### T

#### We meet---plan restricts Presidential authority to construe the legal limits on targeted killing---assassination ban proves

Jonathan Ulrich 5, associate in the International Arbitration Group of White & Case, LLP, JD from the University of Virginia School of Law, “NOTE: The Gloves Were Never On: Defining the President's Authority to Order Targeted Killing in the War Against Terrorism,” 45 Va. J. Int'l L. 1029, lexis

The discretionary authority to construe the limits of the assassination ban remains in the hands of the president. He holds the power, moreover, to amend or revoke the Executive Order, and may do so without publicly disclosing that he has done so; since the Order addresses intelligence activities, any modifications may be classified information. n24 The placement of the prohibition within an executive order, therefore, effectively "guarantees that the authority to order assassination lies with the president alone." n25 Congress has similar authority to revise or repeal the Order - though its failure to do so, when coupled with the three unsuccessful attempts to legislate a ban, may be read as implicit authority for the president to retain targeted killing as a [\*1035] policy option. n26 Indeed, in recent years, there have been some efforts in Congress to lift the ban entirely. n27

#### The authority to authorize without judicial permission is a war powers authority---we restrict it---FISA proves

John C. Eastman 6, Prof of Law at Chapman University, PhD in Government from the Claremont Graduate University, served as the Director of Congressional & Public Affairs at the United States Commission on Civil Rights during the Reagan administration, “Be Very Wary of Restricting President's Power,” Feb 21 2006, http://www.claremont.org/publications/pubid.467/pub\_detail.asp]

Prof. Epstein challenges the president's claim of inherent power by noting that the word "power" does not appear in the Commander in Chief clause, but the word "command," fairly implied in the noun "Commander," is a more-than-adequate substitute for "power." Was it really necessary for the drafters of the Constitution to say that the president shall have the power to command? Moreover, Prof. Epstein ignores completely the first clause of Article II -- the Vesting clause, which provides quite clearly that "The executive Power shall be vested in a President." The relevant inquiry is whether those who ratified the Constitution understood these powers to include interception of enemy communications in time of war without the permission of a judge, and on this there is really no doubt; they clearly did, which means that Congress cannot restrict the president's authority by mere statute.¶ Prof. Epstein's own description of the Commander in Chief clause recognizes this. One of the "critical functions" performed by the clause, he notes, is that "Congress cannot circumvent the president's position as commander in chief by assigning any of his responsibilities to anyone else." Yet FISA does precisely that, assigning to the FISA court a core command authority, namely, the ability to authorize interception of enemy communications. This authority has been exercised by every wartime president since George Washington.

#### Restriction means a limit or qualification---it includes conditions

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

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.

#### Prefer it

#### a) Aff ground – only process-based affs can beat the executive CP

#### b) Topic education – it’s the “authority” topic not the “conduct” topic – only we allow a discussion of decision-making procedures

#### Restrictions can happen after the fact

ECHR 91,European Court of Human Rights, Decision in Ezelin v. France, 26 April 1991, http://www.bailii.org/eu/cases/ECHR/1991/29.html

The main question in issue concerns Article 11 (art. 11), which provides:¶ "1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.¶ 2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. ..."¶ Notwithstanding its autonomous role and particular sphere of application, Article 11 (art. 11) must, in the present case, also be considered in the light of Article 10 (art. 10) (see the Young, James and Webster judgment of 13 August 1981, Series A no. 44, p. 23, § 57). The protection of personal opinions, secured by Article 10 (art. 10), is one of the objectives of freedom of peaceful assembly as enshrined in Article 11 (art. 11).¶ A. Whether there was an interference with the exercise of the freedom of peaceful assembly¶ In the Government’s submission, Mr Ezelin had not suffered any interference with the exercise of his freedom of peaceful assembly and freedom of expression: he had been able to take part in the procession of 12 February 1983 unhindered and to express his convictions publicly, in his professional capacity and as he wished; he was reprimanded only after the event and on account of personal conduct deemed to be inconsistent with the obligations of his profession.¶ The Court does not accept this submission. The term "restrictions" in paragraph 2 of Article 11 (art. 11-2) - and of Article 10 (art. 10-2) - cannot be interpreted as not including measures - such as punitive measures - taken not before or during but after a meeting (cf. in particular, as regards Article 10 (art. 10), the Handyside judgment of 7 December 1976, Series A no. 24, p. 21, § 43, and the Müller and Others judgment of 24 May 1988, Series A no. 133, p. 19, § 28).

#### Authority is what the president may do not what the president can do

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

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

#### Competing interpretations is a race to the bottom---default to reasonability---T should be a check on abuse not a strategy

### CP

#### b) Notification wrecks TKs

Mike Dreyfuss 12, J.D., Vanderbilt University Law School, January, 2012, “NOTE: My Fellow Americans, We Are Going to Kill You: The Legality of Targeting and Killing U.S. Citizens Abroad,” Vanderbilt Law Review, 65 Vand. L. Rev. 249

Military expedience and security arguments support the practice of nonpublication of the lists. If the targets know that they have been designated, then they will make it more difficult, more expensive, and more dangerous for our armed forces to kill them. Notifying the targets will also make continued intelligence gathering more difficult.

