin and has been re-established under the reign of former President and now-Prime Minister Vladimir Putin. This political strength is based on neither financial nor economic foundations. Instead, it is based within the political institutions and parties, on the lack of a meaningful opposition, and with the backing of the military and security services. Russia's neighbors, especially in Europe, cannot count on the same political strength because their systems are simply not set up the same way. The stability of the Russian government and lack of stability in the former Soviet states and much of Central Europe have also allowed the Kremlin to reach beyond Russia and influence its neighbors to the east. Now as before, when some of its former Soviet subjects -- such as Ukraine -- become destabilized, Russia sweeps in as a source of stability and authority, regardless of whether this benefits the recipient of Moscow's attention.

#### Cooperation prevents war

Hadar 11—former prof of IR at American U and Mount Vernon-College. PhD in IR from American U (1 July 2011, Leon, Saving U.S. Mideast Policy, http://nationalinterest.org/commentary/saving-us-policy-the-mideast-5556)

Indeed, contrary to the warning proponents of U.S. military intervention typically express, the withdrawal of American troops from Iraq and Afghanistan would not necessarily lead to more chaos and bloodshed in those countries. Russia, India and Iran—which supported the Northern Alliance that helped Washington topple the Taliban—and Pakistan (which once backed the Taliban) all have close ties to various ethnic and tribal groups in that country and now have a common interest in stabilizing Afghanistan and containing the rivalries.

### Terror Add-On

#### The application of guiding principles to self-defense ensures flex to solve terrorism

Amos Guiora 4, Visiting Prof of Law and designated Prof of Law and Director of the Institute for Global Security, Law and Policy at Case Western University, “Targeted Killing as Active Self-Defense”, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=759584

International law was originally intended to apply to war and peace between recognized States; the concept of non-State actors was not contemplated. Thus, in studying responses to terrorism according to international law, one of the issues that must be examined is the relevance and applicability of international law to this "new form of warfare." Many experts have called for a "new regime of international law" that specifically addresses circumstances unique to terrorism. Though international law as it currently exists appears to be ill-equipped to deal with terrorism, the concept of active self-defense could be a natural starting point for developing this "new regime."¶ A thorough review of international law demonstrates that terrorism as a subject of international law has only been considered in the past few years. Clearly, the tragic events of 9/11 significantly contributed to this development. The question that must be addressed given the narrowing of the definition of self-defense from the Caroline doctrine to the UN Charter is: Does the right to active self-defense according to modern international law allow States to effectively combat both State-sponsored and non-State- sponsored terrorism?¶ Because the fight against terrorism takes place in what has been referred to as the "back alleys and dark shadows against an unseen enemy," the State, in order to adequately defend itself, must be able to take the fight to the terrorist before the terrorist takes the fight to it. From experience gained over the years, it has become clear that the State must be able to act preemptively in order to either deter terrorists or, at the very least, prevent the terrorist act from taking place. By now, we have learned the price society pays if it is unable to prevent terrorist acts. The question that must be answered—both from a legal and policy perspective—is what tools should be given to the State to combat terrorism? What I term active self- defense would appear to be the most effective tool; that is, rather than wait for the actual armed attack to "occur" (Article 51), the State must be able to act anticipatorily (Caroline) against the non-State actor (not considered in Caroline). ¶ The development of a new body of international law providing legal justification for such actions (active self defense against a non-State actor) must be consistent with existing principles and obligations such as proportionality, military necessity, collateral damage and exhaustion or unavailability of peaceful alternatives. I am of the belief that the two concepts—active self-defense and the four fundamental principles listed above are not in conflict; rather, they must be considered in formulating international law's response to modern "warfare" which is clearly a very different "war" than all previous ones.¶ Active self-defense (in the form of targeted killing), if properly executed, not only enables the State to more effectively protect itself within a legal context but also leads to minimizing the loss of innocent civilians caught between the terrorists (who regularly violate international law by using innocents as human shields) and the State. "[I]n time of war or armed conflict innocents always become casualties. It is precisely because targeted killing, when carried out correctly, minimizes such casualties that it is a preferable option to bombing or large-scale military sweeps that do far more harm to genuine noncombatants."¶ Active self-defense aimed at the terrorist contains an element of "pin- pointing": the State will only attack those terrorists who are directly threatening society. The fundamental advantage of active self-defense subject to recognized restraints of fundamental international law principles is that the State will be authorized to act against terrorists who present a real threat prior to the threat materializing (based on sound, reliable and corroborated intelligence information or sufficient criminal evidence) rather than reacting to an attack that has already occurred.¶ The fundamental difference between the Caroline doctrine and the theory espoused here is the extension of Caroline to non-State actors involved not in traditional warfare but in terrorism. If properly executed (as suggested by David), this policy would reflect the appropriate response by international law in adjusting itself to the new dangers facing society today. In many ways, the doctrine espoused in this paper is one of pre-emption. That is, the State's right to act preemptively against terrorists planning to attack. While there is much disagreement amongst legal scholars as to the meaning (and subsequently, timing) of words such as "planning to attack," the doctrine of active self-defense would enable the State to undertake all operational measures required to protect itself. The concept of how a state implements pre-emption against a non-State actor is one that international lawyers will have to address in the coming years as States will be increasingly engaged in conflict against non-State actors rather than against States.

#### Extinction

Martin E. Hellman 8, emeritus prof of engineering @ Stanford, “Risk Analysis of Nuclear Deterrence” SPRING, THE BENT OF TAU BETA PI, http://www.nuclearrisk.org/paper.pdf]

The threat of nuclear terrorism looms much larger in the public’s mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: “A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever.” [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, “We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% .... A nuclear terrorism attack is a low-probability event, but we can’t live in a world where it’s anything but extremely low-probability.” [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the “probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years,” with 79 percent of the respondents believing “it more likely to be carried out by terrorists” than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce which- ever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). his article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full- scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society’s almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cosT of World War iii The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.3 This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II’s fatalities were double or triple that number—chaos prevented a more precise deter- mination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapola- tion of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Con- gress, General Douglas MacArthur, stated, “Global war has become a Frankenstein to destroy both sides. … If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.” Former Secretary of Defense Robert McNamara ex- pressed a similar view: “If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed” [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn4 echoed those concerns when they quoted President Reagan’s belief that nuclear weapons were “totally irrational, totally inhu- mane, good for nothing but killing, possibly destructive of life on earth and civilization.” [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: “The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) … a change in targeting could kill somewhere between 20 million and 30 million additional people on each side .... These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care … millions of people might starve or freeze during the follow- ing winter, but it is not possible to estimate how many. … further millions … might eventually die of latent radiation effects.” [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that as- sumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant fire- storms could usher in a nuclear winter that might erase homo sapiens from the face of the earth, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engi- neering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

### AT: Sanctions Don’t Cause War

#### Sanctions don’t cause war

John Rosen 1-2, area director American Jewish Committee, 2014, “Senate bill shifts burden to Iran’s leaders,” New Jersey Jewish News, http://www.njjewishnews.com/article/20235/senate-bill-shifts-burden-to-irans-leaders#.UswiL\_RDs4A

