### Prev

#### Obama’s credibility means he’s more likely to set dangerous precedents than Bush

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.

#### Russian preventive nuke war escalates---causes US retal

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.

### T

#### 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.

#### War powers authority is the President’s authority to wage war and conduct self defense---the aff should be allowed to restrict the total scope of it

Manget 91 Fred F, Assistant General Counsel with the CIA, "Presidential War Powers", 1991, media.nara.gov/dc-metro/rg-263/6922330/Box-10-114-7/263-a1-27-box-10-114-7.pdf

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. 3 H 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.

#### We meet that

Lawfare no date, Lawfare Document Library, “Legality of U.S. Government’s Targeted Killing Program under Domestic Law,” http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/legality-of-targeted-killing-program-under-u-s-domestic-law/

The U.S. Government (via Eric Holder and Harold Koh) itself has stated that “[i]n response to the attacks perpetrated – and the continuing threat posed – by al Qaeda, the Taliban, and associated forces, Congress has authorized the President to use all necessary and appropriate force against those groups,” thus emphasizing the AUMF as a primary basis for its targeting authority. In addition, Holder asserted, “[t]he Constitution [itself] empowers the President to protect the nation from any imminent threat of violent attack.” Thus, en toto, the USG has asserted several bases of authority for its targeted killing program, namely (according to a leaked DOJ White Paper), “[the President's] constitutional responsibility to protect the country, the inherent right of the United States to national self defense under international law, Congress’s authorization of the use of all necessary and appropriate military force against [al-Qa'ida and associated forces], and the existence of an armed conflict with al-Qa’ida under international law.”

#### b—Education---they ignore discretionary authority that the executive creates by interpreting statute---core of the topic

William G. Howell 11, Sydney Stein Professor in American Politics at the University of Chicago, PhD in political science from Stanford University, “The Future of the War Presidency: the Case of the War Powers Consultation Act,” in The Presidency in the Twenty-first Century, Aug 1 2011, ed. Charles Dunn, google books

But a basic point remains: over the nation’s history, presidents have managed to secure a measure of influence over the doings of government that cannot be found either in a strict reading of the Constitution or in the expressed authority that Congress has delegated. This discretionary influence of presidential power encompasses a major pillar of recent scholarship on the modern presidency. Article II of the Constitution is notoriously vague. As a practical matter, Congress cannot write statutes with enough clarity or detail to keep presidents from reading into them at least some discretionary authority. And for their part, the courts have established as a basic principle of jurisprudence deference to administrative (and by extension presidential) expertise.17 It is little wonder, then, that through ambiguity presidents have managed to radically transform their office, placing it at the very epicenter of U.S. foreign policy.¶ By way of example, consider the mileage that President Bush derived from the 2001 Authorization for the Use of Military Force (AUMF). According to that law, the president was authorized to use all necessary and appropriate force against those nations, organizations, or persons he determined had planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or those that had harbored such organizations, or persons. President Bush cited this language to justify actions ranging from military deployments in Iraq, to the warrantless wiretapping of U.S. citizens to the indefinite detainment of enemy combatants at Guantanamo Bay, to the adoption of “enhanced interrogation techniques,” to the seizure of funds held by charities suspected of supporting terrorist activities. As the Iraq and Afghanistan wars and the war on terror proceeded, the adjoining branches of government looked upon such interpretations with increasing skepticism. But President Bush held steadfast to an expansive reading of the law and the seemingly limitless authority it conferred upon his office. As the U.S. Department of Justice put it, the AUMF “does not lend itself to a narrow reading.” Quite to the contrary: “The AUMF places the President’s authority at its zenith under Youngston.”18

### CP

#### Preventive War DA---CP doesn’t stop the president from citing self-defense authority, it just adds another justification---Obama still has discretion to designate imminent threats

Cora Currier 13, “Drone strikes test legal grounds for ‘war on terror’” http://www.pbs.org/wnet/need-to-know/security/drone-strikes-test-legal-grounds-for-war-on-terror/16252/

Obama officials regularly cite self-defense alongside the AUMF in justifying targeted killing. White House counterterror adviser John Brennan has said that the U.S. uses “a flexible understanding of 2018imminence’ ” in determining what constitutes a threat. The Justice Department memo on targeting U.S. citizens also references a “broader concept of imminence,” which it holds “does not require the United States to have clear evidence that a specific attack on U.S. persons and interests will take place in the immediate future.”

#### Pakistan and Yemen DAs---enforcing i-law 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

#### Reforming congressional procedures is insufficient---there’s no will to engage in effective oversight

Philip Alston 11, John Norton Pomeroy Professor of Law at the NYU School of Law, former UN Special Rapporteur on extrajudicial, summary or arbitrary executions, “The CIA and Targeted Killings Beyond Borders,” 2011, 2 Harv. Nat'l Sec. J. 283, lexis

Much has been written about the type of reforms that might have enhanced congressional oversight of the intelli-gence community. The most striking aspect is the extent to which they are predicated upon a belief that the situation can be radically improved through adjustments to the institutional design of the oversight arrangements. But various authors have exposed the fallacy of this approach, n381 and it is difficult to disagree with Johnson who has consist-ently made the point that structural or design factors are less important than the motivations of those who are asked to conduct the oversight. n382 It should be added that examples from other jurisdictions are more encouraging, but hard-ly inspiring, in this regard. n383 The difference, however, between those other jurisdictions and the United States is that in the case of the latter the stakes are much higher, especially in human rights terms, since what is in need of oversight is a rapidly expanding global program of state-directed killings.