#### Solvency advocate theory---their author advocates outlawry for citizens only

Jane Y. Chong 12, “Targeting the Twenty-First Century Outlaw,” http://www.yalelawjournal.org/images/pdfs/1123.pdf

abstract. This Note proposes using outlawry proceedings to bring legitimacy to the government’s targeted killing regime. Far from clearly contrary to the letter and spirit of American due process, outlawry endured for centuries at English common law and was used to sanction lethal force against fugitive felons in the United States until as recently as 1975. Because it was the outlaw’s refusal to submit to the legal process that warranted the use of lethal force against him, the choice of process was necessarily preserved through basic protections such as charges and notice. This Note argues that these principles can be updated for the twenty-first century and used to subject the government’s targeted killing of U.S. citizens to limited judicial review.

#### Preventive War DA---the counterplan leaves executive discretion about imminent threats in place

Jane Y. Chong 12, “Targeting the Twenty-First Century Outlaw,” http://www.yalelawjournal.org/images/pdfs/1123.pdf

Meanwhile, the judiciary would hold the power to declare a citizen an "outlaw" based on a procedural definition of a legitimate target of lethal force: a suspect who refuses to submit to the legal process, as defined by a set of procedural requisites specified under statute, or perhaps left to the courts' design. This form of judicial review is most notable for what it would not involve: outlawry proceedings would not compel the judiciary to make real-time assessments of the threat posed by individual targets, to determine when the use of military force against such threats is justified, or to demand from the Executive comprehensive proof that use of lethal force is warranted.

#### Yemen DAs---enforcing i-law and imminence is key to solve

Michael J Boyle 13, Assistant Professor of Political Science at La Salle University, former Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews, PhD from Cambridge University, January 2013, “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) 1–29, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States. Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public.154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified.155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour.156

#### Their author concedes it doesn’t solve perception

Jane Y. Chong 12, “Targeting the Twenty-First Century Outlaw,” http://www.yalelawjournal.org/images/pdfs/1123.pdf

Concededly, outlawry offers the prospective target highly circumscribed protections. Not trial, but the right to trial.156 Not individualized notice, but centralized notice.157 Not express waiver, but implied waiver.158 As such, outlawry is unlikely to actually fully satisfy the civil libertarians, and is vulnerable to a criticism made of counterterrorism laws more generally: guilty of providing “too narrow a band of remedies focused on process.”159

#### Voluntary restraint doesn’t set a precedent

Anthony Dworkin 12, Senior Policy Fellow at the European Council on Foreign Relations, Executive Director of the Crimes of War Project, 19 June 2012, “Obama’s Drone Attacks: How the EU Should Respond,” http://ecfr.eu/content/entry/commentary\_obamas\_drone\_attacks\_how\_the\_eu\_should\_respond

Over time, the United States and its European allies might be able move closer to a common understanding of the concept of imminence through a process of discussion. But in any case there is an independent reason why the Obama administration’s policy of claiming expansive legal powers, while limiting them in practice on a voluntary basis, is a dangerous one. Precisely because he has greater international credibility than President Bush, the claims that Obama makes are likely to be influential in setting global standards for the use of the use of this new and potentially widely available technology. The United States is currently the only country that uses armed drones for targeted killing outside the battlefield, but several other countries already have remotely controlled pilotless aircraft or are in the process of acquiring them. The United States is unlikely to remain alone in this practice for long. At the same time, there have been several other examples in recent years of countries engaging in military campaigns against non-state groups outside their borders – as with Israel in Lebanon and Ethiopia in Somalia. For this reason, there is a strong international interest in trying to establish clear and agreed legal rules (not merely a kind of pragmatic best practice) to govern the use of targeted killing of non-state fighters.

#### Congress can’t solve because the courts won’t allow them to regulate the exercise of inherent self-defense authority---only the plan lets the courts restrict the scope of that authority

Geoffrey Corn 10, Associate Professor of Law at South Texas College of Law, formerly the Army’s senior law of war expert in the Office of the Judge Advocate General and Chief of the Law of War Branch in the International Law Division, 4/7/2010, “TRIGGERING CONGRESSIONAL WAR POWERS NOTIFICATION: A PROPOSAL TO RECONCILE CONSTITUTIONAL PRACTICE WITH OPERATIONAL REALITY,” Lewis & Clark Law Review Vol 14:2, http://www.lclark.edu/live/files/4813

Complicating any effort to require the President to interact with Congress on war powers decisions is the almost universally accepted existence of exclusive executive authority to respond to attacks on the United States or its armed forces.73 This authority is derived from the President’s role as both Chief Executive and Commander-in-Chief, and was clearly acknowledged by the Supreme Court in the Civil War decisions, The Prize Cases.74 In those cases, the Court was called upon to decide whether President Lincoln could invoke the jus belli75 as a legal basis to sell captured Confederate shipping vessels as prize.76 This required the Court to determine whether the military response to the southern rebellion was considered a war for legal purposes even though it had not been authorized by Congress. In affirming the legality of the disposition of the captured shipping vessels, the Court ruled that when war is thrust upon the nation, the President had not only the authority but the obligation to “resist force by force.”77 This authority was not dependent upon congressional authorization; instead, it was derived from the inherent Article II power of the President.78 Accordingly, the President was constitutionally authorized to use all the measures permitted by the jus belli.¶ If there was any doubt regarding the constitutional basis for this inherent presidential “defensive” or “responsive” war authority,79 it was dispelled with the enactment of the War Powers Resolution. Even though the Resolution was the product of undoubtedly the most expansive assertion of congressional war powers in the history of the nation, it expressly acknowledged the President’s authority to engage the armed forces for the limited purpose of responding to an attack being “thrust” upon the nation, and even expanded the reach of this authority to include attacks against U.S. armed forces stationed outside the nation. According to the purpose section of the statute: ¶ The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces. 80 ¶ The consequence of this acknowledgment of authority is significant, for it suggests that congressional demands that the President follow certain procedures as a predicate requirement to the exercise of this authority intrudes upon this vested constitutional power. ¶ Any notice or consulting provision must therefore be sufficiently tailored to avoid such intrusion. This is no easy feat. Drawing a line between defensive or responsive, and offensive or non-responsive uses of the armed forces is extremely complicated. This complication is exacerbated by the inevitable blurring of international legal authority to employ military force and domestic constitutional analysis. Because such uses of force implicate not only constitutional authority but also the international law that defines the right of a state to act in self-defense, there is a tendency to use the legal standards from one context as a basis for definition of the other. When this occurs, the jus ad bellum concept of “anticipatory” self-defense makes this line-drawing exponentially more difficult because it suggests that the President is vested with inherent authority not only to respond to attacks “thrust” upon the nation, but also those that are about to be thrust upon the nation.81 As will be discussed in more detail below, this blending of international and constitutional legal standards is both unjustified and detrimental to defining constitutional authorities.

