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## Advantage One – Transparency

#### Presidential action on cyberspace is inherently ambiguous – causes miscalculation.

Lewis 13 (Lewis, James A, Center for Strategic and International Studies, “Reconsidering Deterrence for Space and Cyberspace,” In Michael Kerpon & Julia Thompson, Anti-satellite Weapons, Deterrence and Sino-American Space Relations, September 2013, file:///C:/Users/Josh/Desktop/Debate/Anti%20Sats%20Weapons%20File.pdf)

General statements delivered in national strategies without presidential or cabinet secretary-level reinforcement do not have the same effect. National strategies tend to be vague purposely and are not associated clearly with consequences. Ambiguity in deterrent threats, often held up as strategically artful, actually may encourage opponent miscalculation and lead to greater risk taking. Take, for example, the Obama administration’s declaratory policy for space, issued in 2010: ¶ The United States will employ a variety of measures to help assure the use of space for all responsible parties, and, consistent with the inherent right of self- defense, deter others from interference and attack, defend our space systems and contribute to the defense of allied space systems, and, if deterrence fails, defeat efforts to attack them.13¶ It is unlikely that the threat to “employ a variety of measures” strikes fear into the hearts of opponents. Imprecision is defended as necessary since giving opponents ex- plicit redlines would tell them what they could do with impunity. This ignores the likely conclusion that opponents, judging from their actions, had already deduced an implicit redline: that in peacetime, Washington will do nothing against actions that fall below the threshold of the use of force. While Washington believes that imprecision reinforces freedom of action, opponents may judge that the generality of US declaratory policy reflects a deeper indecision as to how Washington will respond to malicious actions against satellites. ¶ Declaratory policies for cyberspace are similarly imprecise. The first general declaration had weight as it was delivered in a groundbreaking speech by President Barack Obama in May 2009.14 In this speech, the President said that cyberspace would be treated as a ‘strategic national asset” where the United States would “deter, prevent, detect and defend against attacks.” Although general, this was an important first step. It was followed, however, by an international strategy for cyberspace in May 2011 that stated: ¶ When warranted, the United States will respond to hostile acts in cyberspace as we would to any other threat to our country. All states possess an inherent right to self-defense, and we recognize that certain hostile acts conducted through cyberspace could compel actions under the commitments we have ¶ 72¶ with our military treaty partners. We reserve the right to use all necessary means – diplomatic, informational, military, and economic – as appropriate and consistent with applicable international law, in order to defend our Nation, our allies, our partners, and our interests. In so doing, we will exhaust all options before military force whenever we can; will carefully weigh the costs and risks of action against the costs of inaction; and will act in a way that reflects our values and strengthens our legitimacy, seeking broad international support whenever possible.15 ¶ The mass of caveats that open and close the declaratory statement – “when warranted,” “appropriate and consistent with international law,” “exhaust all other options before military force,” “carefully weigh the costs of action” – undercut its deterrent value. Most of these caveats are self-evident, they detract from the clarity of the statement and opponents could easily misinterpret or undervalue the implied threat.

#### That escalates – causes nuclear war and economic collapse.

MacDonald -13 (Bruce W. MacDonald, United States Institute of Peace, “Deterrence and Crisis Stability in Space and Cyberspace,” In Michael Kerpon & Julia Thompson, Anti-satellite Weapons, Deterrence and Sino-American Space Relations, September 2013, file:///C:/Users/Josh/Desktop/Debate/Anti%20Sats%20Weapons%20File.pdf)

The United States would be wise to exercise great caution in considering the first stra- tegic use of offensive space capabilities, because it obtains more benefit from space than any other country. If offense predominates, why initiate offensive counter-space operations in a domain where one has the most to lose in warfare against a major power? The use of offensive counter-space operations for tactical gain against a much weaker adversary would probably provide relatively little incremental benefit. Using offensive space capability in this scenario would therefore probably not be necessary, because military action by other means would likely be sufficient to defeat the oppo- nent. Moreover, it is in the US national security interest to reinforce a norm of non- use of offensive counter-space capabilities. Undercutting this norm requires careful evaluation, and only if the likely benefits substantially outweigh likely drawbacks.¶ If localized conflict with a near-peer competitor is already underway, then tactical, non-strategic and preferably reversible offensive space capabilities are likely to be considered for employment, but only in a selective battlefield manner where there are clear benefits substantially greater than those obtainable by alternative force options, and where indirect collateral effects are understood and deemed insignificant. Presumably, an adversary would apply the same calculus in decision- making. Given the uncertainties involved, a 55-45 cost-benefit ratio would probably not be good enough, while 90-10 might well be, depending on confidence in the measurement and assum- ing cost-benefit ratios can be evaluated. Unlike nuclear crises and nuclear weapons’ use, where any use is likely to result in uncontrolled escalation, the situation will be more muddied in a space and cyber conflict. Escalation control could be problematic, substantial levels of casualties and economic damage could result from the indirect effects of all-out space and cyber war, and the military consequences of being cut off from SEIS would likely be very substantial. Furthermore, it would be questionable to assume that all-out space and/or cyber conflict would not spread to more traditional domains as well, raising the specter of nuclear as well as conventional conflict.

**Economic collapse causes war**

**Burrows and Harris 09** -Mathew J. Burrows is a counselor in the National Intelligence Council (NIC), the principal drafter of Global Trends 2025: A Transformed World, Jennifer Harris is a member of the NIC’s Long Range Analysis Unit, “Revisiting the Future: Geopolitical Effects of the Financial Crisis”, The Washington Quarterly, April, http://www.ciaonet.org/journals/twq/v32i2/f\_0016178\_13952.pdf