#### The Prez will ignore the counterplan and congress won’t enforce it---War Powers Rez proves

John Isaacs 11, Executive Director of Council for a Livable World, 7/21/11, “War Powers Resolution consistently ignored,” http://thehill.com/blogs/congress-blog/foreign-policy/172803-war-powers-resolution-consistently-ignored

The War Powers Resolution also appeared to be a check against Nixon’s power, a President recently overwhelmingly re-elected who was becoming more and more enmeshed in the Watergate scandal.¶ Indeed, I played only a bit role, helping to convince some liberals such as Representatives Bella Abzug (D-NY) and Robert Drinan (D-Mass.) that Congress was not ceding additional power to the President by giving him or her 60 or 90 days to conduct war without approval of Congress.¶ Fast forward to today. Every President since 1973, including Barack Obama, has decided to ignore the law as an unconstitutional assertion of power.¶ Congress has been deaf, dumb and blind to this lack of presidential compliance. Oh sure, Members give tough speeches, but they won’t stop the wars. The don’t want to be blamed if the conflict goes sour.¶ Congress has the means to fight back: the power of the purse. Even if the Supreme Court would have ducked a constitutional confrontation between the Executive and Legislative branches on war powers, Congress could have cut off funds for the many conflicts since that time.¶ But Congress has blinked time and time again, most recently on Libya. On June 24, the House of Representatives refused to authorize U.S. military action in Libya but also refused to limit funding. Last week, the House delivered similar confused messages.¶ Many Members of Congress have denounced Obama’s war. Rather than denounce Obama – or Bush in Iraq or Reagan in Panama or Truman in Korea – they should protest their own inaction.¶ For the fault, Dear Brutus, lies not in our stars but in the lap of Congress.¶ Or as Pogo said, "We have met the enemy and he is us." ¶ Even if the House eventually votes to cut off funds for Libya, the Senate is not likely to go along. Even if the Senate were to go along, the President could veto the measure and a two-thirds majority would be required to overcome the veto.¶ The time has come. If Presidents and Congress are going to ignore legislation, it is no better than an appendix. It is time to expunge the law. Better to have no law rather than one that is ignored by all parties.

#### Links to politics

Al Hunt 6/2/13, Columnist for Bloomberg View, a sector of Bloomberg News, “Roadblocks Limit Scope for Change,” http://www.nytimes.com/2013/06/03/us/03iht-letter03.html

Mr. Obama did something almost unheard of for a modern U.S. president: He called on Congress to limit his authority under the wide-ranging Authorization for Use of Military Force enacted in 2001.¶ The speech was a big deal. Still, it probably will have less effect than either the White House or its critics claim. This reflects the political polarization that dominates even national security issues in Washington and the inability to rally a conflict-weary public behind any global issue.¶ The reactions over the past 10 days have been predictable. Many Republicans and conservatives accused the president of capitulation and of emboldening the United States’ enemies. The left said the change of policy was too little, too late.¶ There were more measured voices that, on balance, were positive: Colin Powell, the secretary of state in the George W. Bush administration, and Harold Koh, the former dean of Yale Law School and State Department legal counsel in the first Obama administration, who privately advocated for a more transparent and less belligerent anti-terrorist policy.¶ Mr. Obama employed some sleight of hand. He chastised those who argued that U.S. military forces on the ground would cause fewer casualties and less ill will than drones. Nobody really makes that argument. And he vowed never to deploy armed drones on U.S. soil.¶ No serious person believes the administration might launch a drone attack on a Tea Party gathering in Des Moines, Iowa. Senator Rand Paul’s rants about this nonexistent danger were a distraction, yet they also brought attention to the real issues and probably forced the president to deal with the matter publicly.¶ The three cornerstones of Mr. Obama’s message — ending the formal war on terrorism, a more transparent and much more limited use of drones and closing Guantánamo — all present complications that limit the scope for major change.¶ Mr. Obama said he wanted to “engage” Congress on changing the authorization to use military force that critics believed was too much of a blank check. Yet the Democratic strategist John D. Podesta and others have cautioned that this Congress might make matters worse instead of carefully circumscribing the limits of presidential power.¶ Revealingly, Mr. Obama declared that he “will not sign a law designed to expand this mandate further.” The president already has cut back on the use of drones, which have both wiped out much of the Qaeda leadership and created a backlash against the United States around the world. He said he had codified policy guidance for the use of force against terrorists that he would provide to Congress.¶ Yet, despite pledges of transparency, the document won’t be made public. And while the administration talks of turning over all drone operations to the military — rather than the C.I.A., which is supposed to be an intelligence-gathering agency, not a war-conducting one — the change apparently won’t apply to the Pakistan-Afghanistan theater for the foreseeable future. Mr. Powell says that transfer should take effect right away.¶ Mr. Obama reiterated a powerful case for shutting Guantánamo. Many of the 166 detainees are on a hunger strike and being force-fed. Keeping them there costs $900,000 a year per inmate, or more than 10 times the cost of similar incarceration at a maximum security prison in the United States. To much of the world, Guantánamo is a shameful Devil’s Island.¶ Still, there are questions about how many detainees can be returned to unstable countries like Yemen, and congressional Republicans will erect the same roadblocks that prevented the president from shutting Guantánamo four years ago.¶ “I still think he can do it, but he’ll have to put all his weight behind it,” said Mr. Koh, adding that this task should be a main charge of Lisa Monaco, the White House security adviser. Will Mr. Obama be willing to expend the huge political capital required to achieve this goal? It’s doubtful.