#### Their “solves imminence” card is just an FYI about Brennan, not a solvency claim

JANE Y. Chong December 2012 (Yale Law School, J.D. 2014; Duke University, B.A. 2009, yale law journal, “Targeting the Twenty-First-Century Outlaw” 122 Yale L.J. 724 lexis)

C. Outlawry Provides Coherent Principles for Legitimating and Limiting the Government's Use of Lethal Force Can a U.S. citizen - himself or through another - use the U.S. judicial system to vindicate his constitutional rights while simultaneously evading U.S. law enforcement authorities, calling for "jihad against the West," and engaging in operational planning for an organization that has already carried out [\*759] numerous terrorist attacks against the United States? n175 Striking a balance between process and punishment, outlawry guarantees prospective targets important protections without categorically eliminating any of the government's options for dealing with suspected terrorists who refuse to acknowledge their own legal sovereign. Outlawry should thus appeal to those who have argued the fundamental injustice of banning the use of lethal force against terrorist leaders. Such a ban selectively grants terrorists the very procedural protections that are denied as a matter of course to their law-abiding, uniformed counterparts on the battlefield, who are unequivocally legitimate targets under the laws of war. n176 It thus amounts to "rewarding" terrorists who resort to hiding among civilian populations and who in other ways defy domestic and international laws. n177 Outlawry offers a disciplined means of dismantling this distorted incentive structure. The accused citizen-terrorist must choose between submitting to the legal process and flouting it. The terrorist-in-hiding who has chosen to flout the law is subject to the same lethal consequences of donning an enemy uniform on a battlefield. n178 Yet outlawry's use need not facilitate the unbridled expansion of government power. In this sense, an outlawry-based approach to targeting policy contrasts sharply with the government's piecemeal and unrestrained approach to justifying its killing program. For instance, in a recent speech, John Brennan, the President's top counterterrorism adviser, cited the nontraditional nature of the war against Al Qaeda - as manifested, for example, in the fact that terrorists avoid uniform - as justification for the government's [\*760] adoption of an expansive definition of "imminence" to assess terror threats. n179 But Brennan made no mention of the other side of the coin: the difficulties associated with correctly identifying a terrorist who has avoided the conventional markers of combatant activity, and whether the United States must take extra precautions to ensure that its attacks are directed strictly at hostile forces. n180 Outlawry, meanwhile, is a dual-use framework that not only permits but just as importantly restricts the Executive's use of lethal force against its citizens. n181 The resulting balance between process and punishment is key to outlawry's constitutionality, as the next Part explains.

### Warfite

#### Link empirically denied and ex post solves

Pardiss Kebriaei 13, Senior Staff Attorney at the Center Constitutional Rights, adjunct lecturer at Brooklyn College, Feb 5 2013, PLAINTIFFS’ OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS in al-Aulaqi vs Panetta, https://www.aclu.org/files/assets/tk2\_opposition\_filed\_plus\_declaration.pdf

Defendants’ “special factors” warnings of damage to military effectiveness, prestige, and decisionmaking are unconvincing. See Defs. Br. 25–27. Military and intelligence officers must obey the commands of the Constitution regardless of the context in which they act, even when exercising national-security and war powers.27 When those officers violate the constitutional rights of citizens, judicial review is not an “intrusion” into their affairs but rather the performance of the courts’ constitutional duty to ensure that the officers act “consistent with . . . the Constitution.” Parisi v. Davidson, 405 U.S. 34, 55 (1971) (Douglas, J., concurring); see id. (“When the military steps over [the] bounds [of constitutional civil liberties], it leaves the area of its expertise and forsakes its domain. The matter then becomes one for civilian courts to resolve . . . .” (footnote omitted)). ¶ And in the particular circumstances presented by Plaintiffs’ claims, Defendants’ “special factors” arguments ring particularly hollow. This is not a lawsuit that implicates real-time decisionmaking in war: Defendants’ decisions to authorize and direct the killings of the three deceased citizens have already been made; the intelligence Defendants relied upon in making those decisions has already been collected, evaluated, and acted upon; and the decisions have been publicly discussed and defended by Defendants and others in the government. See Compl. ¶¶ 32–33. If Defendants’ argument were correct, military defendants would never see the ink of a federal-pleading caption. Yet they regularly do, without any “profound implications on military effectiveness” or a notable “infus[ion of] . . . hesitation into the real-time, active-war decision-making of military officers,” Defs. Br. 26.28¶ Moreover, unlike other cases in which courts have dismissed Bivens claims, this lawsuit does not seek to delve into the “job risks and responsibilities of covert CIA agents” or “ongoing covert operations,” Wilson, 535 F.3d at 710 (quotation marks omitted).29 It does not seek to uncover future national-security plans. It is, instead, a suit of limited aim, asking the Court to determine whether Defendants acted in accordance with the Constitution when they took actions resulting in the deaths of three American citizens.30