Increased Potential for Global Conflict Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nationsi n thesame period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attack and newly emergent collections of the angry and disenfranchised that become self-radicalized,particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emergenaturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. Thelack of strategic depth in neighboring states like Israel, short warning and missileflight times, and uncertainty of Iranian intentions may place more focus onpreemption rather than defense, potentially leading to escalating crises. Types of conflict that the world continuesto experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if governmentleaders deem assured access to energy resources,for example, to be essential for maintaining domestic stability and the survival oftheir regime. Even actions short of war, however, will have important geopoliticalimplications. Maritime security concerns are providing a rationale for navalbuildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup ofregional naval capabilities could lead to increased tensions, rivalries, andcounterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer inAsia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in amoredog-eat-dog world.What Kind of World will 2025 Be? Perhaps more than lessons, history loves patterns. Despite widespread changes in the world today, there is little to suggest that the future will not resemble the past in several respects. The report asserts that, under most scenarios, the trendtoward greater diffusion of authority and power that has been ongoing for acouple of decades is likely to accelerate because of the emergence of new globalplayers, the worsening institutional deficit, potential growth in regional blocs,and enhanced strength of non-state actors and networks. The multiplicity of actors on the international scene could either strengthen the international system, by filling gaps left by aging post-World War II institutions, or could further fragment it and incapacitate international cooperation. The diversity in both type and kind of actor raises the likelihood of fragmentation occurring over the next two decades, particularly given the wide array of transnational challenges facing the international community. Because of their growing geopolitical and economic clout, the rising powers will enjoy a high degree of freedom to customize their political and economic policies rather than fully adopting Western norms. They are also likely to cherish their policy freedom to maneuver, allowing others to carry the primary burden for dealing with terrorism, climate change, proliferation, energy security, and other system maintenance issues. Existing multilateral institutions, designed for a different geopolitical order, appear too rigid and cumbersome to undertake new missions, accommodate changing memberships, and augment their resources. Nongovernmental organizations and philanthropic foundations, concentrating on specific issues, increasingly will populate the landscape but are unlikely to affect change in the absence of concerted efforts by multilateral institutions or governments. Efforts at greater inclusiveness, to reflect the emergence of the newer powers, may make it harder for international organizations to tackle transnational challenges. Respect for the dissenting views of member nations will continue to shape the agenda of organizations and limit the kinds of solutions that can be attempted. An ongoing financial crisis and prolonged recession would tilt the scales even further in the direction of a fragmented and dysfunctional international system with a heightened risk of conflict. The report concluded that the rising BRIC powers (Brazil, Russia, India, and China) seem averse to challenging the international system, as Germany and Japan did in the nineteenth and twentiethcenturies, but this of course could change if their widespread hopes for greater prosperity become frustrated and the current benefits they derive from a globalizing world turn negative.

#### Offensive cyber operations cause arms races – that tanks US-Sino and US-Russian relations – only Congress can solve Austin 13 (Greg Austin, director of policy innovation at the EastWest Institute, 2013, “Costs of American Cyber Superiority,” <http://www.chinausfocus.com/peace-security/costs-of-american-cyber-superiority/>)

The United States is racing for the technological frontier in military and intelligence uses of cyber space. It is ahead of all others, and has mobilized massive non-military assets and private contractors in that effort. This constellation of private sector opportunity and deliberate government policy has been aptly labeled in recent months and years by so many credible observers (in The Economist, The Financial Times and the MIT Technology Review) as the cyber industrial complex. The United States is now in the unusual situation where the head of a spy agency (NSA) also runs a major military unified command (Cyber Command). This is probably an unprecedented alignment of Praetorian political power in any major democracy in modern political history. This allocation of such political weight to one military commander is of course for the United States to decide and is a legitimate course of action. But it has consequences. The Snowden case hints at some of the blow-back effects now visible in public. But there are others, less visible. The NSA Prism program exists because it is technologically possible and there have been no effective restraints on its international targeting. This lack of restraint is especially important because the command and control of strategic nuclear weapons is a potential target both of cyber espionage and offensive cyber operations. The argument here is not to suggest a similarity between the weapons themselves, but to identify correctly the very close relationship between cyber operations and nuclear weapons planning. Thus the lack of restraint in cyber weapons might arguably affect (destabilize) pre-existing agreements that constrain nuclear weapons deployment and possible use. The cyber superiority of the United States, while legal and understandable, is now a cause of strategic instability between nuclear armed powers. This is similar to the situation that persisted with nuclear weapons themselves until 1969 when the USSR first proposed an end of the race for the technological frontier of potential planetary devastation. After achieving initial capability, the U.S. nuclear missile build up was not a rational military response to each step increase in Soviet military capability. It was a race for the technological frontier – by both sides – with insufficient recognition of the consequences. This conclusion was borne out by a remarkable Top Secret study commissioned in 1974 by the U.S. Secretary of Defense, Dr James Schlesinger. By the time it was completed and submitted in 1981, it assessed that the nuclear arms build-up by both sides was driven – not by a supposed tit for tat escalation in capability of deployed military systems – but rather by an unconstrained race for the technological limits of each side’s military potential and by its own military doctrinal preferences. The decisions of each side were not for the most part, according to this now declassified study, a direct response to particular systems that the other side was building. In 1969, the USSR acted first to propose an end to the race for the technological frontier of nuclear weapons because it knew it was losing the contest and because it knew there was political sentiment in the United States and in its Allied countries that supported limitations on the unbridled nuclear fetish. As we ponder the American cyber industrial complex of today, we see a similar constellation of opposition to its power emerging. This constellation includes not just the political rivals who see they are losing in cyber space (China and Russia), but nervous allies who see themselves as the likely biggest victims of the American race for cyber superiority, and loyal American military commanders who can see the risks and dangers of that quest. It is time for the United States to take stock of the collateral damage that its quest for cyber military power, including its understandable quest for intelligence superiority over the terrorist enemy, has caused amongst its allies. The loss has not yet been seen at the high political level among allies, in spite of several pro forma requests for information from countries such as Germany. The loss of U.S. credibility has happened more at the popular level. Around the world, once loyal supporters of the United States in its war on terrorism had a reasonable expectation to be treated as faithful allies. They had the expectation, perhaps naïve, that privacy was a value the Americans shared with them. They did not expect to be subject to such a crude distinction (“you are all non-Americans now”). They did not want to know that their entire personal lives in cyber space are now recoverable – should someone so decide – by the running of a bit of software in the NSA. After the Prism revelations, so many of these foreign citizens with an internationalist persuasion and solidarity for the United States now feel a little betrayed. Yet, in the long run, the most influential voice to end the American quest for cyber military superiority may come from its own armed forces. There are military figures in the United States who have had responsibility for nuclear weapons command and control systems and who, in private, counsel caution. They advocate the need to abandon the quest for cyber dominance and pursue a strategy of “mutual security” in cyber space – though that has yet to be defined. They cite military exercises where the Blue team gets little or no warning of Red team disruptive cyber attack on systems that might affect critical nuclear command and control or wider war mobilization functions. Strategic nuclear stability may be at risk because of uncertainty about innovations in cyber attack capability. This question is worth much more attention. U.S. national security strategy in cyber space needs to be brought under stronger civilian oversight and subject to more rigorous public scrutiny. The focus on Chinese cyber espionage has totally preempted proper debate about American cyber military power. Most in the United States Congress have lined up to condemn Snowden. That is understandable. But where are the critical voices looking at the bigger picture of strategic instability in cyberspace that existed before Snowden and has now been aggravated because of him? The Russian and Chinese rejections of reasonable U.S. demands for Snowden’s extradition may be every bit as reasonable given their anxiety about unconstrained American cyber superiority.