Sanctions work. They prompted Iran to return to negotiations with the United States, Russia, Germany, France, China, and Britain — the P5+1 — that led to the potentially promising deal announced in Geneva on Nov. 23. But with details of the agreement not yet final, it is surely prudent to prepare additional measures to strengthen existing sanctions, in case Tehran is not really committed to negotiating a permanent accord to end its nuclear-weapons program. That’s the essence of the Nuclear Weapon Free Iran Act of 2013 introduced by New Jersey Sen. Robert Menendez along with Senators Mark Kirk (R-Ill.), Lindsey Graham (R-SC), and Charles Schumer (D-NY). The bill does not call for an immediate imposition of new sanctions; rather, preparing for the possibility that current talks with Iran may not succeed, it provides for powerful measures that can be applied to impede the regime’s progress toward nuclear weapons capability. It already has nearly 50 cosponsors, including New Jersey’s Sen. Cory Booker, and could reach a veto-proof majority of 67 soon after Congress returns next week. For this initiative Menendez, as chair of the Senate Foreign Relations Committee, should be applauded. Instead, he has been singled out for attack by those who are convinced that Iran has substantially changed its approach to discussing its nuclear program with the United States and other world powers. He has been accused of undermining the talks with Iran, and even risking war. But senators who have already passed sanctions legislation against Iran’s nuclear ambition in recent years have good reasons to remain suspicious about the Iranian leadership’s true intentions. The Nuclear Weapon Free Iran Act is exactly what is needed now to keep up the pressure on Iran. Why? Numerous questions have arisen about the details of the Geneva agreement since it was announced, and at least one P5+1 country, France, has publicly expressed serious doubts about the Iranian commitment to reach a final deal. That skepticism is shared by many Americans. A national survey conducted by the Pew Research Center and USA Today in December found that only 32 percent approve of the Geneva deal, while 43 percent disapprove (24 percent have no opinion). Meanwhile, the clock on the six-month interim accord has not even begun ticking. Further technical talks are needed to clarify details and obligations. Iran is warning that the proposed Senate action — even discussion of it — could derail the process, which raises the question of who really is committed to completing the interim accord and implementing it in good faith. If Iran is serious about a deal, then this legislation will have zero impact, so why is Iran threatening to bolt? We have confronted this morass many times before in recent years, as the international community has sought to gain Iran’s cooperation and together resolve the nuclear crisis peacefully. Tehran repeatedly offers to negotiate in good faith, but continues to pursue unabated its nuclear ambitions, a large-scale program with an inherent military component. International Atomic Energy Agency director general Yukiya Amano has warned several times that Iran is not coming clean on its nuclear program and that its military dimension cannot be discounted. Indeed, only last week, barely a month after the apparent diplomatic achievement in Geneva was announced to great celebration, Iran’s nuclear chief, Ali Akbar Salehi, declared that another 1,000 centrifuges were ready for activation. For years Iran has practiced deceit and defiance toward the UN, the IAEA, and nations around the world, including, centrally, the P5+1. The supply of centrifuges, well-hidden in Fordow, Natanz, and other nuclear facilities, has grown exponentially over the past decade, and the number of new centrifuges that enrich uranium faster than older models is increasing. The challenge of getting Iran to end, once and for all, its quest for nuclear-weapons capability may appear daunting. But it must be done, since a nuclear-armed Iran is the most dangerous threat to the Middle East region and to global security today. The bipartisan Senate bill will help keep all parties to the talks focused on the end game. The bill holds in reserve new sanctions that could be activated if Iran does not fulfill its obligations under the interim deal, including setting the terms for a permanent agreement, or if Iran again walks away from the entire process. That should give additional incentive to progress toward a final deal that ensures that Iran’s actions are concrete and verifiable. The burden should remain where it rightly belongs, on Iran’s leadership. The Senate should approve the Nuclear Weapon Free Iran Act as one more meaningful action underscoring the seriousness of America’s determination and the consequences of an Iranian failure to act in good faith.

### AT: Israel Strikes

#### No strike

Zachary Keck 13 is associate editor of The Diplomat, “Five Reasons Israel Won't Attack Iran”, The National Interest, 11/28, http://nationalinterest.org/commentary/five-reasons-israel-wont-attack-iran-9469

Although the interim deal does further reduce Israel’s propensity to attack, the truth is that the likelihood of an Israeli strike on Iran’s nuclear facilities has always been greatly exaggerated. There are at least five reasons why Israel isn’t likely to attack Iran.¶ 1. You Snooze, You Lose¶First, if Israel was going to strike Iran’s nuclear facilities, it would have done so a long time ago. Since getting caught off-guard at the beginning of the Yom Kippur War in 1973, Israel has generally acted proactively to thwart security threats. On no issue has this been truer than with nuclear-weapon programs. For example, Israel bombed Saddam Hussein’s program when it consisted of just a single nuclear reactor. According to ABC News, Israel struck Syria’s lone nuclear reactor just months after discovering it. The IAEA had been completely in the dark about the reactor, and took years to confirm the building was in fact housing one.¶ Contrast this with Israel’s policy toward Iran’s nuclear program. The uranium-enrichment facility in Natanz and the heavy-water reactor at Arak first became public knowledge in 2002. For more than a decade now, Tel Aviv has watched as the program has expanded into two fully operational nuclear facilities, a budding nuclear-research reactor, and countless other well-protected and -dispersed sites. Furthermore, America’s extreme reluctance to initiate strikes on Iran was made clear to Israel at least as far back as 2008. It would be completely at odds with how Israel operates for it to standby until the last minute when faced with what it views as an existential threat.¶ 2. Bombing Iran Makes an Iranian Bomb More Likely¶Much like a U.S. strike, only with much less tactical impact, an Israeli air strike against Iran’s nuclear facilities would only increase the likelihood that Iran would build the bomb. At home, Supreme Leader Ali Khamenei could use the attack to justify rescinding his fatwa against possessing a nuclear-weapons program, while using the greater domestic support for the regime and the nuclear program to mobilize greater resources for the country’s nuclear efforts.¶ Israel’s attack would also give the Iranian regime a legitimate (in much of the world’s eyes) reason to withdraw from the Nuclear Non-Proliferation Treaty (NPT) and kick out international inspectors. If Tehran’s membership didn’t even prevent it from being attacked, how could it justify staying in the regime? Finally, support for international sanctions will crumble in the aftermath of an Israeli attack, giving Iran more resources with which to rebuild its nuclear facilities.¶ 3. Helps Iran, Hurts Israel¶ Relatedly, an Israeli strike on Iran’s nuclear program would be a net gain for Iran and a huge loss for Tel Aviv. Iran could use the strike to regain its popularity with the Arab street and increase the pressure against Arab rulers. As noted above, it would also lead to international sanctions collapsing, and an outpouring of sympathy for Iran in many countries around the world.¶ Meanwhile, a strike on Iran’s nuclear facilities would leave Israel in a far worse-off position. Were Iran to respond by attacking U.S. regional assets, this could greatly hurt Israel’s ties with the United States at both the elite and mass levels. Indeed, a war-weary American public is adamantly opposed to its own leaders dragging it into another conflict in the Middle East. Americans would be even more hostile to an ally taking actions that they fully understood would put the U.S. in danger.¶ Furthermore, the quiet but growing cooperation Israel is enjoying with Sunni Arab nations against Iran would evaporate overnight. Even though many of the political elites in these countries would secretly support Israel’s action, their explosive domestic situations would force them to distance themselves from Tel Aviv for an extended period of time. Israel’s reputation would also take a further blow in Europe and Asia, neither of which would soon forgive Tel Aviv.¶ 4. Israel’s Veto Players¶ Although Netanyahu may be ready to attack Iran’s nuclear facilities, he operates within a democracy with a strong elite structure, particularly in the field of national security. It seems unlikely that he would have enough elite support for him to seriously consider such a daring and risky operation.¶ For one thing, Israel has strong institutional checks on using military force. As then vice prime minister and current defense minister Moshe Yaalon explained last year: “In the State of Israel, any process of a military operation, and any military move, undergoes the approval of the security cabinet and in certain cases, the full cabinet… the decision is not made by two people, nor three, nor eight.” It’s far from clear Netanyahu, a fairly divisive figure in Israeli politics, could gain this support. In fact, Menachem Begin struggled to gain sufficient support for the 1981 attack on Iraq even though Baghdad presented a more clear and present danger to Israel than Iran does today.¶ What is clearer is that Netanyahu lacks the support of much of Israel’s highly respected national security establishment. Many former top intelligence and military officials have spoken out publicly against Netanyahu’s hardline Iran policy, with at least one of them questioning whether Iran is actually seeking a nuclear weapon. Another former chief of staff of the Israeli Defense Forces told The Independent that, “It is quite clear that much if not all of the IDF [Israeli Defence Forces] leadership do not support military action at this point…. In the past the advice of the head of the IDF and the head of Mossad had led to military action being stopped.”