#### Court review improves effectiveness---game theory proves

Tiberiu Dragu 13, Assistant Prof in the Dept of Politics at NYU, PhD in Poli Sci from Stanford University, and Oliver Board, associate in the Corporate Department of Wachtell, Lipton, Rosen & Katz, former Assistant Prof of Economics at the University of Pittsburgh, D.Phil. in Economics from the University of Oxford, J.D. from NYU School of Law, “On Judicial Review in a Separation of Powers System,” June 3 2013, https://files.nyu.edu/tcd224/public/papers/judicial.pdf

Our analysis has relevance for existing debates on the scope of judicial review in the context of terrorism prevention. The polemic whether drone strikes and other counterterrorism policies should be subjected to judicial oversight is framed as a tradeoff between the legal accountability benefits of judicial oversight and the public policy harms of reviewing expert counterterrorism policy by non-expert judges. But starting the debate on these terms already assumes that (non-expert) judicial review can only have a negative effect on (expert) governmental policy. As such, it glosses over the prior question of what is the effect of legal review on the information available for counterterrorism policy-making. To answer this question one needs to assess the counterfactual of how informed counterterrorism policy decisions are in the absence of judicial review as compared to the scenario in which a court can review the legality of those policies. Our game-theoretical analysis provides this counterfactual analysis, an otherwise difficult task to effect, and thus contributes to the current debates regarding the appropriateness of judicial review in the context of terrorism prevention. It suggests that judicial checks can lead to more informed counterterrorism policy-making if one considers the internal structure of the executive and the electoral incentives of the president, conditions which we discuss in more detail below.¶ First, the argument that judicial review of drone strikes, and counterterrorism policy more generally, has a detrimental effect on expert policy-making overlooks the internal ecology of the executive branch. When asserting the superior expertise of the executive branch, scholars and commentators treat the executive as a unitary actor, or perhaps consider its internal structure to be incidental to the expertise rationale for limiting judicial review. However, as the description of the drone policy suggests, there is a separation between expertise and policy-making: the president (and his closest advisers) decides on counterterrorism policy, while lower-level bureaucrats provide the expertise and intelligence to make informed decisions. This separation of expertise from policy-making is not unique to counterterrorism. Rather this is a general fact of modern-day government, and scholars of bureaucratic politics, going back to Max Weber, have attempted to unravel its myriad implications for democratic governance (Rourke 1976; Wilson 1991).¶ Second, the president, like all elected representatives, is a politician making choices under the pressure of re-election and public opinion, and such incentives are going to shape his counterterrorism choices. When it comes to the electoral incentives of public officials, scholars have noted that the political costs of not reacting aggressively enough in matters of terrorism prevention and national security are going to be higher than the costs of overreaction (Cole 2008; Fox and Stephenson 2011; Ignatieff 2004; Richardson 2006; Swire 2004). This observation implies that the president and other elected officials have an electoral bias to engage in counterterrorism policies that are more aggressive than what would be necessary on the basis of available information regarding the terrorist threat.36 Inside accounts of the decision-making process within executive branch (Goldsmith 2007), empirical analyses (Merolla and Zechmeister 2009), and newspaper reports,37 they all document such electoral incentives to appear tough on terrorism. The former Vice-President Dick Cheney forcefully depicts this electoral bias in his articulation of the so-called one percent doctrine, which states that if there was even a one percent chance of terrorists getting a weapon of mass destruction, then the executive must act as if it were a certainty (Suskind 2007). In Cheney's view, “it is not about analysis; it's about our response... making suspicion, not evidence, the new threshold for action."38 The run-up to the invasion in Iraq provides a stark illustration of the one percent doctrine in action, the conflict between intelligence officials and policy-makers, and the issue of politicized expertise in the context of national security (Pillar 2011).¶ Our results suggest that (non-expert) judicial review has the potential to induce more informed counterterrorism decisions when the president makes security policy under the veil of public expectations to respond forcefully to terrorist threats. Courts are not immune to public opinion, of course, but precisely because judges are not elected, they are more insulated from public opinion than elected officials. This implies that, all else equal, the courts are less likely to prefer counterterrorism measures that respond to public expectations to be tough on terrorism. Under these conditions,39 our theory suggests a mechanism by which counterterrorism policy-making with judicial oversight can be superior to counterterrorism policy-making without it, even if courts are relatively ill-equipped to review executive decisions. Judicial review can serve as a commitment device to better align the preferences of policymakers with their experts, with the effect of inducing more information for counterterrorism decisions. This observation is missing from current public and scholarly discussions about the role of judicial review in the context of drone strikes and other counterterrorism policies. As such, our analysis has policy implications for ongoing debates on how to design the institutional structure of liberal governments when the social objective is terrorism prevention.