#### Cyber arms race causes nuclear war with China

Colby et al. 13 (Elbridge A. Colby, graduate of Harvard College and Yale Law School and is a member of the Council on Foreign Relations (term) and of the International Institute of Strategic Studies., Abraham M. Denmark, M.A. in international security from the Josef Korbel School of International Studies at the University of Denver and has studied at China’s Foreign Affairs University and Peking University., John K. Warden, After receiving a B.A. in history and political science from Northwestern University, he joined CSIS as a recipient of the William J. Taylor debate internship., James M. Acton, He holds a Ph.D. in theoretical physics from Cambridge University., Jay K. Brotz, M.S. in electrical and computer engineering from Carnegie Mellon University., Michael S. Chase, M.A. in China studies from SAIS and a B.A. in politics from Brandeis University., AND more, “Nuclear Weapons and U.S.-China Relations: A way forward,” http://csis.org/files/publication/130307\_Colby\_USChinaNuclear\_Web.pdf)

Miscommunication and misunderstanding. The danger posed by these potential flashpoints is magnified by the potential for miscommunication and misunderstanding between China and the United States. Although Beijing and Washington have agreed to a range of crisis management mechanisms, such as the Military Maritime Consultative Agreement (MMCA) and the establishment of a direct hotline between the Pentagon and the Ministry of National Defense, the bases for miscommunication and misunderstanding remain and draw on deep historical reservoirs of suspicion.15 For example, it is unclear whether either side understands what kinds of **actions would elicit a military,** or even **nuclear, response** by the other party. Furthermore, neither side seems to believe the other’s declared policies and intentions, suggesting that escalation management, already a very uncertain endeavor, could be especially difficult in any conflict. Moreover, the continued **expansion of the military relationship in** space and **cyberspace** introduces additional exacerbating factors.

#### US-Sino relations solve extinction

Cohen 09(Maurice R. Greenberg is chairman and CEO of C.V. Starr & Co., Inc. “Smart Power in U.S.-China Relations,” CSIS, 2009, http://csis.org/files/media/csis/pubs/090309\_mcgiffert\_uschinasmartpower\_web.pdf)

The evolution of Sino-U.S. relations over the next months, years, and decades has the potential to have a greater impact on global security and prosperity than any other bilateral or multilateral arrangement. In this sense, many analysts consider the US.-China diplomatic relationship to be the most influential in the world. Without question, strong and stable U.S. alliances provide the foundation for the protection and promotion of U.S. and global interests. Yet within that broad framework, the trajectory of U.S.-China relations will determine the success, or failure, of efforts to address the toughest global challenges: global financial stability, energy security and climate change, nonproliferation, and terrorism, among other pressing issues. Shepherding that trajectory in the most constructive direction possible must therefore be a priority for Washington and Beijing. Virtually no major global challenge can be met without U.S.-China cooperation. The uncertainty of that future trajectory and the "strategic mistrust" between leaders in Washington and Beijing necessarily concerns many experts and policymakers in both countries. Although some U.S. analysts see China as a strategic competitor—deliberately vying with the United States for energy resources, military superiority, and international political influence alike— analysis by the Center for Strategic and International Studies (CSIS) has generally found that China uses its soft power to pursue its own, largely economic, international agenda primarily to achieve its domestic objectives of economic growth and social stability.1 Although Beijing certainly has an eye on Washington, not all of its actions are undertaken as a counterpoint to the United States. In addition, CSIS research suggests that growing Chinese soft power in developing countries may have influenced recent U.S. decisions to engage more actively and reinvest in soft-power tools that have atrophied during the past decade. To the extent that there exists a competition between the United States and China, therefore, it may be mobilizing both countries to strengthen their ability to solve global problems. To be sure, U.S. and Chinese policy decisions toward the respective other power will be determined in large part by the choices that leaders make about their own nations interests at home and overseas, which in turn are shaped by their respective domestic contexts. Both parties must recognize—and accept—that the other will pursue a foreign policy approach that is in its own national interest. Yet, in a globalized world, challenges are increasingly transnational, and so too must be their solutions. As demonstrated by the rapid spread of SARS from China in 2003, pandemic flu can be spread rapidly through air and via international travel. Dust particulates from Asia settle in Lake Tahoe. An economic downturn in one country can and does trigger an economic slowdown in another. These challenges can no longer be addressed by either containment or isolation. What constitutes the national interest today necessarily encompasses a broader and more complex set of considerations than it did in the past As a general principle, the United States seeks to promote its national interest while it simultaneously pursues what the CSIS Commission on Smart Power called in its November 2007 report the "global good."3 This approach is not always practical or achievable, of course. But neither is it pure benevolence. Instead, a strategic pursuit of the global good accrues concrete benefits for the United States (and others) in the form of building confidence, legitimacy, and political influence in key countries and regions around the world in ways that enable the United States to better confront global and transnational challenges. In short, the global good comprises those things that all people and governments want but have traditionally not been able to attain in the absence of U.S. leadership. Despite historical, cultural, and political differences between the United States and China, Beijing's newfound ability, owing to its recent economic successes, to contribute to the global good is a matter for common ground between the two countries. Today there is increasing recognition that no major global challenge can be addressed effectively, much less resolved, without the active engagement of—and cooperation between—the United States and China. The United States and China—the worlds first- and third-largest economies—are inextricably linked, a fact made ever more evident in the midst of the current global financial crisis. Weak demand in both the United States and China, previously the twin engines of global growth, has contributed to the global economic downturn and threatens to ignite simmering trade tensions between the two countries. Nowhere is the interconnectedness of the United States and China more clear than in international finance. China has $2 trillion worth of largely U.S. dollar-denominated foreign exchange reserves and is the world's largest holder—by far—of U.S. government debt. Former treasury secretary Henry M. Paulson and others have suggested that the structural imbalances created by this dynamic fueled the current economic crisis. Yet. China will almost certainly be called on to purchase the lion's share of new U.S. debt instruments issued in connection with the U.S. stimulus and recovery package. Secretary of State Hillary Rodham Clinton's February 23.2009, reassurance to Beijing that U.S. markets remain safe and her call for continued Chinese investment in the U.S. bond market as a means to help both countries, and the world, emerge from global recession underscored the shared interest—and central role—that both countries have in turning around the global economy quickly. Although China's considerable holdings of U.S. debt have been seen as a troubling problem, they are now being perceived as a necessary part of a global solution. Similarly, as the worlds two largest emitters of greenhouse gases, China and the United States share not only the collateral damage of energy-inefficient economic growth, but a primary responsibility to shape any ultimate global solutions to climate change. To date, cooperation has been elusive, owing as much to Washington's reluctance as to Beijing's intransigence. Painting China as the environmental bogeyman as an excuse for foot-dragging in policymaking is no longer an option; for its part, China, as the world's top polluter, must cease playing the developing-economy card. Yet energy security and climate change remain an area of genuine opportunity for joint achievement. Indeed, U.S.-China cooperation in this field is a sine qua non of any response to the energy and climate challenges. The sheer size of the Chinese economy means that collaboration with the United States could set the de facto global standards for etficiency and emissions in key economic sectors such as industry and transportation. Climate change also provides an area for cooperation in previously uncharted policy waters, as in emerging Arctic navigational and energy exploration opportunities. Washington and Beijing also share a deep and urgent interest in international peace and stability. The resumption of U.S.-China military contacts is a positive development. As two nuclear powers with worldwide economic and strategic interests, both countries want to minimize instability and enhance maritime security, as seen by parallel antipiracy missions in the waters otT Somalia. Joint efforts in support of United Nations peacekeeping, nonproliferation, and counterterrorism offer critical areas for bilateral and multilateral cooperation. Certainly, regional and global security institutions such as the Six-Party Talks concerning North Korea or the UN Security Council require the active engagement of both Washington and Beijing. Even more broadly, crisis management in geographic regions of mutual strategic interest like the Korean peninsula, Iran, or Burma require much more Sino-U.S. communication if the two countries are to avoid miscalculation and maximize opportunities to minimize human sutfering. Increasing the number of mid-level military-to-military exchanges would help in this regard. The United States and China could do more to cooperate on law enforcement to combat drug trafficking and organized crime in Western China. Afghanistan is competing with Burma as the main provider of narcotics to China; Washington could use its influence with the International Security Assistance Force in Kabul to develop a joint antinarcotics program. This could potentially build networks and joint capabilities that might be useful for U.S.-China cooperation on the issue of Pakistan. In addition, Washington should also encourage NATO-China cooperation along the Afghan border. Collaborating under the auspices of the Shanghai Cooperation Organization (SCO) might provide an additional framework for Beijing and Washington to address Central Asian security issues in a cooperative manner. 1he SCO, which includes Pakistan as an observer and will convene a multinational conference on Afghanistan in March 2009, has long made curbing narcoterrorism in Afghanistan a priority. In addition, the VS. Drug Enforcement Agency and the Chinese Anti-Narcotics Bureau should expand cooperation on interdiction and prosecution of heroin and meth traffickers. To be sure, there are a number of areas of serious divergence between Washington and Beijing. This should surprise no one. The United States has disagreements with even its allies. Two large powers with vastly dilferent histories, cultures, and political systems are bound to have challenges. History has shown, however, that the most effective way of addressing issues is for the U.S. and Chinese governments to engage in quiet diplomacy rather than public recrimination. In the U.S.-China context, there is often little to be gained—and much to be lost in terms of trust and respect—by a polarizing debate. Any differences, moreover, must not necessarily impede Sino-U.S. cooperation when both sides share strong mutual interests. I;. Scott Fitzgerald wrote that "the test of a first-rate intelligence is the ability to hold two opposed ideas in the mind at the same time, and still retain the ability to function."3 Effective policy toward China by the United States, and vice versa, will require this kind of dual-minded intelligence. Moreover, working together on areas of mutual and global interest will help promote strategic trust between China and the United States, facilitating possible cooperation in other areas. Even limited cooperation on specific areas will help construct additional mechanisms for bilateral communication on issues of irreconcilable disagreement. In fact, many of the toughest challenges in U.S.-China relations in recent years have been the result of unforeseen events, such as the accidental bombing of the Chinese embassy in Belgrade in May 1999 and the EP-3 reconnaissance plane collision in April 2001. Building trust and finding workable solutions to tough problems is the premise behind the Obama administrations foreign policy of smart power, as articulated by Secretary of State Clinton. Smart power is based on, as Secretary Clinton outlined in her confirmation hearing, the fundamental belief that 'We must use... the full range of tools at our disposal—diplomatic, economic, military, political and cultural—picking the right tool, or combination of tools, for each situation."' As the CS1S Commission on Smart Power noted in November 2007, "Smart Power is neither hard nor soft—it is the skillful combination of bothIt is an approach that underscores the necessity of a strong military, but also invests heavily in alliances, partnerships and institutions at all levels... .°5 As such, smart power necessarily mandates a major investment in a U.S.-China partnership on key issues. 'The concept enjoys broad support among the Chinese and American people and, by promoting the global good, it reaps concrete results around the world. There should be no expectation that Washington and Beijing will or should agree on all, or even most, questions. But the American and Chinese people should expect their leaders to come together on those vital issues that require their cooperation. U.S.-China partnership, though not inevitable, is indispensable.