### 2AC Iran DA

#### UQ overwhelms and PC’s not key

Jim Lobe 1/23, Washington D.C. correspondent and chief of the Washington bureau of Inter Press Service (IPS), 2014, Top Israel Lobby Group Loses Battle on Iran, But War Not Over, http://original.antiwar.com/lobe/2014/01/22/top-israel-lobby-group-loses-battle-on-iran-but-war-not-over/

Eight years ago, Stephen Rosen, then a top official at the American Israel Public Affairs Committee (AIPAC) and well-known around Washington for his aggressiveness, hawkish views, and political smarts, was asked by Jeffrey Goldberg of the New Yorker magazine whether some recent negative publicity had harmed the lobby group’s legendary clout in Washington.¶ “A half smile appeared on his face, and he pushed a napkin across the table,” wrote Goldberg about the interview. “’You see this napkin?’ [the official] said. In twenty-four hours, we could have the signatures of seventy senators on this napkin.”¶ Eight years later, the same official, Stephen Rosen, who was forced to resign from AIPAC after his indictment – later dismissed — for allegedly spying for Israel, told a Ron Kampeas of the Jewish Telegraphic Agency (JTA) that AIPAC needed to retreat from its confrontation with President Barack Obama after getting only 59 senators – all but 16 of them Republicans – to co-sponsor a new sanctions bill aimed at derailing nuclear negotiations between Iran and the so-called P5+1 (U.S., Britain, France, Russia, China plus Germany).¶ “They don’t want to be seen as backing down… I don’t believe this is sustainable, the confrontational posture,” he said.¶ If AIPAC had succeeded in getting 70 signatures on the bill, which the administration argued would have violated a Nov. 24 interim agreement between Iran and the P5+1 that essentially freezes Tehran’s nuclear program in exchange for easing some existing sanctions for a renewable six-month period, that would have been three more than needed to overcome a promised Obama veto.¶ But, after quickly gathering the 59 co-sponsors over the Christmas recess, AIPAC and the bill’s major sponsors, Republican Sen. Mark Kirk and Democratic Sen. Robert Menendez, appeared to hit a solid wall of resistance led by 10 Democratic Committee chairs and backed by an uncharacteristically determined White House with an uncharacteristically stern message.¶ “If certain members of Congress want the United States to take military action, they should be up front with the American public and say so,” said Bernadette Meehan, a spokeswoman for the National Security Council. “Otherwise, it’s not clear why any member of Congress would support a bill that possibly closes the door on diplomacy and makes it more likely that the United States will have to choose between military options or allowing Iran’s nuclear program to proceed.”¶ Combined with a grassroots lobbying campaign carried out by nearly 70 grassroots religious, antiwar, and civic-action groups that flooded the offices of nervous Democratic senators with thousands of emails, petitions, and phone calls, as well as endorsements of the administration’s position by major national and regional newspapers and virtually all but the neoconservative faction of the US foreign policy elite, the White House won a clear victory over AIPAC and thus raised anew the question of just how powerful the group really is.¶ AIPAC’s inability to muster more support among Democrats, in particular, came on top of two other setbacks to its fearsome reputation over the past year.¶ Although they never took a public position on his nomination a year ago, the group’s leaders were known to have quietly lobbied against former Republican Sen. Chuck Hagel for Defense Secretary due his generally critical attitude toward Israel’s influence on US policy in the Middle East.¶ Several groups and individuals closely aligned with AIPAC, notably the American Jewish Committee and the Anti-Defamation League’s (ADL) – both of which have joined AIPAC in lobbying for the new Iran sanctions bill – questioned or opposed Hagel. Ultimately, however, he won confirmation by a 58-41 margin in which the great majority of Democrats voted for him.¶ Eight months later, AIPAC and other right-wing Jewish groups lobbied Congress in favor of a resolution to authorize the use of force against Syria – this time, however, at Obama’s request, although clearly also with the approval of Israeli Prime Minister Binyamin Netanyahu.¶ But the popular groundswell against Washington’s military intervention in yet another Middle Eastern conflict – as well as the reflexive aversion by far-right Republicans to virtually any Obama initiative – doomed the effort.¶ Neither Hagel nor Syria, however, has approached the importance AIPAC has accorded to Iran and its nuclear program which have dominated the group’s foreign-policy agenda for more than a decade. During that time, it has become used to marshaling overwhelming majorities of lawmakers from both parties behind sanctions and other legislation designed to increase tensions – and preclude any rapprochement — between Tehran and Washington.¶ Last July, for example, the House of Representatives voted by a 400-20 margin in favor of sanctions legislation designed to halt all Iranian oil exports from Iran. The measure was approved just four days before Iranian President Hassan Rouhani’s inauguration.¶ Throughout the fall, AIPAC worked hard – but ultimately unsuccessfully – to get the same bill through the Senate.¶ Now, two months later and unable to muster even a filibuster-proof 60 votes in the Senate, AIPAC appears to have shelved the Kirk-Menendez bill, which, among other provisions, would have imposed sanctions if Tehran violated the Nov. 24 agreement or failed to reach a comprehensive accord with the P5+1 on its nuclear program within a year.¶ “Clearly, the ground has shifted, dealing a huge defeat to AIPAC and other groups who have been aggressively lobbying for [the new sanctions bill],” wrote Lara Friedman, a lobbyist for Americans for Peace Now in her widely-read weekly Legislative Roundup, while other commentators, including Rosen, warned that overwhelming Republican support for the bill put AIPAC’s carefully cultivated bipartisan image at risk with Democratic lawmakers and key Democratic donors.¶ “They definitely lost this round and that has cost them a huge amount of political capital with the administration and with a lot of Democrats,” said one veteran Capitol Hill observer who also noted AIPAC faced “an almost perfect storm” of an administration willing to fight for a policy that also enjoyed strong support from the foreign-policy elite and an engaged activist community that could exert grassroots pressure on their elected representatives. “Senate offices were getting a couple of calls in favor [of the bill] and hundreds against. That certainly has to make a difference.”

#### Veto override now – 75 votes

Tom Cohen 1/13, Political Analyst for CNN, 2014, Clock ticking on Iran talks, possible further U.S. sanctions, http://www.cnn.com/2014/01/13/politics/us-iran-nuclear-sanctions/

A bipartisan proposal that would impose new U.S. sanctions -- but put off implementing them to allow time for negotiations to continue -- has the support of 59 Senators so far, a senior Senate aide told CNN last week.¶ According to the aide, the informal count for the measure introduced by Democratic Sen. Robert Menendez of New Jersey and Republican Sen. Mark Kirk of Illinois surpasses 75 votes -- more than enough for the Democratic-led Senate to override the promised presidential veto.

#### Trade pounder

Raum 1/25 -- Tom, Yahoo Finance, AP News, Foes of Obama trade pacts mostly fellow Democrats, 2014, finance.yahoo.com/news/foes-obama-trade-pacts-mostly-fellow-democrats-090237783.html

WASHINGTON (AP) — Debates on lowering trade barriers can turn Congress upside down for Democratic presidents promoting such legislation. Business-minded Republicans suddenly turn into allies and Democrats aligned with organized labor can become outspoken foes.¶ It's a reversal of the usual order of things, where a Democratic president can generally count on plenty of support from fellow Democrats in Congress along with varying levels of resistance from Republicans.¶ Now it is President Barack Obama's turn to experience such a role reversal. Already, he is encountering pockets of Democratic resistance, especially from those representing manufacturing states, to his efforts to win congressional approval for renewal of "fast track" negotiating authority.¶ Such expedited powers help speed the process for major trade agreements by restricting Congress to up-and-down votes on what's already been negotiated — with no amendments allowed.¶ Two such free-trade deals are in the works. One is a Pacific Rim trade pact — the Trans-Pacific Partnership — between the United States and 11 Asian and Latin American nations. A final round of negotiations begins next month and may be wrapped up by year's end.¶ "We are now in the endgame," said Acting Deputy U.S. Trade Representative Wendy Cutler.¶ The other negotiation, not as far along, is a trans-Atlantic trade alliance, mainly between the United States and European Union countries. So far it hasn't generated as much controversy as the nearly done trans-Pacific deal — largely because Europe is a generally high-cost, generally high-wage manufacturing area.¶ Obtaining fast-track authority from a deeply divided Congress will be a hard sell for Obama, one likely to get even harder as November's midterm congressional elections draw nearer. Democrats now control the Senate, Republicans the House.