#### Drones trade off with countering North Korea

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.

#### 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

### Terror DA

#### Drones don’t solve terrorism---scattering and new enemies outweigh the benefits

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

Yet the evidence that drones inhibit the operational latitude of terrorist groups and push them towards collapse is more ambiguous than these accounts suggest. 57 In Pakistan, the ranks of Al-Qaeda have been weakened significantly by drone strikes, but its members have hardly given up the fight. Hundreds of Al-Qaeda members have fled to battlefields in Yemen, Somalia, Iraq, Syria and elsewhere. 58 These operatives bring with them the skills, experience and weapons needed to turn these wars into fiercer, and perhaps longer-lasting, conflicts. 59 In other words, pressure from drone strikes may have scattered Al-Qaeda militants, but it does not neutralize them. Many Al-Qaeda members have joined forces with local insur - gent groups in Syria, Mali and elsewhere, thus deepening the conflicts in these states. 60 In other cases, drones have fuelled militant movements and reordered the alliances and positions of local combatants. Following the escalation of drone strikes in Yemen, the desire for revenge drove hundreds, if not thousands, of Yemeni tribesmen to join Al-Qaeda in the Arabian Peninsula (AQAP), as well as smaller, indigenous militant networks. 61 Even in Pakistan, where the drone strikes have weakened Al-Qaeda and some of its affiliated movements, they have not cleared the battlefield. In Pakistan, other Islamist groups have moved into the vacuum left by the absence of Al-Qaeda, and some of these groups, particularly the cluster of groups arrayed under the name Tehrik-i-Taliban Pakistan (TTP), now pose a greater threat to the Pakistani government than Al-Qaeda ever did. 62 Drone strikes have distinct political effects on the ecology of militant networks in these countries, leaving some armed groups in a better position while crippling others. It is this dynamic that has accounted for the US decision gradually to expand the list of groups targeted by drone strikes, often at the behest of Pakistan. Far from concentrating exclusively on Al-Qaeda, the US has begun to use drone strikes against Pakistan’s enemies, including the TTP, the Mullah Nazir group, the Haqqani network and other smaller Islamist groups. 63 The result is that the US has weakened its principal enemy, Al-Qaeda, but only at the cost of earning a new set of enemies, some of whom may find a way to strike back. 64 The cost of this expansion of targets came into view when the TTP inspired and trained Faisal Shahzad to launch his attack on Times Square. 65 Similarly, the TTP claimed to be involved, possibly with Al-Qaeda, in attacking a CIA outpost at Camp Chapman in the Khost region of Afghanistan on 30 December 2009.66

#### No nuclear terror

John J. Mearsheimer 14, R. Wendell Harrison Distinguished Service Professor of Political Science at the University of Chicago, “America Unhinged”, January 2, nationalinterest.org/article/america-unhinged-9639?page=show

Am I overlooking the obvious threat that strikes fear into the hearts of so many Americans, which is terrorism? Not at all. Sure, the United States has a terrorism problem. But it is a minor threat. There is no question we fell victim to a spectacular attack on September 11, but it did not cripple the United States in any meaningful way and another attack of that magnitude is highly unlikely in the foreseeable future. Indeed, there has not been a single instance over the past twelve years of a terrorist organization exploding a primitive bomb on American soil, much less striking a major blow. Terrorism—most of it arising from domestic groups—was a much bigger problem in the United States during the 1970s than it has been since the Twin Towers were toppled.¶ What about the possibility that a terrorist group might obtain a nuclear weapon? Such an occurrence would be a game changer, but the chances of that happening are virtually nil. No nuclear-armed state is going to supply terrorists with a nuclear weapon because it would have no control over how the recipients might use that weapon. Political turmoil in a nuclear-armed state could in theory allow terrorists to grab a loose nuclear weapon, but the United States already has detailed plans to deal with that highly unlikely contingency.¶ Terrorists might also try to acquire fissile material and build their own bomb. But that scenario is extremely unlikely as well: there are significant obstacles to getting enough material and even bigger obstacles to building a bomb and then delivering it. More generally, virtually every country has a profound interest in making sure no terrorist group acquires a nuclear weapon, because they cannot be sure they will not be the target of a nuclear attack, either by the terrorists or another country the terrorists strike. Nuclear terrorism, in short, is not a serious threat. And to the extent that we should worry about it, the main remedy is to encourage and help other states to place nuclear materials in highly secure custody.