#### Military power is not key to peace

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

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

#### Drones are useless for power projection and they trade off with capabilities that matter

Audrey Cronin 13, Distinguished Service Professor at the School of Public Policy, George Mason University, DPhil in IR from Oxford, “Why Drones Fail,” Foreign Affairs Vol 92 Issue 4, July/Aug 2013, ebsco

In this environment, it is understandable that Americans and the politicians they elect are drawn to drone strikes. But as with the fight against al Qaeda and the conservation of enemies, drones are undermining U.S. strategic goals as much as they are advancing them. For starters, devoting a large percentage of U.S. military and intelligence resources to the drone campaign carries an opportunity cost. The U.S. Air Force trained 350 drone pilots in 2011, compared with only 250 conventional fighter and bomber pilots trained that year. There are 16 drone operating and training sites across the United States, and a 17th is being planned. There are also 12 U.S. drone bases stationed abroad, often in politically sensitive areas. In an era of austerity, spending more time and money on drones means spending less on other capabilities -- and drones are not well suited for certain emerging threats.¶ Very easy to shoot down, drones require clear airspace in which to operate and would be nearly useless against enemies such as Iran or North Korea. They also rely on cyber-connections that are increasingly vulnerable. Take into account their high crash rates and extensive maintenance requirements, and drones start to look not much more cost effective than conventional aircraft.

#### Drones don’t solve terrorism---statistical analysis goes aff

James Igoe Walsh 13, Professor of Political Science at the University of North Carolina at Charlotte, PhD in IR from American University; and Megan Smith, UNC Charlotte Dept of Political Science, “Do Drone Strikes Degrade Al Qaeda? Evidence From Propaganda Output,” Terrorism & Political Violence 25:311-327, 2013, http://www.jamesigoewalsh.com/tpv.pdf

Conclusion¶ Do drone strikes hinder Al Qaeda’s ability to engage in sophisticated political and military operations? We address this question by investigating the relationships between drone strikes and Al Qaeda propaganda output. Propaganda output is an important measure of organizational resilience and activity. Creating sophisticated propaganda requires a cadre of experienced producers, media workers, and “stars” who are all vulnerable to drone strikes. Thus if drone strikes hinder Al Qaeda’s ability to operate effectively, this should be reflected in changes in the organization’s propaganda.¶ We find little evidence that this is the case. Plots of the time series for drone strikes and Al Qaeda media output show no clear relationships. Regression analysis finds that drone strikes may be associated with more, not less, propaganda output. The relationship is not sufficiently clear-cut that we are willing to conclude that there has been a positive relationship between drone strikes and propaganda. However, in none of the regression models was the relationship clearly or strongly negative. This suggests that, at best, drone strikes have little or no effect on Al Qaeda’s ability to create and issue propaganda. Al Qaeda’s propaganda output appears to be quite resilient in the face of drone strikes.

#### No link---normal means is to substitute the USFG as the defendant by waiving sovereign immunity---that’s Vladeck---and the Westfall Act solves

Stephen Vladeck 13, Professor of Law and Associate Dean for Scholarship at American University Washington College of Law, answering a question from Doug Collins (R, Georgia), “Drones and the War on Terror: When can the U.S. Target Alleged American Terrorists Overseas?” Hearing before the House Committee on the Judiciary, Feb 27 2013, <http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg79585/html/CHRG-113hhrg79585.htm>

But my question is, and you brought this up, we wouldn't indict one of our own, and my colleague, I believe Mr. Gowdy from South Carolina, made this comment. We are not going to indict one of our own. And if we did, let us just play this out for a second. If we did decide who was at fault, my question for you is who would be at fault?¶ What we have seen many times is we are going to throw the lowest person under the bus. It is going to be the drone operator. He should have disobeyed--so explain to me, if you can, what is the process? Where would you stop in culpability, and would it stop at the President?¶ Mr. Vladeck. Congressman, I think it would depend on the decision-making process, which, as you mentioned---- Mr. Collins. Non-existent.¶ Mr. Vladeck. Or I doubt it is non-existent. We are certainly not privy to it. And so, I think it would very much depend on who actually was the one who made the decision that had the legal error in it. Who is the one who said, oh, in fact, even though this guy only was at this guest house, that is enough to decide that he is a senior operational leader of al-Qaeda. And I think that would be where the buck would stop.¶ But if I may just briefly, I think the Congress could write a statute where the damages piece of it wouldn't depend on who was actually at fault. The purpose of the Westfall Act is to say that when a Federal officer is acting within the scope of his employment, it is the Federal Government that is at fault writ large. We are not going to point the finger at one guy who is just doing his job.

#### Preventive strike norm causes war with North Korea

Dominika Svarc 6, Researcher at the Institute for Comparative Law at the University of Ljubljana, LLM in Public International Law from the London School of Economics and Political Science, Fall 2006, “ARTICLE & ESSAY: REDEFINING IMMINENCE: THE USE OF FORCE AGAINST THREATS AND ARMED ATTACKS IN THE TWENTY-FIRST CENTURY,” 13 ILSA J Int'l & Comp L 171, lexis

Universal acceptance of the preventive strikes doctrine would create greater potential for violence, the effect of which on reducing the contemporary risks is highly questionable or even counter-productive. For example, highlighting the preventive option would likely encourage the allegedly hostile governments to accelerate development of precarious "launch-on-warning" weapons systems and increase their military preparedness. The conflict with North Korea and the recent escalation of the Iranian nuclear question expose exactly these concerns. On the other hand, others may arm offensively to "prevent the preventor" from eventually transferring them to the list of targets. n82¶ Accepting this doctrine as a part of international law would in principle enable that these two states to assert the right to attack the United States in order to prevent the preventor from striking first. Subsequently, this could fatally erode the already fragile norms and institutions designed to prevent proliferation of weapons of mass destruction.