#### Obama waivers solve

Jonathan S. Tobin 1/21, Commentary Magazine, "Will Obama Bypass Congress on Iran?", 2014, www.commentarymagazine.com/2014/01/21/will-obama-bypass-congress-on-iran-sanctions/

Top White House aides have been “talking about ways to do that [lift sanctions] without Congress and we have no idea yet what that means,” said one senior congressional aide who works on sanctions. “They’re looking for a way to lift them by fiat, overrule U.S. law, drive over the sanctions, and declare that they are lifted.”¶ Although only Congress has the power to revoke the sanctions it has enacted, this is not a far-fetched scenario. It is entirely possible that the president may wish to end sanctions on his own. That could come as the result of a nuclear deal that failed to satisfy those who rightly worry about the possibility of an agreement that left Iran with its nuclear infrastructure intact. Or it might be part of a further effort to appease Tehran by scaling back sanctions in order to entice it to sign a deal. And the president believes he can achieve these ends by executive action that would come dangerously close to unconstitutional behavior, but for which Congress might have no remedy.¶ The key to any unilateral action by the president on sanctions is effective enforcement. It has long been understood by insiders that the U.S. government has only selectively enforced the existing sanctions on Iran. In 2010, the New York Times reported that more than 10,000 exemptions had already been granted by the Treasury Department to companies wishing to transact business with Iran. Since then there have been worries that the administration has been slow to open new cases by which suspicious economic activity with Iran could be proscribed.¶ As the Washington Institute for Near East Policy noted in a paper published in November 2013, the president can legitimize a policy of non-enforcement by the granting of waivers that could effectively gut any and all sanctions enacted by Congress. The only effective check on such a decision would be the political firestorm that would inevitably follow a relaxation of the sanctions that would be accurately viewed as a craven offering to the ayatollahs and also an affront to both Congress and America’s Middle East allies such as Israel and Saudi Arabia that rightly fear a nuclear Iran.¶ The administration has already made clear on other contentious issues, such as the application of immigration law, that it will only enforce laws with which it agrees. This is clearly unconstitutional, but as we have already seen with the president’s unilateral actions on immigration, Congress cannot prevent him from doing what he likes in these matters. The same might be true on Iran sanctions, especially if he is prepared to double down on inflammatory arguments falsely labeling sanctions proponents as warmongers.¶ Having begun the process of loosening sanctions on Iran with the interim deal signed in November and seemingly intent on promoting a new détente with Tehran, it requires no great leap of imagination to envision the next step in this process. Unless the president produces a deal that truly ends the Iranian nuclear threat—something that would require the dismantling of Iran’s facilities and ensuring it could not possibly continue enriching uranium or building plutonium plants—a confrontation with Congress is likely. In that event, it appears probable that the president will choose to run roughshod over the will of Congress and the rule of law.

#### Drone restrictions pound

Greg Miller 1-15-14 – Intelligence Staff writer for the Washington Post, “Lawmakers seek to stymie plan to shift control of drone campaign from CIA to Pentagon”, Washington Post,

http://www.washingtonpost.com/world/national-security/lawmakers-seek-to-stymie-plan-to-shift-control-of-drone-campaign-from-cia-to-pentagon/2014/01/15/c0096b18-7e0e-11e3-9556-4a4bf7bcbd84\_story.html

Congress has moved to block President Obama’s plan to shift control of the U.S. drone campaign from the CIA to the Defense Department, inserting a secret provision in the massive government spending bill introduced this week that would preserve the spy agency’s role in lethal counterterrorism operations, U.S. officials said.¶ The measure, included in a classified annex to the $1.1 trillion federal budget plan, would restrict the use of any funding to transfer unmanned aircraft or the authority to carry out drone strikes from the CIA to the Pentagon, officials said.¶ The provision represents an unusually direct intervention by lawmakers into the way covert operations are run, impeding an administration plan aimed at returning the CIA’s focus to traditional intelligence gathering and possibly bringing more transparency to drone strikes.

#### Negotiations fail

Jennifer Rubin 1/24, Political Analyst for the Washington Post, 2014, Iran negotiations ‘train wreck’ ahead, http://www.washingtonpost.com/blogs/right-turn/wp/2014/01/24/iran-negotiations-train-wreck-ahead/

The last time a liberal (Sen. Max Baucus of Montana) warned about an Obama administration “train wreck” (regarding Obamacare), he was prescient. There is a good chance now that CNN’s foreign policy pundit and Post columnist Fareed Zakaria, usually very much in tune with the administration’s foreign policy, hit the nail on the head following an interview with Iranian President Hassan Rouhani. Zakaria surmised that the Iran negotiations are facing “a train wreck . . . a potentially huge obstacle because the Iranian conception of what the deal is going to look like and the American conception now look like they are miles apart.”¶ There is good reason to believe Zakaria. His conclusion was based in large part on his interview with Rouhani, who candidly described his country’s views on dismantling its nuclear weapons program: “Not under any circumstances.”¶ Zakaria’s conclusion, even without Rouhani’s admission, is also bolstered, as we have noted, by the independent Institute for Science and International Security report’s description of the vast changes Iran would have to make — far in excess of anything it has suggested in the past — to meet the bare minimum requirements even the U.S. negotiators say are required (already watered-down from the United Nations resolutions).¶ Given everything we know, it is hard to fathom how the Obama administration, as feckless as it is, could possibly believe the Iranians are willing to do what we are demanding.¶ Josh Block, a Democrat and executive director of the Israel Project, e-mailed, “It is deeply troubling but not at all shocking that Rouhani says Iran will never step back their nuclear pursuit. The America people know Iran is lying when they say they aren’t building nukes.” He continued, “Congress knows they are lying. But if the Administration wants to leaves Iran enriching uranium — after Rouhani himself said if they can enrich to 3.5% they can make a bomb and now declares they will never dismantle their centrifuges — clearly they would be putting our fate in Iran’s hands.” Or put differently, Obama seems willing to continue a ludicrous process and/or accept any deal to avoid the United States having to take matters into its own hands.¶ Rouhani’s comment, coupled with the refusal to release publicly the entire text of the so-called implementation agreement for the interim deal, suggests either the White House is misleading the public (i.e. it knows negotiations can’t succeed) or is delusional in its expectation that a deal anywhere in the ballpark of acceptability is in the offing. (In the same way Secretary of State John Kerry is convinced a peace agreement for Syria can work out, abject fear of failure is a powerful narcotic.) The White House is obsessively focused on shutting down Senate legislation and on tamping down the push-back it has received from allies and pro-Israel groups here. No doubt the White House drones are buzzing with resentment that their handiwork is being revealed to be a smoke screen for containment. (You can hear it now: There is nothing to be done. We tried. Do you want boots on the ground? Do you?) The Obama gang has infinite time and energy to attack Israel for making trouble, label sanctions supporters as war-mongers, spin the media and its supporters (I repeat) and plot to block congressional action, but it has no stomach for dealing with the real world.

**Plan boosts Obama’s capital**

Douglas **Kriner 10**, Assistant Profess of Political Science at Boston University, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 59-60

Presidents and politicos alike have long recognized Congress's ability to reduce the political costs that the White House risks incurring by pursuing a major military initiative. While declarations of war are all but extinct in the contemporary period, Congress has repeatedly moved to authorize presidential military deployments and consequently to tie its own institutional prestige to the conduct and ultimate success of a military campaign. Such authorizing legislation, even if it fails to pass both chambers, creates a sense of **shared legislative-executive responsibility** for a military action's success and provides the president with **considerable political support**

for his chosen policy course.34 Indeed, the desire for this political cover—and not for the constitutional sanction a congressional authorization affords—has historically motivated presidents to seek Congress's blessing for military endeavors. For example, both the elder and younger Bush requested legislative approval for their wars against Iraq, while assiduously maintaining that they possessed sufficient independent authority as commander in chief to order the invasions unilaterally.35 This fundamental tension is readily apparent in the elder Bush's signing statement to HJ Res 77, which authorized military action against Saddam Hussein in January of 1991. While the president expressed his gratitude for the statement of congressional support, he insisted that the resolution was not needed to authorize military action in Iraq. "As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing this resolution does not, constitute any change in the long-standing positions of the executive branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests or the constitutionality of the War Powers Resolution."36

### Iran AO

#### Preserving norms against preventive war is key to dissuade Israel from striking Iran

Katherine Slager 13, JD Candidate at the University of North Carolina School of Law, Articles Editor for the North Carolina Journal of International Law and Commercial Regulation, “Legality, Legitimacy and Anticipatory Self-Defense: Considering an Israeli Preemptive Strike on Iran's Nuclear Program,” 38 N.C.J. Int'l L. & Com. Reg. 267, lexis