#### The court would not ban drones---it would narrow imminence but recognize some strikes as legitimate

Lindsay Kwoka 11, JD from UPenn Law School, “TRIAL BY SNIPER: THE LEGALITY OF TARGETED KILLING IN THE WAR ON TERROR,” University of Pennsylvania Journal of Constitutional Law Vol 14:1, p 301-325, https://www.law.upenn.edu/journals/conlaw/articles/volume14/issue1/Kwoka14U.Pa.J.Const.L.301(2011).pdf

But this is not the end of the inquiry. Even if a targeted individual is not located on a field of battle, he may still be a threat, and tar-geted killing may potentially be necessary and appropriate in some circumstances. Applying the reasoning of Hamdi here, a court would likely find that the use of targeted killing is only “necessary and ap-propriate” if it is the only way to prevent someone like Al-Awlaki from engaging in terrorist activity or otherwise harming the United States. The Hamdi Court was concerned with assuring that the executive used the least intrusive means in achieving its objective of preventing the enemy combatant from returning to battle.72The Court made clear that the means used to achieve this objective should be no more intrusive than necessary.73 It is consistent with the Court’s concern to allow targeted killing only when it is the only means available to pre-vent harm to the United States. If the executive can demonstrate that an individual outside of a war zone will harm the United States unless he is killed, targeted kill-ing may be authorized. This is consistent with Hamdi, in which the main concern was preventing future harm to the United States while using the least intrusive means available. This is also consistent with U.S. criminal law, in which the executive branch is permitted to kill an individual if there is no peaceful means left to apprehend him.74¶ Such an approach is also consistent with the approach of the Su-preme Court. Even the most stalwart protectors of constitutional rights of alleged terrorists recognize that immediate action by the ex-ecutive is at times necessary to prevent attacks.75An approach that al-lows the executive to use deadly force when it is the only available means of preventing harm effectively balances the need to protect cit-izen’s constitutional rights while affording sufficient deference to theexecutive.

#### Low-value targeting is counterproductive

Matthew Fricker 10, Lecturer of Political Science at UMass Dartmouth, and Avery Plaw, Associate Prof of Political Science at the University of Massachusetts at Dartmouth, “Sudden Justice? Evaluating the U.S. Predator Campaign in Pakistan,” <http://citation.allacademic.com//meta/p_mla_apa_research_citation/4/1/5/8/4/pages415840/p415840-25.php>

VII. The thrust of this paper has been that the Obama administration would be well- served to reconsider and reverse the acceleration and expansion of Predator drone campaign concentrated in the FATA, and concentrate on targeting the leaders of Al Qaeda and the Afghan and Pakistani Taliban. The first section showed that criticisms of the campaign as a whole were much exaggerated, especially in-so-far as it concentrated on senior leaders. The following six sections, however, offered reasons why the campaign should not be expanded to include low level Taliban fighters. Section II illustrated why such strikes would produce little impact by comparison with leadership strikes. Section III showed why expanding the range of targets is likely to prove counter- productive in terms of instigating increased international and local opposition. Section IV showed how the expanded campaign is likely to weaken to Pakistani civilian government while Section V demonstrates why that weakening is likely to undermine U.S. strategic objectives. Finally, Section VI indicated how the expanded campaign would interfere with other key strategic programs in the region. In short, while a focused campaign has been and will continue to be highly successful, the Obama administration should resist the temptation to massively intensify and expand the program, because the attacks will prove ineffective and the strategy massively counterproductive. It would be wisest to avoid a drone creep.

#### 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.

#### Drones trade off with other CIA ops

Jeremy Scahill 12, Puffin Foundation Writing Fellow at The Nation Institute, national security correspondent for The Nation magazine, Nov 14 2012, “The Petraeus Legacy: A Paramilitary CIA?” http://www.thenation.com/article/171247/petraeus-legacy-paramilitary-cia#

“I would not say that CIA has been taken over by the military, but I would say that the CIA has become more militarized,” Philip Giraldi, a retired career CIA case officer, told The Nation. “A considerable part of the CIA budget is now no longer spying; it’s supporting paramilitaries who work closely with JSOC to kill terrorists, and to run the drone program.” The CIA, he added, “is a killing machine now.”¶ As head of US Central Command in 2009, Petraeus issued execute orders that significantly broadened the ability of US forces to operate in a variety of countries, including Yemen, where US forces began conducting missile strikes later that year. During Petraeus’s short tenure at the CIA, drone strikes conducted by the agency, sometimes in conjunction with JSOC, escalated dramatically in Yemen; in his first month in office, he oversaw a series of strikes that killed three US citizens, including 16-year-old Abdulrahman Awlaki. In some cases, such as the raid that killed Osama bin Laden in Pakistan, commandos from the elite JSOC operated under the auspices of the CIA, so that the mission could be kept secret if it went wrong.¶ One current State Department liaison who has also worked extensively with JSOC describes the CIA as becoming “a mini-Special Operations Command that purports to be an intelligence agency.” For all the praise Petraeus won for his counterinsurgency strategy and the “surge” in Iraq, he says, his real legacy is as a “political tool,” an enabler of those within the national security apparatus who want to see a continuation of covert global mini-wars. Pointing to the “mystique that surrounds JSOC” and Adm. William McRaven, commander of the Special Operations Command, the liaison says, “Petraeus was trying to implement that kind of command climate at the CIA.”¶ “Petraeus wanted to be McRaven, and now that window has closed,” he said. “We are firmly in the age of McRaven. There is no other titular figure with the confidence of the president that is able to articulate strategies and hold their own in rooms where everyone else has the same or greater amount of intellectual heft. McRaven is everything that Petraeus is not.”¶ Retired Army Col. W. Patrick Lang, a former senior defense intelligence official, says that Petraeus’s arrogance—“smoothly concealed beneath the appearance of the warrior scholar”—made him deeply unpopular among the military’s high-ranking officers. Dismissing the media’s portrayal of Petraeus as a “super soldier” and great military leader as “phony bullshit,” Lang describes him as the product of a military promotion system that encourages generals to think of themselves as “divinely selected.” “In fact, he didn’t write the COIN manual, the surge was not the main thing in improving the situation in Iraq…. They sent him to Afghanistan to apply the COIN doctrine in the same glorious way he did in Iraq, and it hasn’t worked. So, if you look beneath the surface from all this stuff, it’s just a lot of hot air. There are great generals, but this guy is not one of them.” Arriving at the CIA, Lang says, Petraeus “wanted to drag them in the covert action direction and to be a major player.”¶ As for Petraeus’s future, the State Department liaison said, “There will be a lot of profits to be made by him and his immediate circle of advisers, as they’re given a soft landing, whether it’s in academia or within the nexus of the military-industrial complex.”¶ Giraldi, the former senior CIA officer, expressed concern that in these circumstances, the “CIA is going to forget how to spy.” He also noted the “long-term consequence” of the militarization of the CIA: “every bureaucracy in the world is best at protecting itself. So once the CIA becomes a paramilitary organization, there’s going to be in-built pressure to keep going in that direction. Because you’ll have people at the senior levels in the organization who have come up that way and are protective of what they see as their turf,” he told me. “That’s the big danger.”