#### Extinction

Peter Hayes 11, Prof of IR at the Royal Melbourne Institute of Technology University, Ph.D. in energy and resources from UC Berkeley, and Michael Hamel-Green, Dean of and Professor in the Faculty of Arts, Education and Human Development at Victoria University, Melbourne,

The consequences of failing to address the proliferation threat posed by the North Korea developments, and related political and economic issues, are serious, not only for the Northeast Asian region but for the whole international community.¶ At worst, there is the possibility of nuclear attack1, whether by intention, miscalculation, or merely accident, leading to the resumption of Korean War hostilities. On the Korean Peninsula itself, key population centres are well within short or medium range missiles. The whole of Japan is likely to come within North Korean missile range. Pyongyang has a population of over 2 million, Seoul (close to the North Korean border) 11 million, and Tokyo over 20 million. Even a limited nuclear exchange would result in a holocaust of unprecedented proportions.¶ But the catastrophe within the region would not be the only outcome. New research indicates that even a limited nuclear war in the region would rearrange our global climate far more quickly than global warming. Westberg draws attention to new studies modelling the effects of even a limited nuclear exchange involving approximately 100 Hiroshima-sized 15 kt bombs2 (by comparison it should be noted that the United States currently deploys warheads in the range 100 to 477 kt, that is, individual warheads equivalent in yield to a range of 6 to 32 Hiroshimas).The studies indicate that the soot from the fires produced would lead to a decrease in global temperature by 1.25 degrees Celsius for a period of 6-8 years.3 In Westberg’s view:¶ That is not global winter, but the nuclear darkness will cause a deeper drop in temperature than at any time during the last 1000 years. The temperature over the continents would decrease substantially more than the global average. A decrease in rainfall over the continents would also follow…The period of nuclear darkness will cause much greater decrease in grain production than 5% and it will continue for many years...hundreds of millions of people will die from hunger…To make matters even worse, such amounts of smoke injected into the stratosphere would cause a huge reduction in the Earth’s protective ozone.4

### Ptx

#### Plan solves Israel strike

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.

#### CIA shift pounds the link

Jordain Carney 1/16, Defense Correspondent for National Journal, “Congress Restricts Push to Transfer Drone Program From CIA to Pentagon,” http://www.nationaljournal.com/defense/congress-restricts-push-to-transfer-drone-program-from-cia-to-pentagon-20140116

Lawmakers are using the omnibus spending bill to restrict President Obama's attempt to transfer control of the U.S. drone program to the Pentagon—marking one of the more direct attempts by Congress to interfere in how the administration handles covert operations.¶ The provision restricts the administration from using any funding to move drones or the authority to carry out drone strikes from the CIA—which currently has oversight—to the Defense Department. The provision was included in a classified addition to the bill by members of the Appropriations Committee in both chambers, officials told The Washington Post.¶ Specifics on the restrictions are currently unknown, but a person familiar with the bill said they are more complex than simply withholding money.¶ The move comes as the administration is trying to transition the CIA back to its more traditional intelligence-gathering mission. But some members of Congress have doubts about the Pentagon's ability to oversee the country's drone program effectively and accurately.

#### Obama won’t fight the plan---he’s open to judicial review

Kwame Holman 13, congressional correspondent for PBS NewsHour; citing Rosa Brooks, Prof of Law at Georgetown University Law Center, former Counselor to the Under Secretary of Defense for Policy, former senior advisor at the US Dept of State, “Congress Begins to Weigh In On Drone Strikes Policy,” http://www.pbs.org/newshour/rundown/2013/04/congress-begins-to-weigh-in-on-drone-strikes-policy.html

In an October 2012 interview, Mr. Obama said of the drone program, "we've got to ... put a legal architecture in place, and we need Congressional help in order to do that, to make sure that not only am I reined in but any president's reined in, in terms of some of the decisions that we're making."¶ The president has not taken up the drone issue in public again but White House press secretary Jay Carney, asked Wednesday about the drone hearing, said, "We have been in regular contact with the committee. We will continue to engage Congress...to ensure our counterterrorism efforts are not only consistent with our laws and system of checks and balances, but even more transparent to the American people and the world."¶ And after the hearing, Brooks, too, sounded optimistic.¶ "My own sense is that the executive branch is open to discussion of some kind of judicial process," she said.¶ While some experts have argued for court oversight of drone strikes before they're carried out, Brooks sides with those who say that would be unwieldy and unworkable.¶ Brooks says however an administration that knows its strikes could face court review after the fact -- with possible damages assessed -- would be more responsible and careful about who it strikes and why.