Under both traditional and alternative analyses, Israel would not be presently justified to preemptively strike Iran's nuclear program. Under the customary international law analysis, Israel would not be justified because the threat is not yet imminent: Iran has not demonstrated a clear intent to attack Israel and does not yet have the capability to carry out a nuclear attack. Under Sadoff's proposed framework, Israel would not be justified for many of the same reasons: there is not a sufficient likelihood that an attack would occur.¶ There is room, however, for Israel to justify a preemptive strike

under the "preventive" self-defense approach, in which a preemptive strike may occur though the threat is more temporally removed. n402 This demonstrates the danger inherent in adopting such an approach, which discounts the importance of anticipatory force being used only as a "last resort." An approach that strays too far from existing modern law norms runs the risk of endorsing actions that would be widely viewed as illegitimate. n403¶ [\*324] An additional consideration is that under a legitimacy argument, the danger that a nuclear Iran poses to global peace and security may be enough to justify a preemptive strike in order to ensure global security. Many nations have indeed spoken out against Iran's development of nuclear weapons. By several accounts, a nuclear-capable Iran would be a serious threat to the entire Middle East region and the world. n404 For example, Algerian ministers claim that once Iran achieves nuclear capability, they will share the technology with "its fellow Muslim nations." n405 However, this danger should not be addressed by the unilateral assessment of a paternalistic nation, such as the United States. If the threat Iran poses to global security warrants a preemptive strike, then multilateral action by the U.N. Security Council should be taken. n406¶ In conclusion, though it is tempting to simply "rewrite the rules" to adapt the traditional international laws to address modern day threats, doing so would disrupt the international legal order. Deficiencies in the modern legal framework should be addressed incrementally, with a priority given to incorporating legitimacy and creating clear, practicable standards to evaluate use of force in anticipatory self-defense. Such a framework would clarify the [\*325] present illegitimacy and illegality of an Israeli strike on Iran's nuclear program. Wide recognition of the illegitimacy of a strike would lead to international condemnation, thus foiling the trigger that would lead the world into World War III.

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## NFU CP

### Links to Ptix

#### NFU is uniquely controversial and drains capital

Butfoy 9 - Andy Butfoy, senior lecturer in international relations at Monash University, September 25, 2009, “Obama versus the Pentagon,” Inside Story, online: http://inside.org.au/obama-versus-the-pentagon/

But what about the guidance the Obama administration gives to the military about the purpose of the nuclear weapons stockpile and how it might be used? In particular, what about first-use? Most of the NPT membership want a clear statement of no-first-use. They want all nuclear threats de-legitimised, and they have no time for Washington’s old claim that its first-use option is a foundation of world order. They have had enough of what they see as American hypocrisy.¶ Pentagon hardliners, and their allies in conservative think-tanks, don’t like what they are hearing. Old-school analysts fear a policy of no-first-use would unravel the world order that has evolved since the 1950s. They worry the result would be to encourage rogue states to push their luck, and possibly to spook countries like Japan into building their own nuclear weapons. This shouldn’t come as a surprise to Obama or anyone else. Although the Pentagon is required to follow presidential instructions, it isn’t the Department of Defense’s job simply to assume that a benign security environment will emerge and make radical disarmament sensible. And part of the Pentagon sees its core business as protecting an existing nuclear order which it views as essential for international stability.¶ Where does all this leave us? For Obama, making large cuts to nuclear force levels will be easy, as everyone agrees the arsenal is too bloated. Just how far the cuts should go is a matter of opinion, although the precise numbers needed are a second-order issue. But abolishing nuclear weapons is impossible for many years to come, so Obama will not invest his limited political capital trying, although he will stress elimination as a long-term aspiration.¶ The most interesting area of potential change concerns the missions assigned to nuclear weapons. This is where the real fight could be. Deciding on the role of the weapons is a more profound issue than whether Obama leaves office overseeing an arsenal of 1000 or 4000 nuclear warheads. The central question is whether or not these weapons should be reined in and kept only to deter nuclear attack by others. Or should they continue to have a wider purpose? Should they continue to be seen as a tool for managing world order, which has meant using them to threaten countries like Iran as a way of underlining US hegemony and, supposedly, providing additional discipline to the international system?¶ Obama apparently believes business as usual is unwise, immoral and unsustainable. One reason for this is that inaction could contribute to the NPT’s disintegration. The treaty is already under pressure, partly because of the collapse of US credibility under the previous administration. Today there is enormous hope that Obama can repair the damage; the sense is that it requires someone of his standing to restore faith in American non-proliferation diplomacy.¶ But this could require knocking into line anyone in the Pentagon continuing to insist that it is useful for the United States to threaten to start a nuclear war. Only time will tell whether Obama has the political room and stamina to do this while also addressing the financial mess, healthcare reform, global warming, and wars in Iraq and Afghanistan.

## CP

### Congress Key

#### Congressional legislation is key

Kenneth Anderson 13, Professor of International Law at American University, “The Case for Drones”, May 22, http://www.volokh.com/2013/05/22/the-case-for-drones/

Call this “institutional settlement” in counterterrorism strategy. We need an institutional settlement around counterterrorism – we have a lot of policies that work pretty well, but they rely largely on executive branch discretion. There are substantive reforms that need to be made in order to institutionalize counterterrorism policies, and they depend upon the two political branches coming together to give them legitimacy. In my view there is broad agreement in the center as to these policies in substance; what they lack is a political foundation in actual legislation. (But giving important credit, let’s note that Rep. Mac Thornberry (R-TX) has just offered legislation that would begin to address legislatively the accountability and oversight issues created by the growth of military special operations; on my first read, it looks like a very good start.)¶ The fault lies both with the administration and with Congress, but one way or another we today owe it to whoever is responsible for national security tomorrow to make sure that there is a stable, functional, institutionally legitimate framework going forward. It won’t ever satisfy certain constituencies ever – a big chunk of the international community, Obama’s leftwing, or the Pauline wing of the Republican Party, which are simply at odds with the substance – but it is the pretty clear view of the broad center of both voters and this country’s leadership. That said, precisely the fact that in the political center most everybody’s on board with the substance means that it’s hard to generate energy to give it the process, oversight, and accountability legs it needs to make its legitimacy permanent. But institutional settlement, stability of the framework over time and administrations of different parties, matters hugely.¶ Certainly I hope the President’s speech tomorrow reaches out to address the needs of institutional settlement. And I very much hope that Congress, and Congressional Republicans especially, take up the opportunity to find ways to engage legislatively – legislating as if there might be both Republicans and Democrats in the presidency.

### Links to politics

Would veto attempts to ENFORCE the ruling

#### Links to politics

**Samuel 9** (Terence Samuel, Deputy Editor – The Root and Senior Correspondent - Prospect, “Obama's Honeymoon Nears Its End”, American Prospect, 5/29, http://www.prospect.org/cs/articles?article=obamas\_honeymoon\_nears\_its\_end**)**

This week, Barack Obama named his first nominee to the Supreme Court, then headed west to Las Vegas and Los Angeles to raise money for Democrats in the 2010 midterms. Taken together, these two seemingly disparate acts mark the end of a certain period of innocence in the Obama administration: The "blame Bush" phase of the Obama administration is over, and the prolonged honeymoon that the president has enjoyed with the country and the media will soon come to an end as well. Obama is no longer just the inheritor of Bush's mess. This is now his presidency in his own right. The chance to choose a Supreme Court justice is such a sui generis exercise of executive power -- it so powerfully underscores the vast and unique powers of a president -- that blame-shifting has become a less effective political strategy, and less becoming as well. Obama's political maturation will be hastened by the impending ideological fight that is now virtually a guarantee for Supreme Court nominations. Old wounds will be opened, and old animosities will be triggered as the process moves along. Already we see the effect in the polls. While Obama himself remains incredibly popular, only 47 percent of Americans think his choice of Judge Sonia Sotomayor is an excellent or good choice for the Court, according to the latest Gallup poll. The stimulus package scored better than that. The prospect of a new justice really seems to force people to reconsider their culture warrior allegiances in the context of the party in power. This month, after news of Justice David Souter's retirement, a Gallup poll showed that more Americans considered themselves against abortion rights than in favor: 51 percent to 42 percent. Those number were almost exactly reversed a year ago when Bush was in office and Obama was on the verge of wrapping up the Democratic nomination. "This is the first time a majority of U.S. adults have identified themselves as pro-life since Gallup began asking this question in 1995," according to the polling organization. Is this the same country that elected Obama? Yes, but with his overwhelmingly Democratic Senate, the public may be sending preemptory signals that they are not interested in a huge swing on some of these cultural issues that tend to explode during nomination hearings. Even though Obama will win the Sotomayor fight, her confirmation is likely to leave him less popular in the end because it will involve contentious issues -- questions of race and gender politics like affirmative action and abortion -- that he managed to avoid or at least finesse through his campaign and during his presidency so far.