#### Key to cyber-defense

Kevin Coleman 13, senior fellow with the Technolytics Institute, former chief strategist at Netscape, and an adviser on cyber warfare and security, 8/1/13, “Digital Conflict,” http://defensesystems.com/blogs/cyber-report/2013/08/cyber-intelligence.aspx

Cyber defense is gradually moving from a reactive to a proactive posture. Many observers have recognized this is absolutely required if we are to properly defend the massive information infrastructure that we have become so dependent on.¶ One question that comes up repeatedly is the growing need for cyber intelligence. Most organizations, besides those in the government/military intelligence community, concentrate on vulnerabilities and recently unleashed malware as a form of cyber intelligence. ¶ Cyber intelligence goes far beyond software and hardware vulnerabilities. While both are critical elements, many more are needed to paint an accurate and detailed picture of this threat environment. ¶ The Ponemon Institute released a new study that surveyed more than 700 respondents from 378 organizations. It found more organizations are moving toward what was termed "live threat intelligence.” I highlighted this expanded paradigm (near-real-time cyber intelligence) at the AFCEA Joint Warfighting conference. If you look at all the contributing factors that influence the cyber-threat environment, you will discover there are about 30 different categories directly associated with cyber intelligence. ¶ What we are seeing is a shift within the intelligence community to address the growing need for cyber intelligence. That means the Central Intelligence Agency may have to morph into something like a Cyber Intelligence Agency.¶ As we aggressively adopt new technologies, most of which are directly dependent on cyber communications, threats to this domain along with the growing number of activists, criminals, terrorists and rogue nation-states targeting this critical infrastructure will continue to grow. We have already seen a handful of universities develop degree programs addressing cyber intelligence.¶ As we are to keep pace with the growing threats of cyber aggression, we must increase the attention and resources devoted to cyber intelligence.

#### Nuke war

Tilford 12 Robert, Graduate US Army Airborne School, Ft. Benning, Georgia, "Cyber attackers could shut down the electric grid for the entire east coast" 2012, http://www.examiner.com/article/cyber-attackers-could-easily-shut-down-the-electric-grid-for-the-entire-east-coa

To make matters worse a cyber attack that can take out a civilian power grid, for example could also cripple the U.S. military.¶ The senator notes that is that the same power grids that supply cities and towns, stores and gas stations, cell towers and heart monitors also power “every military base in our country.”¶ “Although bases would be prepared to weather a short power outage with backup diesel generators, within hours, not days, fuel supplies would run out”, he said.¶ Which means military command and control centers could go dark.¶ Radar systems that detect air threats to our country would shut down completely.¶ “Communication between commanders and their troops would also go silent. And many weapons systems would be left without either fuel or electric power”, said Senator Grassley.¶ “So in a few short hours or days, the mightiest military in the world would be left scrambling to maintain base functions”, he said.¶ We contacted the Pentagon and officials confirmed the threat of a cyber attack is something very real.¶ Top national security officials—including the Chairman of the Joint Chiefs, the Director of the National Security Agency, the Secretary of Defense, and the CIA Director— have said, “preventing a cyber attack and improving the nation’s electric grids is among the most urgent priorities of our country” (source: Congressional Record).¶ So how serious is the Pentagon taking all this?¶ Enough to start, or end a war over it, for sure (see video: Pentagon declares war on cyber attacks http://www.youtube.com/watch?v=\_kVQrp\_D0kY&feature=relmfu ).¶ A cyber attack today against the US could very well be seen as an “Act of War” and could be met with a “full scale” US military response.¶ That could include the use of “nuclear weapons”, if authorized by the President.