#### Obama not key---Congressional and grassroots pressure are sufficient

Dmitriy Shapiro 2/12, Political Reporter, “Dealings may sink Iran sanctions,” http://washingtonjewishweek.com/dealings-may-sink-iran-sanctions/

Following a slow start mobilizing support to block bipartisan efforts in the Senate and House to place additional sanctions on Iran, opponents of new sanctions – backed by the White House – have organized to make their voices heard. By working behind the scenes, this bipartisan group may have been effective in stopping Congress from acting on sanctions legislation.¶ A letter to President Barack Obama drafted by Reps. Lloyd Doggett (D-Texas) and David Price (D-N.C.) has been circulating on Capitol Hill for several days. A final call to sign the message, titled “Give Diplomacy a Chance Letter to POTUS,” made the rounds of congressional offices Monday after being sent by Jackson Tufts, a military legislative assistant to Price.¶ The letter, which according to Anya Malkov, a legislative assistant to Doggett, had “more than 90 members, including several Republicans,” opposes additional sanctions as detrimental to the diplomacy being wrought by Secretary of State John Kerry in the quest to prevent the development of a nuclear-armed Iran.¶ “We understand that there is no assurance of success and that, if talks break down or Iran reneges on pledges it made in the interim agreement, Congress may be compelled to act as it has in the past by enacting additional sanctions legislation,” reads one of the final drafts of the letter. “At present, however, we believe that Congress must give diplomacy a chance. A bill or resolution that risks fracturing our international coalition or, worse yet, undermining our credibility in future negotiations and jeopardizing hard-won progress toward a verifiable final agreement, must be avoided.”¶ JTA reported on the existence of the letter on Feb. 4.¶ According to Price’s office, the letter is supported by a number of organizations, but it began on the Hill sometime after the Jan. 28 State of the Union Address in which Obama vehemently criticized congressional action pushing for more sanctions.¶ Organizations like J Street, Ploughshares, the Friends Committee on National Legislation, Win Without War and Americans for Peace Now are among those mobilizing their supporters in favor of the letter and against harsher Iran sanctions in general.¶ When contacted with questions about his organization’s involvement with the letter, a spokesman for J Street told Washington Jewish Week that he would not be making public comments until the letter is finalized.¶ Another strong early supporter of the letter was Rep. Keith Ellison (D-Minn.), a Muslim legislator whose office is rumored to have helped circulate the letter to other offices.¶ “A large number of House Democrats are unified against actions that could undermine diplomacy,” Ellison said in a statement to WJW. “Negotiations with Iran are complex and we may not reach a final agreement in exactly six months, but we’re the closest we’ve ever been to preventing Iran from acquiring a nuclear weapon.”¶ But signatories also include Jewish representatives with known pro-Israel voting records.¶ Rep. Jan Schakowsky (D-Ill.) was one of the leads in the effort; Rep. John Yarmuth (D-Ky.) also signed the letter, according to his communications director. Yarmuth had been a vocal opponent of additional Iran sanctions even before the P5+1 agreement with Iran went into effect late last year.¶ “As an American first, but also as a Jewish American, I strongly support Israel’s security and our nation’s commitment to preventing Iran from obtaining nuclear weapons,” Yarmuth said in a short speech on the House floor Jan. 15. “I also fully support advancing peace and stability in the Middle East through diplomacy whenever possible.¶ “We are in the midst of a historic opportunity to prevent nuclear proliferation in Iran, but it is fragile,” he continued. “Congressional interference at such a sensitive time is a high-risk, no-reward proposition.”¶ Other than the members of Congress who told WJW of their position on the letter when contacted, at press time, there was no official, comprehensive list.¶ Though 90 signatories is far from a majority, and there are no known plans for the House to take up sanctions legislation, the letter’s backers intend to balance the pro-sanctions voices in Congress.

#### TPA pounds

Tom Raum 2/19, AP, "Trade bills divide Obama, fellow Democrats", 2014, awww.onlinesentinel.com/news/Trade\_bills\_divide\_Obama\_\_fellow\_Democrats.html

WASHINGTON – The White House says it will continue to press Congress for “fast-track” authority to speed approval of trade deals even as election-year politics makes the task harder.¶ The Obama administration is engaged in two difficult trade negotiations, one with Japan and 10 other Pacific nations, and the other a proposed trans-Atlantic deal with European Union nations. The trans-Pacific talks are closer to completion.¶ President Bill Clinton used such powers to push through the North American Free Trade Agreement among the U.S., Canada and Mexico in 1993. President George W. Bush used fast-track authority to push through Congress the Central American Free Trade Agreement in 2005.¶ The fast track process, more formally known as “trade promotion authority,” empowers presidents to negotiate trade deals and then present them to Congress for up-or-down votes, with no amendments allowed.¶ Such trade deals have always been more popular with Republicans than Democrats.¶ That’s largely because business interests aligned with Republicans have always formed the core support for efforts to expand trade, while labor unions traditionally supportive of Democrats claim trade deals like NAFTA have cost U.S. jobs, helping to send them overseas.¶ Politically, what it means is that House Speaker John Boehner, R-Ohio, is on President Barack Obama’s side this time. Fast-track critics Senate Majority Leader Harry Reid, D-Nev., and former House Speaker Rep. Nancy Pelosi, D-Calif., are working against him.¶ The day after Obama asked for fast-track authority in his State of the Union address last month, Reid asserted: “I’m against fast track. ... Everyone would be well-advised just to not push this right now.”¶ White House spokesman Jay Carney said Tuesday that despite such objections from Democratic leaders, “we’re going to continue to press for this priority.”¶ Carney was asked whether recent generally pessimistic-sounding comments on prospects for fast track by Vice President Joe Biden to a Democratic conference could be taken as recognition by the White House that the trade legislation wasn’t going anywhere anytime soon.¶ Carney said no but added that the administration is “mindful ... that there are differing views in both parties, not just the Democratic Party” on the subject.¶ But opposition to the trade deals is more pronounced on the Democratic side.¶ Late last year, 151 House Democrats, roughly three-quarters of the chamber’s Democratic membership, signed a letter to Obama signaling their opposition to granting him fast-track trade authority.¶ In the past, Obama has not been an ardent supporter of the fast-track process. Even without fast track, Obama was able to win congressional passage of free-trade pacts with Colombia, Panama and South Korea the old-fashioned way in 2011. And he has yet to make a high-profile major push for renewal of the powers since his State of the Union comments.¶ If ratified, the proposals – the Trans-Atlantic and Trans-Pacific Trade and Investment Partnerships – would create the largest free-trade zone in the world, covering roughly half of all global trade.¶ But the free-trade talks are generating strong emotions at home and abroad.¶ Many Democrats up for re-election in November are fearful of drawing primary-election opposition over the issue. Concerned about lost jobs that are important to labor unions, they’re abandoning Obama on this issue.