#### Obama receives blame for controversial court decisions---Kagan and Sotomayor

Mr. Mirengoff 10 is an attorney in Washington, D.C. A.B., Dartmouth College J.D., Stanford Law School, June 23 The Federalist Society Online Debate Series, http://www.fed-soc.org/debates/dbtid.41/default.asp

The other thing I found interesting was the degree to which Democrats used the hearings to attack the "Roberts Court." I don't recall either party going this much on the offensive in this respect during the last three sets of hearings. What explains this development? My view is that liberal Democratic politicians (and members of their base) think they lost the argument during the last three confirmation battles. John Roberts and Samuel Alito "played" well, and Sonia Sotomayor sounded like a conservative. The resulting frustration probably induced the Democrats to be more aggressive in general and, in particular, to try to discredit Roberts and Alito by claiming they are not the jurists they appeared to be when they made such a good impression on the public. I'm pretty sure the strategy didn't work. First, as I said, these hearings seem not to have attracted much attention. Second, Senate Democrats are unpopular right now, so their attacks on members of a more popular institution are not likely to resonate. Third, those who watched until the bitter end saw Ed Whelan, Robert Alt and others persuasively counter the alleged examples of "judicial activism" by the Roberts Court relied upon by the Democrats -- e.g., the Ledbetter case, which the Democrats continue grossly to mischaracterize. There's a chance that the Democrats' latest **partisan innovation** will **come back to haunt them**. Justice Sotomayor and soon-to-be Justice Kagan are on record having articulated a **traditional, fairly minimalist view of the role of judges**. If a liberal majority were to emerge -- or even **if the liberals prevail in a few high profile cases** -- the charge of "deceptive testimony" could be turned against them. And if Barack **Obama** is still president at that time, he likely **will receive** some of **the blame**.

### Perm shields

#### Perm do both---shields the link

Perine, 6/12/2008 (Katherine – staff at CQ politics, Congress unlikely to try to counter Supreme Court detainee ruling, CQ Politics, p. http://www.cqpolitics.com/wmspage.cfm?docID=news-000002896528&cpage=2)

Thursday’s decision, from a Supreme Court dominated by Republican appointees, gives Democrats further cover against GOP sniping. “This is something that the court has decided, and very often the court gives political cover to Congress,” said Ross K. Baker, a Rutgers University political science professor. “You can simply point to a Supreme Court decision and say, ‘The devil made me do it.’ ”

## Iran

### No Sanctions Impact

#### Their ev is Iranian propaganda

The Tower, 1-8-2014, “Fact Check: New Iran Sanctions Bill is a Vote for Diplomacy over War,” http://www.thetower.org/fact-check-new-iran-sanctions-bill-vote-diplomacy-war/

Earlier today, the pro-Iran lobby NIAC issued a misleading policy memo containing a number of false statements about the bipartisan Nuclear Weapon Free Iran Act of 2013, currently cosponsored by more than half of the U.S. Senate. Get the facts here. NIAC Myth #1: The Nuclear Weapon Free Iran Act of 2013 violates the terms of the first phase nuclear agreement by imposing new sanctions on Iran. Fact Check: The legislation does not violate the Joint Plan of Action; to the contrary, the legislation supports our diplomacy, enforces the Joint Plan of Action, and codifies the Obama Administration and Iran’s own commitments under the agreement. As long as Iran negotiates in good faith during the months ahead, no new nuclear-related sanctions will be imposed. The President and Secretary Kerry have repeatedly said the United States would reimpose sanctions on Iran should Iran violate the terms of the interim agreement or fail to reach a final agreement within the discernible time frame. That is exactly what The Nuclear Weapon Free Iran Act says and would do. NIAC Myth #2: The Nuclear Weapon Free Iran Act of 2013 blocks a final deal by dictating insurmountable demands, including zero-enrichment. Fact Check: The legislation establishes minimum standards for a final nuclear agreement in order to preclude Iran from developing nuclear weapons. If NIAC is opposed to the minimum standards for a final agreement in the bill, NIAC is opposed to: 1) precluding Iran from developing nuclear weapons; 2) requiring strict international inspections of all suspect Iranian facilities; and 3) bringing Iran into compliance with UN Security Council resolutions. NIAC’s position is extreme. If the P5+1 fails to meet these basic minimum standards in any final agreement with Iran, the world would be left with a dangerous and untenable circumstance that enables Iran to build nuclear weapons any moment it chooses – making war and the spread of nuclear weapons in the Middle East more likely, not less. NIAC Myth #3: The Nuclear Weapon Free Iran Act of 2013 removes the President’s authority to lift sanctions. Fact Check: Exactly the opposite is true. Without the Nuclear Weapon Free Iran Act, the President has no authority to suspend statutory sanctions other than by exercising the four to six-month national security waivers provided in the underlying sanctions laws. Under current law, the President can only lift sanctions if Iran dismantles its entire nuclear, chemical and biological weapons infrastructure, halts and dismantles its ballistic missile programs and halts its sponsorship of terrorism. This legislation allows the President to bypass current law and suspend certain sanctions under a final nuclear agreement. NIAC Myth #4: The Nuclear Weapon Free Iran Act of 2013 weakens presidential waiver authority for U.S. allies and risks unraveling multilateral sanctions. Fact Check: To the contrary, this legislation is critical to keeping the international sanctions regime intact. For the first time in years, due to the sanctions relief provided in the interim agreement, the global market psychology regarding sanctions has shifted from an expectation of ever-increasing sanctions to an expectation of further sanctions relief. Without legislation making it clear that sanctions will return if Iran violates the interim agreement or fails to reach a final deal, international firms will race to re-enter the Iranian market and further stabilize the Iranian economy. In effect, the Nuclear Weapon Free Iran Act will save the international sanctions coalition, not fracture it. This tired NIAC argument against sanctions has been trotted out time and again to oppose past congressional sanctions legislation, including the current sanctions against the Central Bank of Iran. In the end, these arguments have proven totally false time and again. International firms with business interests in the United States will never risk their access to America’s $16 trillion economy to preserve limited trade opportunities with Iran’s $550 billion economy. NIAC Myth #5: The Nuclear Weapon Free Iran Act of 2013 pledge U.S. military support for an Israeli attack on Iran’s nuclear program. Fact Check: The legislation does not in any way, directly or indirectly, authorize the use of force. Section 405 of the bill explicitly states that nothing in the legislation may be construed as an authorization for the use of force. What’s more, the non-binding language in the bill expressing the “sense of Congress” regarding the danger of Iran’s nuclear program and American support for Israel already passed the Senate 99-0 on May 22, 2013 in Senate Resolution 65. Yes, you read that correctly. NIAC Myth #6: The Nuclear Weapon Free Iran Act of 2013 empowers Iranian hardliners committed to blocking a nuclear deal and any progress on Iranian human rights. Fact Check: In a country where the only decision-maker is the Supreme Leader, this concept of hardliners versus others is without merit. In fact, the argument itself is a deceitful attempt to suggest that, for instance, the current President of Iran, someone who has been linked to terrorism, assassination, repression, human rights abuses, and bragged of deceiving the West by dragging out nuclear negotiations, is actually some kind of “moderate” actor, a concept which in the context of the regime in Tehran has no meaning. With regard to human rights, the legislation urges the President to continue imposing sanctions against the Iranian regime for its abuse of Iranian human rights. Iranian leaders know that if they walk away from the negotiating table, not only do they lose the sanctions relief provided in the interim agreement, Congress would have no reason to delay the imposition of new sanctions for up to one year (as the Nuclear Weapon Free Iran Act would do). Instead, Congress would impose these sanctions immediately. By some estimates, these additional sanctions, targeting Iran’s oil exports, foreign exchange reserves and strategic sectors of the Iranian economy, would cost the regime a minimum of $55 billion per year. A recent economic analysis by the Foundation for Defense of Democracies and Roubini Global Economics estimates that new sanctions could precipitate a major trade shock that leads to a significant depreciation of Iran’s currency, which will fuel inflation and asset bubbles, force fiscal austerity, and send Iran back into a deep recession. Given the choice between keeping current sanctions relief, and staving off new sanctions for up to one year, versus losing current sanctions relief and sending Iran’s economy into free fall, it is not logical to assume the Iranians will walk away from negotiations if Congress passes the Nuclear Weapon Free Iran Act. Just a few weeks ago, following an announcement of new sanctions designations by the Treasury Department, Iran recalled its negotiators to Tehran in protest only to return to the negotiating table a few days later. As the Chairman of the House Foreign Affairs Committee recently observed, the echoing of Tehran’s propaganda and threats by their allies in Washington does not make such claims true. In fact, it is a reminder of why the credibility of such assertions and those who purvey them is deeply suspect.