### Ptx

#### Unemployment pounds the DA

David Jackson 1/7, "Obama's day: Pushing unemployment benefits", 2014, www.usatoday.com/story/theoval/2014/01/07/obama-unemployment-insurance-extension-senate-vote/4352303/

President Obama spends Tuesday on the first political fight of 2014 with congressional Republicans, a proposed extension of unemployment benefits.¶ Obama will discuss the issue at a late morning event that includes people who saw their jobless insurance lapse at the turn of the year.¶ "The president will talk about the toll that allowing these benefits to expire has had on 1.3 million Americans, and he'll warn of the negative consequences for the broader economy if Congress fails to act quickly on this urgent priority," the White House says.¶ Obama's speech comes after a key Senate vote on a proposed extension, and its prospects are uncertain.¶ Senate Republicans may block a final vote on the proposal, saying that a renewal of jobless benefits should be offset by cuts in other parts of the budget. That is also the position of the leadership in the Republican-run House.¶ "Spending $6.5 billion in three months without trying to find ways to pay for it, or improve the underlying policy, is irresponsible and takes us in the wrong direction," said Sen. Bob Corker, R-Tenn.

#### Veto override now

Payman Yazdani 1/4/14, The Tehran Times, "Any new Iran sanctions will seriously hurt U.S. credibility: academic," <http://tehrantimes.com/component/content/article/93-interviews/113203-any-new-iran-sanctions-will-seriously-hurt-us-credibility-academic>

\*\*\*interview with Nader Entessar, PhD in political science from St. Louis University and professor of political science and Southern Alabama University

Q: What is the role of the Israeli lobby in pushing for new sanctions legislation against Iran?¶ ¶ A: There is no doubt that the Israeli lobby in the United States had hoped for the collapse of the Geneva negotiations. When that did not materialize, the Lobby, through its allies in Congress, launched a drive to undermine the Geneva agreement. However, it is important to note that there are also other elements in the United States that have their own anti-Iran agenda and would not want to see any improvements in U.S.-Iran relations. Lastly, we should not underestimate the negative role played by some Arab countries in the Persian Gulf in this affair. In other words, there are allies of convenience that have banded together to undermine the integrity of the Geneva agreement.¶ ¶ Q: What could Congress do if Obama vetoes sanctions legislation?¶ ¶ A: Any presidential veto of a legislation can be overridden by a two-thirds majority of votes in both houses of U.S. Congress. Historically, about ten percent of presidential votes have been overridden by Congress. However, because of the strong bi-partisan support for anti-Iran legislation, it is very likely that if Obama vetoes a possible new sanctions legislation, U.S. Congress will muster enough votes to overturn President Obama's veto. However, if the Obama administration is serious about improving U.S.-Iran relations, it can put pressure on some key Democratic members of Congress to change their minds, but I am not sure if the Obama administration will have the wherewithal to confront Congress over Iran issues. ¶ ¶ Q: Do you believe that the differences between Congress and the White House are real?¶ ¶ A: There is no question that there are tactical differences between the White House and Congress on how to deal with Iran. While the White House prefers to follow a "crack-and-stick" policy, Congress has generally favored an "iron fist" policy towards Iran. Therefore, there are tactical differences between the Obama administration and Congress on how to deal with Iran. However, the strategic goals of the two branches of the U.S. government are not drastically different from each other. While Congress demands total surrender by Iran, the White House is willing to allow Iran to have a modicum of enrichment capability.

#### Deterrence solves aggression

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

The first argument, that Iran is too crazy to be deterred, is historically untenable. Stalin's Soviet Union was viewed in exactly the same terms. NSC-68, one of the most famous American intelligence assessments of the cold war, judged Moscow to be "animated by a new fanatic faith, antithetical to our own", aimed at "domination of the Eurasian landmass". That was the year after the Soviets' first nuclear test. Mao Zedong, who was to acquire a bomb shortly thereafter, welcomed a nuclear war in which "imperialism would be razed to the ground, and the whole world would become socialist".¶ Senator Joseph Lieberman last week fumed that "containment might have been viable for the Soviet Union during the cold war, but it's not going to work with the current fanatical Islamist regime in Tehran". Well, fanaticism has pedigree. Stalin and Mao might have been bloodthirsty fanatics, but they were not suicidal. Nor is Mahmoud Ahmadinejad.¶ Last week, two of America's top intelligence officials told a senate hearing two important things. First, any Iranian decision to build a nuclear weapon would be based "on a cost-benefit analysis". Even fanatical theocracies are governed by reason. Second, "Iran is unlikely to initiate or intentionally provoke a conflict". If Iran is deemed to be unlikely to start a conventional war, it's not going to start a nuclear war.¶ And there's a simple reason for this. The area around Tehran contains a fifth of Iran's population, and half of the country's industry. A single Israeli thermonuclear bomb would wipe this out in the blink of an eye. Iran's abhorrent calls to wipe Israel off the map are gestures as empty as Mao's nuclear posturing.