#### Lack of legal clarity is the key internal link – low transparency results in aggression over Taiwan and makes the US likely to be overaggressive

Austin & Gady 12 (Greg Austin – phD in International Relations, Vice President for the Worldwide Security Initiative, including a leadership role in the institute's work on cybersecurity, is now a Professorial Fellow. Greg has a 30-year career in international affairs, including senior posts in academia and government., Franz Stefan Gady -- M.A. in Strategic Studies/International Economics from the School of Advanced International Studies, Johns Hopkins University., “CYBER DETENTE BETWEEN THE U.S. AND CHINA: Shaping the Agenda, <http://www.ewi.info/system/files/detente.pdf>)

In sum, China is probably engaged in cyber warfare planning for operations against the United States on a very serious level, and possibly more so than for naval or air combat operations against it. At least in relative terms, China’s cyber warfare capability is probably far more powerful but less lethal than its conventional military capabilities. That suits China enormously in both respects. China’s military strategy is highly defensive, but to defend against U.S. operations against China over Taiwan, China has to rely mainly on unconventional operations, and these include cyber operations as well as psy-ops of the classic kind, including through fifth- column policies.

The scale and intensity of United States offensive cyber operations aimed at China on a day-to–day basis may be lower than vice versa, but without access to classified material it would be hard to characterize the difference between the potential disruptive effects of American and Chinese capabilities. This lack of clarity, in an environment of exceedingly low transparency peculiar to cyberspace compared with land, air, sea and space operations, aggravates insecurities on both sides.

The two most urgent tasks for bilateral discussions would therefore appear to be clarifying the relationship between offensive and defensive cyber operations at the strategic and operational levels of war (the thresholds of response), and clarifying the link between these thresholds and traditional notions of strategic nuclear and conventional force deterrence.