### No Strikes

#### Rhetoric empirically denied

Graham Allison 8/1/13 the director of the Belfer Center for Science and International Affairs at the Harvard Kennedy School, 8/1/13, "Will Iran Get a Bomb- or Be Bombed Itself- This Year?" The Atlantic, http://www.theatlantic.com/international/archive/2013/08/will-iran-get-a-bomb-or-be-bombed-itself-this-year/278253/

Israeli Prime Minister Netanyahu will continue to press for an early decision, arguing that sanctions are ineffective and only give Iran more time to expand its nuclear program. Expect President Obama, key members of the Israeli national security establishment, and others to continue arguing that sanctions and covert actions must be allowed more time to work, and that new sanctions and covert actions will be even more effective.¶ At the UN last September, Netanyahu drew a clear red line, near to but short of a nuclear bomb, and threatened that crossing it would trigger an attack on Iran. But his speech revealed his own frustration about the predicament in which he finds himself. He knows that Israel and the U.S. have been complicit in a drama in which they have repeatedly drawn red lines, asserted that Iran would never be allowed to cross them but, after watching Iran cross the line, retreated to the next operational obstacle on the path to a bomb, and declared it to be the real red line (see Table 8).¶ [Table removed]¶ Netanyahu himself was sounding the alarm as long ago as 1992, when he suggested Iran was "3 to 5 years" from a bomb; in 1996, he warned Congress that the "deadline for preventing an Iranian nuclear bomb is getting extremely close." Since then, Israeli politicians and officials have announced numerous "last chances" and "points of no return." In 2003, the head of Israeli military intelligence forecast that Iran would soon cross the "point of no return" at which "it would require no further outside aid to bring the program to fruition." A year later, Prime Minister Ariel Sharon warned that Iran would cross this point if it were allowed to develop a "technical capability" for operating an enrichment facility. As Iran approached that capability, Defense Minister Shaul Mofaz described the tipping point not as the capability, but as the "enrichment of uranium" itself. Simultaneously, the head of the Mossad, Meir Dagan, warned that Iran would reach this technological point of no return by the end of 2005. After Iran began enriching uranium, Prime Minister Ehud Olmert drew a new line in 2006 as enrichment "beyond a limited number of cascades."¶ As Iran has crossed successive red lines, Israel has retreated to the next and, in effect, hit the repeat button. From conversion of uranium; to production of LEU; to a stockpile of LEU sufficient (after further enrichment) to make one nuclear bomb; to a stockpile sufficient for a half dozen bombs; to enrichment beyond LEU to MEU; to the operation of centrifuges enriching MEU at the deep underground, formerly covert facility at Fordow, that created a "zone of immunity"; to achievement of an undefined "nuclear weapons capability," Israel's warnings have grown louder -- but no more effective. That these "points of no return" have been passed is a brute fact and hard to ignore.

#### Israel knows it can’t strike

Stephen M. Walt 12, Robert and Renée Belfer professor of international relations at Harvard University, "Why do people keep predicting war with Iran?" August 10, Foreign Policy, http://walt.foreignpolicy.com/posts/2012/08/10/voices\_prophesying\_war

One of the background elements in this campaign has been repeated warnings that Israel's leaders believed "time was running out" and that they were getting ready to launch a preventive strike on their own. This recurring theme has depended heavily on cooperation from sympathetic journalists and compliant media organizations, who have provided a platform to disseminate these various dark prophecies.¶ In September 2010, for example, The Atlantic published a cover story by Jeffrey Goldberg ("The Point of No Return") based on interviews with dozens of Israeli officials. Goldberg concluded that the odds of an Israeli attack by July 2011 were greater than 50 percent. Fortunately, this forecast proved to be as accurate as most of Goldberg's other writings about the Middle East.¶ Then, in January of this year, the New York Times Magazine published an article by Israeli journalist Ronan Bergman entitled "Will Israel Attack Iran?" The piece essentially replicated Goldberg's earlier article: once again, various Israeli officials were quoted as saying that Iran's nuclear program was nearing a critical stage and that Israel was going to take action if Iran did not agree to end all enrichment. Despite a few caveats about the risks of an attack and the possibility that it wouldn't halt Iran's progress for very long, the overall tenor of the piece made it clear that Bergman thought war was very likely.¶ Even Foreign Policy has gotten into the act, publishing a similar report from former Cheney aide John Hannah a few days ago. According to Hannah, his recent conversations with Israeli officials convinced him that "Israel's resolve to deal with the Iranian nuclear program on its own is no mere bluster." His conclusion: "an attack on Iran was significantly more likely than I had believed before."¶ Then yesterday Ha'aretz published an article by Barak Ravid -- based on interviews with an unnamed Israeli official -- claiming that U.S. intelligence had now concluded that Iran was making rapid progress toward a bomb. The information in the article was subsequently "confirmed" by Israeli defense minister Ehud Barak (who for all we know was the source of the original leak), but quickly denied by American officials. (Side note: shouldn't someone ask Ravid and his editors if they now want to retract the story?) And as Noam Sheizaf describes here, newspapers in Israel are now filled with stories suggesting that the danger is growing and that Netanyahu and Barak are determined to hit Iran sometime this fall.¶ Last but not least, yesterday's New York Times featured a one-sided story on the "shadow war" between Israel and Iran that placed virtually all the blame for the trouble on Tehran. On the front page, it described a "continuing offensive" by Iran, without mentioning that there has been a long cycle of tit-for-tat between these two countries. Only after the jump came any mention of the assassination of Iranian civilian scientists (almost certainly by the Mossad), or any acknowledgement that Iran might be acting defensively rather than conducting a totally unprovoked campaign of aggression. I'm not defending what Iran is doing, by the way, only suggesting that it's deeply misleading to portray what the U.S. and Israel are doing as purely defensive and to suggest that it is Iran that has launched some sort of ambitious "offensive.")¶ As I noted a few months back, it's virtually impossible to know how much credence to place in the repeated predictions that Israel is about to attack. It does prove that there is no shortage of journalists or pundits who are willing to serve as sympathetic stenographers for government officials, but it doesn't tell you very much about what is going to happen or what these officials really believe. Why? Because the various officials whose alarming testimony forms the basis for these articles have lots of different reasons for stirring the pot in this fashion.¶ In this case, those prophesying war may be trying to reinforce the global sanctions effort and keep Iran isolated. They know that the U.S. and the EU see sanctions as preferable to war, so constantly threatening to slip the leash is a good way to stiffen others' resolve and get them to ramp up demands and pressure. It's also a good way to blackmail the United States into providing additional military assistance, and it helps distract everyone from annoying issues like settlement expansion and the nearly-dead-and-buried "peace process." Given these various motivations, one should take all these forecasts of an imminent Israeli attack with many grains of salt.¶ Although I believe war with Iran would be folly, one cannot rule it out. All countries commit blunders, and neither the United States nor Israel is immune to this sort of miscalculation (see under: Iraq, Lebanon, etc.). But I am remain skeptical that Israel will attack, for the simple reason that it does not have the military capability to inflict strategically significant damage on Iran's nuclear facilities. As the Congressional Research Service reported earlier this year, "Israeli officials and analysts generally agree that a strike would not completely destroy the [Iranian nuclear] program." The CRS report also suggested that an Israeli strike could not delay the program for long, and that long-term success would depend either on repeated follow-up strikes or on subsequent diplomatic activity (e.g., more sanctions).¶ All of which suggests that all this talk of Israeli "red lines" and some sort of imminent attack (including the possibility of an "October surprise") is just talk. Indeed, those prophesying war are starting to sound like those wacky cult leaders who keep predicting the End of the World, and then keep moving the date when the world doesn't end on schedule. At what point are we going to stop paying attention?

### Drones Pounder

#### Restrictions now on drones

A.P.P. 1-17 – ’14 – Associated Press of Pakistan Article

U.S. Congress seeks to restrict transfer of drone control, Jan 17

http://www.app.com.pk/en\_/index.php?option=com\_content&task=view&id=260848&Itemid=2

WASHINGTON/NEW YORK, Jan 17 (APP): The U.S. Congress has restricted the Obama Administration’s plan to move control of the U.S. drone campaign from the CIA to the Defense Department, the American media reported Friday. According to the Washington Post, quoting U.S. officials, a secret provision has been inserted provision in the $ 1.1 trillion budget bill that would preserve the spy agency’s role in lethal counterterrorism operations. The provision, contained in a classified annex, restricts the use of any funding to transfer unmanned aircraft or the authority to carry out drone strikes from the CIA to the Pentagon, officials said. The U.S. media reports claimed lawmakers feel the U.S. military might not be ready for precision drone strikes.