#### No arms race

Procida 9—National Intelligence Fellow at the Council on Foreign Relations (Frank, Why an Iranian Nuclear Bomb Is Not the End of the World, 9 June 2009, http://www.foreignaffairs.com/articles/65127/frank-procida/overblown)

Since the advent of the nuclear age, scientists, activists, academics, and politicians have feared that the spread of atomic weapons would prove unstoppable. The rhetoric one hears today regarding the probable reaction of Middle Eastern countries to a nuclear Iran echoes concerns put forth by experts when the Soviet Union, China, and even France got the bomb. Yet the worst-case scenarios rarely came to pass -- Germany and Japan, for instance, remained nonnuclear despite expectations -- and there is no reason to suspect that the Middle East will buck this historical trend. Analysts are particularly concerned about the reactions of countries such as Egypt and Saudi Arabia to an Iranian nuclear program. What they seem to forget is that the Arab world already has been living with a nuclear neighbor, Israel -- a state against which many Arab countries have fought wars and still do not recognize. Still, the Arab world has been unable or unwilling to respond in kind. An Iranian nuclear capability would not threaten these states more, or even as much as, an Israeli weapon. And in terms of prestige and influence, a Persian bomb should not be any more significant to these states than a Jewish one. Furthermore, developing a nuclear weapon is not as simple as flipping a switch. Libya spent close to two decades trying to acquire a nuclear weapon before giving up its program in 2003. Technology has never been the region's strong suit, and even with A. Q. Khan-supplied centrifuge drawings readily available, it would be foolish to expect a rash of nuclear successes in the near future.

#### No impact to sanctions

John Rosen, area director American Jewish Committee, 1-2-2014, “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.

#### Obama waivers solve

Eric Auner 11/15/13, a senior analyst at Guardian Six Consulting, "In Congress, Obama Administration Faces Uphill Battle on Iran Sanctions," World Politics Review,http://www.worldpoliticsreview.com/trend-lines/13386/in-congress-obama-administration-faces-uphill-battle-on-iran-sanctions

Whether or not the Obama administration can convince Congress to hold off on new sanctions, the administration still has room to maneuver in offering some limited short-term relief to ease negotiations forward. Kenneth Katzman of the Congressional Research Service wrote in Al-Monitor in August that there is a “vibrant debate among experts” on whether the administration “has the latitude to ease U.S. sanctions to the point where a nuclear deal with Iran can be concluded.” Many of the sanctions give “substantial waiver authority” to the president, according to Katzman, though the standards for issuing such waivers have been steadily increased by Congress.¶ “In a first-phase agreement, sanctions relief would be limited and unlikely to address the core of the [congressionally mandated] sanctions in place, which are on the banking and oil sectors,” said Kelsey Davenport of the Arms Control Association in an email interview. This could take place “over the six months following a first-phase agreement.” Measures could also be taken to “ease restrictions on precious metals and petrochemicals, as well as parts for the automotive and airline industries,” she said. Waivers on some sanctions “could be implemented almost immediately,” said Ali Vaez of the International Crisis Group in an email interview.

#### Talks are failing now---Obama will veto sanctions, or they’re inevitable because of Treasury circumvention

Sara Rajabova 12-28, December 28th, 2013, "U.S. not likely to impose new sanctions on Iran: expert," www.azernews.az/analysis/62959.html

There is a struggle between the White House and Congress, for a while, on imposing new sanctions on Iran if it fails to conclude a nuclear agreement with world powers.¶ The U.S. Congress introduced legislation on new sanctions on Iran last week, which was sharply criticized by the Iranian officials.¶ However, the U.S. President Barack Obama urged the Congress to refrain from imposing new sanctions against Iran, saying these sanctions could scuttle the negotiations.¶ Obama warned he would veto a bill imposing new sanctions on Iran, because it could sink a final deal over Tehran's nuclear program. He said he would support tougher sanctions later if Iran violates the agreement.¶ The author of book "The Evolution of Macroeconomic Theory and Policy", professor of economics at U.S. Northeastern University, Kamran Dadkhah shared his views on this issue with AzerNews.¶ Dadkhah said currently, there is little chance of imposing new significant sanctions on Iran.¶ "Even the bill introduced in the U.S. Senate imposes sanctions if Iran violates the deal reached in Geneva or if it is expired with no long-term agreement. The proponents of the bill argue that this is a clear signal to Iran and will strengthen the hand of the president in negotiations. Iranians have said that such a move would be against the spirit of negotiations and could cause them to abandon the process altogether. Indeed, should this bill pass, President Rohani's team of negotiators would be under pressure from domestic opponents of negotiations to withdraw; hence President Obama has threatened to veto the bill. But the U.S. Treasury has a freehand to strengthen financial sanctions," Dadkhah said.¶ He noted that the American oil companies are reluctant to contact Iran and other oil companies would wait for a strong signal before getting serious.¶ "In the meantime, the Pentagon is investigating Anham FZCO, a large military supplier, for moving supplies through Iran to Afghanistan. In sum, the new sanctions will not be imposed till it is obvious that no long term accord would be reached, but in the meantime existing crucial sanctions will be enforced vigorously," Dadkhah said.¶ He noted that such sanctions would give excuse to the hardliners in Iran to accuse the West of insincerity and the Rohani government of capitulation. Dadkhah said even without new sanctions, the negotiations aren't progressing that much, and the failure of the two rounds of technical negotiations supports the idea.

#### Obama won’t fight the plan

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.