#### Taiwan escalates and goes nuclear

William Lowther 13, Taipei Times, citing a report by the Center for Strategic and International Studies, 3/16/13, “Taiwan could spark nuclear war: report,” <http://www.taipeitimes.com/News/taiwan/archives/2013/03/16/2003557211>

Taiwan is themost likely potential crisisthat couldtrigger a nuclear warbetween China and the US, a new academic report concludes.¶ “Taiwan remains the single most plausible and dangerous source of tension and conflict between the US and China,” says the 42-page report by the Washington-based Center for Strategic and International Studies (CSIS).¶ Prepared by the CSIS’ Project on Nuclear Issues and resulting from a year-long study, the report emphasizes that Beijing continues to beset on a policy to prevent Taiwan’s independence,while at the same time the US maintains the capability to come to Taiwan’s defense.¶ “Although tensions across the Taiwan Strait have subsided since both Taipei and Beijing embraced a policy of engagement in 2008, the situation remains combustible, complicated byrapidly diverging cross-strait military capabilitiesand persistent political disagreements,” the report says.¶ In a footnote, it quotes senior fellow at the US Council on Foreign Relations Richard Betts describing Taiwan as “the main potential flashpoint for the US in East Asia.”¶ The report also quotes Betts as saying that neither Beijing nor Washington can fully control developments that might ignite a Taiwan crisis.¶ “This is a classic recipe for surprise, miscalculation and uncontrolled escalation,” Betts wrote in a separate study of his own.¶ The CSIS study says: “For the foreseeable future Taiwan is the contingency in which nuclear weapons would most likely become a major factor, because the fate of the island is intertwined both with the legitimacy of the Chinese Communist Party and the reliability of US defense commitments in the Asia-Pacific region.”¶ Titled Nuclear Weapons and US-China Relations, the study says disputes in the East and South China seas appear unlikely to lead to major conflict between China and the US, but they do “provide kindling” for potential conflict between the two nations because the disputes implicate a number of important regional interests, including the interests of treaty allies of the US.¶ The danger posed by flashpoints such as Taiwan, the Korean Peninsula and maritime demarcation disputes is magnified by the potential for mistakes, the study says.¶ “Although Beijing and Washington have agreed to a range of crisis management mechanisms, such as the Military Maritime Consultative Agreement and the establishment of a direct hotline between the Pentagon and the Ministry of Defense, the bases for miscommunication and misunderstanding remainand draw ondeep historical reservoirs of suspicion,” the report says.¶ For example, it says, it is unclear whether either side understands what kinds of actions would result in a military or even nuclear responseby the other party.¶ To make things worse, “neither side seems to believe the other’s declared policies and intentions, suggesting that escalation management, already a very uncertain endeavor, could beespecially difficult in any conflict,” it says.¶ Although conflict “mercifully” seems unlikely at this point, the report concludes that “it cannot be ruled out and may become increasingly likely if we are unwise or unlucky.”¶The report says: “With both sides possessing and looking set to retain formidable nuclear weapons arsenals, such a conflict would be tremendously dangerous and quite possibly devastating.”

#### Only congress action solves - creates transparency

Butler 13 (Appellate Advocacy Counsel for the Electronic Privacy Information Center, When Cyberweapons End Up On Private Networks: Third Amendment Implications for Cybersecurity Policy, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2257078>)

A. Authority: Congress Must Be Involved in Establishing Any Framework for the Authorization of Cyberoperations Given that the Third Amendment requires war-time quartering be conducted “in a manner to be prescribed by law,”223 Congress must have a role in establishing the framework used to authorize any offensive cyberoperation. This legislative involvement would not only ensure that all cyberoperations have adequate legal authorization but it would also promote the broader goals of transparency and cooperation that the President has emphasized throughout this process. So far Congress has focused its energy on perceived problems rather than real solutions.224 A debate raged in the 112th Congress over whether to let DHS or NSA take the lead on a proposed information-sharing environment.225 This turf war was quite tangential from the problems of substandard security for critical systems and a lack of legal clarity as to the role of each government agency in responding to an external threat or strategic opportunity.226 The only congressional involvement in developing a cybersecurity framework so far has been its brief affirmance in the 2012 National Defense Authorization Act227 that the President may conduct “operations in cyberspace” subject to the traditional legal regimes applicable to kinetic warfare.228 Congress’s active role in setting our nation’s military actions in cyberspace is the only way to have a national dialogue and to avoid relying on secret legal interpretations about important national security matters. The President took steps to begin a national dialogue when he issued an Executive Order on the same day as the 2013 State of the Union Address.229 The Executive Order focused on improving critical infrastructure cybersecurity while promoting privacy, civil liberties, and the economy.230 The Order also provided for sharing of “cyber threat information” from executive branch agencies to private sector entities,231 and the development of a framework by the National Institute of Standards and Technology (NIST) to establish baseline security standards for government agencies and critical infrastructure companies.232 The Order also required that privacy and civil liberties protections be incorporated into the cybersecurity program and that the Chief Privacy Officer of DHS assess the privacy risks and publish a report.233 The Executive Order did not address the “information sharing environment” proposed in Congress during 2012 and again in 2013.234 The Order also did not address the legal determination of when and how cyberoperations can be authorized, which has apparently already been made in an internal executive-branch memorandum.235 The President’s Executive Order is a step in the right direction but it does not provide sufficient authority for cyberoperations that could intrude upon civilian systems; only Congress can authorize such quartering.

#### Transparency’s key to Russian relations and developing global cybersecurity

Ibrahim 13 (Karina G. Ibrahim is a research intern with the Russia and Eurasia Program at the Center for Strategic and International Studies and a recent graduate from the University of North Carolina at Chapel Hill. <http://csis.org/blog/arms-race-cyber-space-us-russian-relations-and-prospects-cyber-warfare>)

In the month of June, the already strained U.S.-Russia relationship has once again been tested by developments in the cybersecurity field. Amidst cyber-attacks against the United States [purportedly emanating from Russia](http://en.rian.ru/russia/20130222/179615523.html) and the damaging revelations from U.S. former security contractor Edward Snowden, the two countries face difficulties in establishing cyber defense partnerships due to the legacy of mistrust and diverging national interests. However, U.S. cooperation with Russia[n advanced cyber actor](http://www.intelligence.senate.gov/130312/clapper.pdf), is necessary to effectively manage cyber conflict. Through the development of sustainable bilateral relations, U.S. and Russia can begin to invest in confidence-building and increase transparency to address the emergence of cybersecurity threats. The failure of a U.S.-Russia cybersecurity partnership to develop stems from a history of mistrust, further exacerbated by the ongoing allegations of cyber-attacks and cyber-espionage (collectively referred to as cyberwarfare). [An increase in network probes and hacking attempts](http://www.intelligence.senate.gov/130312/clapper.pdf) suggests that Russia is either attempting to carry out cyber-intrusions against U.S. systems, or at least sanctioning such acts. Recently, [the Office of the National Counterintelligence Executive indicated](http://www.ncix.gov/publications/reports/fecie_all/Foreign_Economic_Collection_2011.pdf) that “Russia’s intelligence services are conducting a range of activities to collect economic information and technology from U.S. targets.” However, the Russian government denies involvement in these alleged cyber-intrusions. Similarly, recent developments in the Snowden case have undermined the potential for mutual cooperation. Snowden’s revelations about American cyber-espionage on its allies and other states have angered a number of European allies and raised questions about the goals of U.S. surveillance programs. These revelations, alongside Russia’s alleged offensive cyber activities, have reduced already low levels of trust between the U.S. and Russia and have stalled the development of a successful cyber defense initiative to mitigate global cybersecurity challenges.