#### No Israel strike

Daniel Larison 12/2, senior editor at The American Conservative, PhD in history from the University of Chicago, “Why Israel Won’t Attack Iran,” http://www.theamericanconservative.com/larison/why-israel-wont-attack-iran/

Zachary Keck lists the reasons why Israel isn’t going to attack Iran. One reason is that an attack would be harmful to Israel:¶ 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.¶ Keck also notes that an attack would give Iran a significant boost in international sympathy while wrecking nascent cooperation with regional Arab governments. The most important relationships that Israel has around the world would be strained by an attack, since virtually every government would be obliged to denounce their illegal and (as far as most of the world is concerned) unnecessary military action. Even if some of these governments tacitly supported an attack, they could not say so publicly, and they would be at pains to deny claims that they privately agreed with the action. An attack on Iran gains Israel virtually nothing in the short term at potentially very high cost over the longer term.¶ That may help to explain why Netanyahu has so little support within the Israeli national security establishment for attacking Iran. Keck continues:¶ 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.¶ This may be the most important reason why an Israeli attack is so very unlikely: too many of the people tasked with the responsibility for carrying it out don’t believe that it is worth doing. Unless that changes dramatically in the next year or so, it seems very unlikely that Israel would assume all the risks of starting a war with Iran.

#### Talks will fail---hardliners

Tracy Connor 2/17, senior writer for NBC News, “Iran's Ayatollah 'Not Optimistic' as Nuclear Talks Resume,” http://www.nbcnews.com/news/world/irans-ayatollah-not-optimistic-nuclear-talks-resume-n32056

Six world powers and Iran met in Vienna to begin hashing out a long-term deal on Tehran's disputed nuclear program Tuesay -- but the Islamic Republic's supreme leader predicted negotiations "will lead nowhere."¶ Ayatollah Ali Khamenei's pessimistic comments underscore the difficulty diplomats face as they try to seal a final agreement before an interim pact expires in July.¶ "Some of the officials of the previous government as well as the officials of this government think the problem will be resolved if they negotiate the nuclear issue," Khamenei, who is Iran's most powerful political leader, said on his website, according to Agence France Presse.¶ "I repeat it again that I am not optmistic about the negotiations and they will lead nowhere but I am not against them," he added. "The work that has been started by the foreign ministry will continue and Iran will not violate its commitment, but I repeat it again, it will lead to nowhere."¶ The Vienna meeting is expected to last two or three days.¶ The election of moderate Hassan Rouhani as president of Iran and his September phone call with President Obama during the United Nations General Assembly buoyed hopes of a new chapter opening between Iran and the West.¶ In November, Iran and the so-called P5+1 — U.S. Security Council permanent members Britain, France, the U.S., Russia and China, plus Germany — inked a preliminary accord in which Tehran agreed to freeze uranium enrichment in exchange for an easing of crippling sanctions.¶ Now the two sides must get down to the nitty-gritty, haggling over details like how many centrifuges Iran should be allowed to keep running and the future of a heavy-water reactor that the U.S. fears could be used to produce plutonium for a bomb.¶ Geneive Abdo, an Iran expert at the non-partisan Stimson Center, thinks it's unlikely a major deal will come out of the talks being headlined by Iranian Foreign Minister Javad Zarif and the European Union's foreign policy chief, Catherine Ashton.¶ "It seems that Rouhani is losing the window of opportunity he was given when he was elected," she said, citing Khamenei's remarks and other anti-U.S. sentiment coming out of Iran in recent weeks.¶ "The hardliners still control much of the government and much of the decision-making and just because a pragmatist was elected, doesnt meant he’s going to be given free reign to govern."

#### Sanctions are dead and uniqueness overwhelms---cosponsors have abandoned the bill

PressTV 2/9, “AIPAC rejects backing Obama for delaying sanctions against Iran,” http://www.presstv.com/detail/2014/02/09/349893/aipac-rejects-backing-obama-over-iran/

Last month, two Senate Democratic aides admitted that the sanctions legislation is already dead despite AIPAC’s efforts to derail nuclear negotiations.¶ "The sanctions bill is on ice while the diplomatic process plays out," a senior Senate Democratic aide, who spoke on condition of anonymity, told The Huffington Post.¶ "The fact that cosponsors of the bill are now publicly distancing themselves from the measure shows just how hasty and ill-conceived this effort has been," the aide said.