#### Threat of future sanctions is an alt cause, and talks will fail anyway

Clifford D. May 12-25, is president of the Foundation for Defense of Democracies, a policy institute focusing on national security, December 25th, 2013, "Iran's Delays and Deceptions," [www.israelhayom.com/site/newsletter\_opinion.php?id=6777](http://www.israelhayom.com/site/newsletter_opinion.php?id=6777)

Just before Congress recessed for the holidays, 26 senators, 13 Democrats and 13 Republicans led by Senators Robert Menendez (D-N.J.) and Mark Kirk (R-Ill.), introduced the Nuclear Weapon Free Iran Act of 2013. Its purpose: to ready new sanctions that would be triggered only if Iran's rulers fail to meet the obligations they have undertaken under a "Joint Plan of Action," or foot-drag on talks meant to lead to a "comprehensive agreement." That agreement is to offer the theocrats a simple deal: relief from increasing economic isolation and pressure in exchange for the verifiable dismantlement of their nuclear weapons program -- an illegal program condemned by six U.N. Security Council resolutions.¶ The bill has displeased Iran's rulers and infuriated many on the American Left. "Saboteur sen. launching war push" ran the histrionic headline above Menendez's photo in The Huffington Post last week.¶ President Barack Obama also opposes the legislation. At his final press conference of the year, he said, "There's no reason to do it now," and he accused the bill's congressional sponsors of "trying to look tough on Iran" for political reasons. He has threatened a veto should the measure reach his desk. His veto could be overridden by a two-thirds majority in each house -- a high but not insurmountable hurdle.¶ Members of Congress sitting on the fence might want to ponder a few questions over the holidays: Are you confident that Iran's rulers are negotiating in good faith? Do you think American diplomats will be helped or harmed if you give them additional leverage? Does it trouble you that Iran's rulers have yet even to acknowledge that they have a nuclear weapons program -- insisting that, despite the vast petroleum reserves they control, they are building nuclear facilities under mountains strictly for "peaceful purposes"? Are you convinced that Iranian President Hassan Rouhani and Foreign Minister Javad Zarif are moderates? Or do you suspect that they might be trying to play American diplomats like a Guadagnini?¶ Consider, too, the current state of play. The Joint Plan of Action was concluded on November 24. The Foundation for Defense of Democracies, the think tank I head, estimates that, over the next six months, Iran will receive $20 billion or more in sanctions relief both directly from the Geneva package and through positive changes in Iranian economic activity. Last Friday at 6 p.m., a State Department spokesman finally answered a query about what concessions Iran has given in return. It turns out that, on the Iranian side, the agreement "has yet to be implemented…"¶ In the meantime, Iran's centrifuges continue to spin, turning out 20 percent enriched uranium. Construction is ongoing at the Arak heavy-water reactor, a facility that will be able to produce weapons-grade plutonium. Weaponization and ballistic missile development have not been halted -- such activities are not even included in the Joint Plan of Action despite the fact that a 2012 U.N. Security Council resolution obligates Iran to "not undertake any activity related to ballistic missiles capable of delivering nuclear weapons." All these issues are to be addressed in a new round of negotiations expected to begin in January -- though no date certain is yet on the calendar.¶ The challenges of negotiating with dictators and authoritarians should not be underestimated. Years of talks intended to prevent North Korea from acquiring nuclear weapons ended in abject failure. More recently, the vaunted "reset" with Russia led to American concessions on such important issues as missile defense. It is not clear what Russia has given in return. Syria may be in the process of surrendering its chemical weapons but, in exchange, the Assad regime now has a green light to slaughter Syrian men, women and children by any other means. Indeed, over the past week more than 400 people were killed in residential areas of Aleppo by regime aircraft that dropped steel barrels packed with explosives and shrapnel.¶ Why are bad guys better than good guys when it comes to deal-making? Part of the reason, I suspect, is that we too often assume that those across the table are, like us, seeking common ground, and sincerely open to compromise. In reality, the rulers of such nations as North Korea, Russia, Syria and Iran regard negotiations as warfare. Their goal is not "conflict resolution." It is victory -- and that implies the defeat of their enemies.¶ These are concepts too many modern Western leaders are uncomfortable even discussing. Obama has famously said, "I was elected to end wars, not start them." Notice that he said "end" -- not "win." As George Orwell observed decades ago, "The quickest way to end a war is to lose it."¶ Talks with despots should never be confused with courtships. Beyond looking tough is actually being tough, making the Iranians understand what happens if they walk out the door. My colleague at the Foundation for Defense of Democracies, Mark Dubowitz, estimates that the new sanctions bill, if passed and triggered by Iranian intransigence, "will cost Iran over $4.6 billion per month in lost exports of crude oil, fuel oil and lease condensates, and billions of dollars more from the blacklisting of key Iranian strategic sectors and the loss of access to overseas foreign exchange reserves."¶ One thing we know about the Tehran regime: Its highest priority is its own survival. It is willing to absorb much damage in pursuit of its hegemonic ambitions. But it might accept a setback -- if the alternative is worse.¶ Writing in "Arms Control and Regional Security for the Middle East," a professional blog affiliated with Harvard's Belfer Center for Science and International Affairs, Olli Heinonen, former deputy director-general of the International Atomic Energy Agency, and Orde Kittrie, another colleague at FDD, argue that "if the negotiations with Iran are to succeed in achieving U.S. national security objectives, both the first stage implementation agreement and any comprehensive final agreement must be legally binding, enter into force on a clearly specified date, reaffirm the authority of the U.N. Security Council, and contain far fewer gaps and ambiguities."¶ That requires that Iran not be permitted to "continue to buy time and space for its nuclear program by delaying and misinterpreting the Joint Plan of Action."¶ The legislation now being considered by Congress -- imposing new penalties should such procrastination and misinterpretation persist -- would begin to make that case seriously and strenuously.