#### Congress increasing restrictions now

O'Keefe 1-16 – ’14 – Congressional Correspondent for the Washington Post

McCain responds angrily to report on drones, Ed O’Keefe, January 16 2014

McCain was responding to a report in Thursday's Washington Post that revealed that Congress is on the verge of blocking President Obama’s plan to shift control of the U.S. drone campaign from the CIA to the Defense Department. The measure, buried within the 1,500-page, $1.1 trillion federal budget plan, would restrict the use of any funding to transfer unmanned aircraft or the authority to carry out drone strikes from the CIA to the Pentagon, officials said.

### PC Not Key

PC not key --- Lobe says democratic leadership is leading the fight against AIPAC and have already won --- the bills’ not even a relevant consideration anymore

#### Obama not key – Congresswoman Schultz influence is sufficient to block sanctions

Nathan Guttman 1/21, Political Analyst for the Jewish Daily Forward, 2014, Debbie Wasserman Schultz Squeezed Hard as Iran Sanctions Fight Heats Up, http://forward.com/articles/191261/debbie-wasserman-schultz-squeezed-hard-as-iran-san/?p=all

WASHINGTON — As Jewish groups push Congress to increase sanctions on Iran —and President Obama pushes back hard in the opposite direction — one lawmaker standing at the crossroads of this clash exemplifies the challenge the Jewish groups face.¶ Debbie Wasserman Schultz of Florida is a member of the House of Representatives; not the Senate, where most of the lobbying action is now taking place. But Wasserman Schultz, who has refused to take a public stand on increased sanctions now against Iran, is attracting more pressure from Jewish activists than many Jewish senators who are in outright public opposition to a bill that would do so.¶ There’s a reason for this: Wasserman Schultz, whose South Florida congressional district is heavily Jewish, has long been an unwavering supporter of the pro-Israel agenda defined by the American Israel Public Affairs Committee, the large, mainstream pro-Israel lobby. But Wasserman Schultz also heads the Democratic National Committee and was put there by President Obama, one of her crucial patrons.¶ Right now, she is reportedly engaged in a low-profile push to delay a vote on the Iran sanctions measure. And the combination of her DNC position and her undisputed record in support of Israel is seen as having an impact on wavering Democrats in both houses.¶ “It’s never comfortable to have differences with good friends,” said former Florida Congressman Robert Wexler of Wasserman Schultz’s dispute with AIPAC. “But just as Debbie respects AIPAC’s point of view, AIPAC should respect her point of view, because both of them are equally pro-Israel.”¶ Spokespersons for AIPAC and for Wasserman Schultz declined to comment on the current relations between the lobby and the congresswoman. But Michael Adler, who is both a major Democratic Party donor close to Schultz and an AIPAC activist, warned that the pressure on her reflected a desire to make the Iran sanctions bill a “litmus test on if you are pro-Israel” — a move he warned against.¶ “She is concerned about the criticism because she is a supporter of sanctions,” said Adler, whose own stand may reflect divisions on AIPAC’s approach even within the lobby. He described those in the pro-Israel community who criticized the congresswoman as being “so wrapped up in their own belief that they can’t recognize there are good pro-Israel people on both sides of this discussion.”¶ But it is that ability to be counted as “pro-Israel” on either side of this issue that is vexing activists who want to force congressional lawmakers to choose.¶ Right now, the Senate’s Nuclear Weapons Free Iran Act has 59 co-sponsors in the Senate, one vote shy of the number needed to force a vote, and far from the 67 senators required to override a presidential veto — a veto Obama has promised if the measure passes both houses. The bill calls for imposing new, automatic sanctions on Iran if it does not live up to a recently signed interim agreement that imposes new limits on the country’s nuclear program, which many other countries fear has as its goal the development of nuclear weapons. (Iran says its program is only for non-military purposes.)¶ Iran, which is currently negotiating with several countries, including the United States, to reach a stronger, permanent nuclear accord, would also suffer new sanctions under the bill if it did not cease all enrichment of uranium for this program after the interim agreement’s six-month term expires — even if the final agreement allowed it to enrich uranium to a low level, as many expect.¶ Another provision promises U.S. support for Israel if Israel, which views a nuclear Iran as an existential threat, decides to attack Iran to block its nuclear advancement.¶ Iran has threatened to walk out of the current talks if the Senate bill passes. And the administration, which sees the bill’s language as contrary to its own negotiating goals, has used the harshest of terms to describe the damage the bill could cause. Its passage, said White House Jay Carney could lead to “a march to war” as the only alternative to collapsed talks.¶ But proponents of more economic sanctions say it is only the pressure from earlier sanctions that has brought Iran to the negotiating table, and the threat of further sanction that will ensure the negotiations’ success. AIPAC has made passage of the new sanctions a top priority and has been lobbying in full force for its passage.¶ In the Senate, even Jewish senators have fallen on both sides of this debate. New York’s Democratic Senator Chuck Schumer has been leading the pack in support of the new sanctions bill, which was authored by Democrat Robert Menendez of New Jersey and Republican Mark Kirk of Illinois. Maryland Democrat Ben Cardin is also a strong supporter of the bill. But Connecticut Democrat Richard Blumenthal, one of the bill’s original co-sponsors, has recently changed his mind and is now opposed to the measure.¶ Others who oppose the bill include Democratic Jewish senators Carl Levin of Michigan, Ron Wyden of Oregon, and Californians Dianne Feinstein and Barbara Boxer.¶ Feinstein came under fire from pro-Israel activists after stating in a January 15 Senate floor speech that the bill could be interpreted as allowing Israel to “determine when and where the United States goes to war.”¶ Vermont independent Bernard Sanders, who is also Jewish, also strongly opposes the bill.¶ This poses a delicate problem for AIPAC, which has long made the bipartisan nature of its support in Congress a prime point.¶ Wasserman Schultz has no formal standing in the current Senate debate. But her reported activism behind the scenes in seeking to stave off support for the bill and the unique impact of her status in both houses as DNC chief has, most likely, led to the targeted pressure Jewish activists are exerting on her.¶ Those pressures include calls to Wasserman Schultz’s district office in Florida from AIPAC members, prompted by an AIPAC email to its Sunshine State supporters urging them to “respectfully ask” whether reports that she was working to block the Iran measure are true.¶ According to a source in touch with both Schultz and AIPAC, Schultz sought out the lobby’s leaders about this when both were together at the funeral of former prime minister Ariel Sharon early in January. The AIPAC leaders assured her there that they were not targeting her, this source said.¶ Meanwhile, a video ad produced by the Emergency Committee for Israel, a conservative pro-Israel organization led by Republican William Kristol, is much more aggressive. “She says she’s pro-Israel,” the ad states. “She says she’s tough on Iran, so why is she against bipartisan Iran sanctions?” asks the ad, which was aired in Wasserman Schultz’s South Florida congressional district. Inside the Beltway, Adam Kredo, a journalist with the Washington Free Beacon, a favorite news source for Washington conservatives, has kept up the drum beat from the right with stories highlighting Wasserman Schultz’s role in the congressional debate.¶ Senior congressional aides…say that Wasserman Schultz’s behind-the-scenes bid to stymie the Iran resolution has become problematic for bipartisan supporters of a robust sanctions regime,” Kredo reported. “’People are talking about it,’ said one senior Capitol Hill insider familiar with the sanctions negotiations. ‘Sources in the Jewish Federation network in Florida are saying this too; she’s not been very helpful.’”¶ Through all of this, Wasserman Schultz, who declined to be interviewed for this story, has resolutely avoided speaking out publicly on this issue.¶ Her spokeswoman, Mara Sloan, said in a statement that Schultz “has been a strong supporter of sanctions against Iran and will continue to be.” Sloan listed all the Iran sanctions bills that Wasserman Schultz supported and co-sponsored in the past and said she “remains a staunch proponent of stricter sanctions against Iran as a deterrent to their nuclear weapons ambitions.”¶ But Sloan would not address the question of Wasserman Schultz’s position on the current sanctions legislation.¶ “It’s significant that such a massive onslaught seems not to be working,” said Dylan Williams director of government affairs at the dovish-leaning J Street lobby, of the push against the congresswoman.¶ But will Wasserman Schultz, who has always been closer to AIPAC than to J Street, pay a personal political price for working against AIPAC on this issue?¶ “No,” predicted Wexler, “Debbie will come out of this debate just fine.”