#### US-Russian relations solve multiple scenarios for extinction

Allison and Blackwill 11 (10-30-11 Graham Allison, Director, Belfer Center for Science and International Affairs; Douglas Dillon Professor of Government; Faculty Chair, Dubai Initiative, Harvard Kennedy School, Robert D. Blackwill, International Council Member, Belfer Center for Science and International Affairs "10 Reasons Why Russia Still Matters"http://belfercenter.ksg.harvard.edu/publication/21469/10\_reasons\_why\_russia\_still\_matters.html)

That central point is that Russia matters a great deal to a U.S. government seeking to defend and advance its national interests. Prime Minister Vladimir Putin’s decision to return next year as president makes it all the more critical for Washington to manage its relationship with Russia through coherent, realistic policies. No one denies that Russia is a dangerous, difficult, often disappointing state to do business with. We should not overlook its many human rights and legal failures. Nonetheless, Russia is a player whose choices affect our vital interests in nuclear security and energy. It is key to supplying 100,000 U.S. troops fighting in Afghanistan and preventing Iran from acquiring nuclear weapons. Ten realities require U.S. policymakers to advance our nation’s interests by engaging and working with Moscow. First, Russia remains the only nation that can erase the United States from the map in 30 minutes. As every president since John F. Kennedy has recognized, Russia’s cooperation is critical to averting nuclear war. Second, Russia is our most consequential partner in preventing nuclear terrorism. Through a combination of more than $11 billion in U.S. aid, provided through the Nunn-Lugar Cooperative Threat Reduction program, and impressive Russian professionalism, two decades after the collapse of the “evil empire,” not one nuclear weapon has been found loose. Third, Russia plays an essential role in preventing the proliferation of nuclear weapons and missile-delivery systems. As Washington seeks to stop Iran’s drive toward nuclear weapons, Russian choices to sell or withhold sensitive technologies are the difference between failure and the possibility of success. Fourth, Russian support in sharing intelligence and cooperating in operations remains essential to the U.S. war to destroy Al Qaeda and combat other transnational terrorist groups. Fifth, Russia provides a vital supply line to 100,000 U.S. troops fighting in Afghanistan. As U.S. relations with Pakistan have deteriorated, the Russian lifeline has grown ever more important and now accounts for half all daily deliveries. Sixth, Russia is the world’s largest oil producer and second largest gas producer. Over the past decade, Russia has added more oil and gas exports to world energy markets than any other nation. Most major energy transport routes from Eurasia start in Russia or cross its nine time zones. As citizens of a country that imports two of every three of the 20 million barrels of oil that fuel U.S. cars daily, Americans feel Russia’s impact at our gas pumps. Seventh, Moscow is an important player in today’s international system. It is no accident that Russia is one of the five veto-wielding, permanent members of the U.N. Security Council, as well as a member of the G-8 and G-20. A Moscow more closely aligned with U.S. goals would be significant in the balance of power to shape an environment in which China can emerge as a global power without overturning the existing order. Eighth, Russia is the largest country on Earth by land area, abutting China on the East, Poland in the West and the United States across the Arctic. This territory provides transit corridors for supplies to global markets whose stability is vital to the U.S. economy. Ninth, Russia’s brainpower is reflected in the fact that it has won more Nobel Prizes for science than all of Asia, places first in most math competitions and dominates the world chess masters list. The only way U.S. astronauts can now travel to and from the International Space Station is to hitch a ride on Russian rockets. The co-founder of the most advanced digital company in the world, Google, is Russian-born Sergei Brin. Tenth, Russia’s potential as a spoiler is difficult to exaggerate. Consider what a Russian president intent on frustrating U.S. international objectives could do — from stopping the supply flow to Afghanistan to selling S-300 air defense missiles to Tehran to joining China in preventing U.N. Security Council resolutions. So next time you hear a policymaker dismissing Russia with rhetoric about “who cares?” ask them to identify nations that matter more to U.S. success, or failure, in advancing our national interests.

#### Russian cyber security independently solves nuclear war

Schaap 09 (Arie J., B.A., Major stationed at the Directorate of Legal Services, University of North Dakota (1995); J.D., California Western School of Law (1999); LL.M., George Washington University (2008), “CYBERLAW EDITION: CYBER WARFARE OPERATIONS: DEVELOPMENT AND USE UNDER INTERNATIONAL LAW” Air Force Law Review 64 A.F. L. Rev. 121, Lexis)

As states begin to focus their energies on developing doctrine and weapons for conducting cyber warfare operations, it is essential that we move beyond just the realization that cyberspace is an important new battleground for conducting warfare operations and recognize the need to come to an understanding of what rules regulate this new battlefield. One commentator noted: The rapid advancement of cyber attacks and the emergence of cyber warfare have caught government [\*124] and military leaders around the world off guard. Decision making in time requiring defensive measures or military crisis is guided by doctrine and rules of engagement, but in the case of cyber attacks and cyber warfare they do not currently exist. n8 For over a century, states have developed rules of international law, such as the Geneva Conventions, which seek to avoid war or minimize human suffering when conflicts occur. n9 Additionally, as new technologies emerge, states have drafted new sets of laws, such as treaties restricting biological, chemical and laser weapons. n10 Yet governments have so far resisted calls to craft new rules of international law to govern attacks on or by computers. n11 As a result, current international law does not explicitly address cyber warfare. n12 However, the fact that a particular military activity is not specifically regulated does not mean it can be used without restrictions. n13 While the international community remains unsettled on whether cyber techniques are legally considered weapons and whether cyber attacks can be considered legitimate acts of armed conflict, n14 the denial of service (DoS) attacks against Estonia in 2007 and Georgia in 2008 illustrate that this new form of warfare is operational and also reinforces the need to develop a better understanding of how international law relates to cyber warfare. Without such an understanding, this emerging form of warfare will create uncertainties as to the legality of certain acts; this uncertainty has the potential to then escalate tensions and intensify military operations beyond the cyber domain. For example, more than one senior Russian military official supported the notion that "the use of Information Warfare against Russia or its armed forces will categorically not be considered a non-military phase of a conflict whether there were casualties or not" n15 and that "Russia retains the right [\*125] to use nuclear weapons first against the means and forces of information warfare, and then against the aggressor State itself." n16

## Advantage Two – Satellites

#### China developing cyber ASATs – that is their preferred asymmetric attack

Watts 11 **- Senior Fellow, Center for Strategic & Budgetary Assessments** (Barry, CQ Congressional Testimony, “MILITARY AND CIVIL SPACE PROGRAMS IN CHINA; COMMITTEE: SENATE U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION,” 5/11, lexis)
There is extensive evidence that the PLA understands these U.S. dependencies and is making every effort to find ways to be able to exploit them in any future conflict with the United States. The Chinese are investing in everything from jamming to counternetwork attack (the offensive form of cyber warfare), antisatellite (ASAT) systems, and directed energy weapons. Retired Vice Admiral Mike McConnell argued in February 2010 that the United States is already engaged in a cyberwar with various competitors, adding that the United States was losing this "war," particularly against China. 13 As for traditional "kinetic" approaches to undermining U.S. access to space, in January 2007 China demonstrated a directascent ASAT capability by destroying one of its own aging LEO weather satellites with a kinetickill vehicle launched by a mobile missile at the Xichang space facility in Sichuan province. 14 Suffice it to say that even if the PLA would hesitate to disarm its own precision strike capabilities by taking out both sides space systems in a future conflict, the Chinese will certainly do what they can to degrade and interfere with unimpeded U.S. access to space.

Chinese offensive cyber operations includes kinetic ASATs – that tanks hegemony.
Spade 11 (Colonel Jayson M. Spade, The Information in Warfare Group of the U.S. Army War College , 2011, http://www.carlisle.army.mil/dime/documents/China's%20Cyber%20Power%20and%20America's%20National%20Security%20Web%20Version.pdf)

The PLA’s concept for information dominance includes kinetic strikes against information systems to augment INEW attacks. Space-based information systems are critical for network-centric nations and the PLA is therefore developing counter-space, information warfare weapons systems, including anti-satellite (ASAT) missiles, lasers, microwave systems, direct energy weapons (DEW), jammers and electromagnetic pulse (EMP) weapons.102 In 2006, China blinded a U.S. optoelectronic reconnaissance satellite using a ground-based anti-satellite laser. In 2007, China tested a kinetic ASAT missile, using it to destroy a non-operational PRC weather satellite. The ASAT test showed that China can destroy low-earth orbit satellites and the DEW capability allows them to incapacitate a satellite’s sensors without actually destroying it.103 The U.S. military depends on satellites for many critical functions: ground, air, and naval navigation, surveillance and reconnaissance, targeting precision strike weapons, early warning, and communications. Communications extend from the Pentagon to forward-based units and ships as well as logistics and transportation support, at home and abroad. During the 2003 invasion of Iraq, at peak use, the U.S. military sent and received roughly three billion bits per second of information via satellites. America’s communications, global positioning, weather, and reconnaissance satellites are a critical part of network-centric warfare.104 With anti-satellite weapons in play, this reliance on satellites becomes a significant vulnerability.

#### That causes Chinese first strikes against satellites.

Twomey 07, Assistant Professor of National Security Affairs at the Naval Postgraduate School (Christopher, Asian Survey, July/August, p.556)

Early signs of strategic competition are already apparent. While thus far muted, and not yet meriting the inflammatory phrase “arms race,” it appears that China is reacting to American missile defense deployments by enhancing the ability of its strategic missiles to penetrate such defenses (i.e., penetration aids). In space, the various Chinese anti-satellite weapons tests are an unsurprising response for a country that is attempting to discourage American intervention in a Taiwan contingency. In both these areas, it is not in the U.S. interest to engage in an arms race. While the American technological advantages are substantial in each, both space and strategic nuclear arenas are dangerous venues for competition. Space as a battlefield is highly offense-dominant: the incentive to attack American satellites early in a conflict is large. Similarly, given growing Chinese offensive capabilities, the U.S. will be pressured to attack Chinese ground stations needed for targeting either lasers or missiles. Such an exchange would be extremely costly to both commercial as well as military interests. Nuclear competition between the Soviet Union and the United States was arguably relatively stable for most of the Cold War because the competition never threatened the security of the other side’s second-strike forces. That is not the case in current Sino-American relations, and intensifying strategic competition may produce unstable crisis dynamics.48

#### Causes nuclear war

Hoey 06 - Research Associate at the Institute for Defense and Disarmament Studies, writer for the Bulletin of the Atomic Scientists, [Mathew, Space Review, “Military Space Systems: The Road Ahead” February 26, <http://www.thespacereview.com/article/563/1>]

Many people believe that a deployed anti-satellite capability and an ability to attack targets on or near the Earth’s surface from space would create a global climate of insecurity both by enhancing current risks and by creating new problems. These new and increased risks would be the byproducts not only of systems to be deployed by the United States but also of the subsequent arms race in space which could be expected to result thanks to responses by China, Russia, the European Union, and perhaps Japan. Perhaps the most consequential impact would be increasing the probability of accidental nuclear war. Space-based weapons could shorten the road to armed conflict, whether nuclear or conventional. In the event that a space asset of one nation was attacked by another (on purpose or by accident), an immediate military response would be triggered, shortening the diplomatic process while escalating the armed conflict. Once employed regularly, anti-satellite systems and space weapons would litter LEO with debris, which in turn would permanently compromise our collective ability to explore the heavens and use space for constructive commercial purposes. The weaponization of space and the deployment of ASAT systems would undermine existing international arms control treaties that are already under stress. In addition, they would fly in the face of the collective will of the international community, which has demanded a ban on weapons in space for two decades and repeatedly been blocked by the United States. For those who share these concerns, one thing is certain: the time for international negotiations on a treaty to ban weapons in space is long overdue. Within a very few years, this potential development could become a reality.

#### Satellite attacks collapse the economy and tank hegemony.

MacDonald 08, White House Office of Science and Technology Policy, former assistant director for national security,

(Bruce W., former assistant director for national security at the White House Office of Science and Technology Policy, “China, Space Weapons, and U.S. Security”, Council Special Report, No. 38, September 2008, p.5, <http://books.google.com/books?id=o0GkabrNftIC&printsec=frontcover&dq=us+china+space&hl=en&ei=XSsOTv6QIs_TiALWtdSuBw&sa=X&oi=book_result&ct=result&resnum=1&ved=0CCoQ6AEwAA#v=onepage&q&f=false>, accessed 7/1/11)

With China’s demonstration of an ASAT weapon, **the U**nited **S**tates **is concerned that China might soon deploy a substantial ASAT arsenal, consisting** of either a fleet of the ASATs it tested in 2007, co-orbital small satellites (“space mines”), or, later, **a more advanced ASAT capability based on technologies such as** lasers, microwaves or **cyberweapons. Such a Chinese deployment could substantially reduce the effectiveness of U.S. fighting forces.** While more traditional counterspace capabilities like jammers have a long and well-recognized role in electronic warfare, their effects are localized and temporary and thus can be tailored. **Offensive counterspace capabilities could permanently damage or destroy costly satellites and leave substantial harmful debris in space if they physically destroy satellites.** The implications of these new counterspace developments for peacetime and crisis stability, as well as the conduct of warfare, are profound**. The sudden major loss of satellite function would quickly throw U.S. military capabilities back twenty years or more and substantially damage the U.S. and world economies. While backup systems could partially compensate for this loss, U.S. military forces would be significantly weakened**. In addition to shoring up its defenses, the United States also needs to better understand China’s evolving and ambiguous space doctrine.

Heg is good – solves war

Brooks et al 13

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

Plan solves
Spade 11 (Colonel Jayson M. Spade, The Information in Warfare Group of the U.S. Army War College , 2011, [http://www.carlisle.army.mil/dime/documents/China's%20Cyber%20Power%20and%20America's%20National%20Security%20Web%20Version.pdf](http://www.carlisle.army.mil/dime/documents/China%27s%20Cyber%20Power%20and%20America%27s%20National%20Security%20Web%20Version.pdf))

Engagement will not be easy. China’s public position is that they are behind the West technologically and more often the victim of CNAs. When connected to a CNE event, the PRC’s typical response is to deny any involvement and curtly demand that other states stay out of China’s ‘internal affairs.’207 However, if the PRC’s strategy is cyber deterrence, they will understand engagement on the basis of Cold-War style mutual deterrence. Through Cold War confrontation and negotiation, the United States and Soviet Union worked out guidelines for mutual nuclear deterrence. The United States and China must establish a similar appreciation for each others’ positions – a code of conduct for cyberspace. The two states need to establish an understanding of how far the other will tolerate network intrusions, what might constitute an act of cyber warfare, and how each might react if cyber redlines are crossed.209 For 20 years, individuals and organizations within the PLA has published articles on what they could do with cyber power. They may be signaling both capabilities and intent, assuming that similar American articles are a response. To date, the U.S. government has complained but not responded legally, militarily, or economically to China’s cyber intrusions. This leaves the Chinese to assume that America will tolerate CNE or that the United States is unwilling or unable to respond. The danger in this ambiguity is that China or America might suffer a serious cyber attack and blame it on the other, prompting a retaliation and subsequent escalation.210 Opening a constructive dialogue now might avoid a cyber version of the Cuban Missile or Berlin Crisis in the future.211 Bi-lateral discussions with China must accompany one of President Obama’s other goals, developing internationally accepted norms for behavior in cyberspace.212 This is a systemic challenge, as the GAO notes: “In general, differences between the laws of nations, sovereignty and privacy issues, varying degrees of national technical capacity, and differing interpretation of laws will impede efforts to establish common, international standards for prohibiting, investigating, and punishing cybercrime.”213 For 10 years, the United Nations has tried and failed to enact an international treaty on cyber crime. The latest attempt, April 2010, broke down over normative differences on national sovereignty and human rights. Russia and China wanted tighter government Internet controls, which Western states saw as censorship. The United States and Europe wanted greater authorities for investigation and law enforcement, whereas Russia and China do not want foreign investigators within their jurisdictions.214 Norms can be established where treaty partners can be found. The United States is one signatory member of the only international cyberspace treaty, the Council of Europe’s Convention on Cybercrime, in force since 2004. The Convention has 47 members and includes 10 non-European states.215 The European Council has lobbied for the UN to adopt the Convention as a global standard, however, China and Russia oppose it and some developing nations see it as written by and for developed nations. While the Convention focuses on crime – financial and identity theft, child pornography, and intellectual property – and not cyber warfare, it forms a basis from which like-minded nations can act.216 And, as other nations join the Convention, it forms an enforceable norm for the international community writ large. The North Atlantic Treaty Organization (NATO) is another venue the United States should engage. The denial of service attack on Estonia, which completely shut down its ability to conduct Internet banking and commerce, was ultimately treated as a cyber crime, not an attack on a NATO state. Estonia’s Defense Minister initially compared the DDoS to a blockade of national sea ports, an act of aggression under UN General Assembly Resolution 3314.217 However, Article 41 of the UN Charter says, in effect, that interruption of economic relations and communications is a “measure not involving armed force.”218 According to CYBERCOM’s commander, General Alexander, “there is no international consensus on a precise definition of a use of force, in or out of cyberspace.”219 Left unaddressed, the attack on Estonia highlights the network vulnerability of NATO nations and an exploitable seam in the Alliance’s defense structure. If the Alliance is to remain relevant in the 21st century, it must decide how to respond to CNE and CNA.220 NATO must determine what cyber activities constitute the equivalent of an armed attack, expressed in terms of the attack’s effects rather than on the cyber weapons used. Having established a norm, NATO can coordinate response strategy. The NATO norm might someday be the basis for new international laws of war, but in the immediate future, they would set a threshold for NATO’s adversaries. Even if not binding under international law, they would serve as a redline to help restrain adversary cyber activities.

#### Congressional review of cyber-war plans solves US-China cooperation.

Gompert -14 (David C. Gompert is a professor of national security studies at the U.S. Naval. Academy and an adjunct fellow at the RAND Corporation, January 24, 2014, “Responding to China’s Anti-Access Strategy,” http://www.uscc.gov/sites/default/files/Gompert\_Testimony1.30.14.pdf)

The emerging Sino-U.S. relationship is at once complex, ambiguous and delicate. It combines the promise of cooperation on global security with the prospect of competition and possibility of crisis in the Western Pacific, where China’s growing might, dynamism, and ambition are in tension with America’s determination to preserve equilibrium. Even in the region, war would be irrational. If it occurred, it would most likely be because of crisis- mismanagement. My concern is that both powers are moving toward military postures and embracing war-fighting concepts, if not plans, that could produce a spiral of incentives to act before the other does. This has been evident for some years in Chinese military writings, and now it could be inferred from American military writings. ¶ The United States should counter Chinese anti-access capabilities in a way that strengthens, not weakens, stability. The key to that is to develop and field the most survivable forces technology permits – less concentrated and less conspicuous than today’s easy targets for the Chinese kill chain. Movement in that direction is not likely to come from the U.S. armed services without a strong nudge from their civilian leaders, and at best will take years. Similarly, U.S. policy-makers – and, for that matter, Chinese policy-makers – should insist on reviewing operational plans, including those for cyber-warfare, to ensure that war-winning notions do not make war more likely. ¶ While the odds of inducing China to join in a regional maritime-security partnership may seem long, the United States should consider proposing such cooperation open to but not dependent on Chinese participation. Such cooperation would be beneficial whether or not China agrees to participate; moreover, the Chinese might opt to join if the alternative is isolation. ¶ In sum, the United States has both technological and political options that could strengthen crisis stability, lessen the intensity of military rivalry, reduce the danger of conflict, and yet retain a U.S. advantage in the event of conflict. ¶ With the foregoing in mind, Congress could play a helpful role in improving the ability of the United States to safeguard its interests, reassure its friends, and sustain its stabilizing role in the Western Pacific, while also reducing the risks of conflict and increasing the scope of cooperation with China. The following ideas deserve consideration:  In authorizing and appropriating funds for the Department of Defense, scrutinize the survivability of existing and new weapons platforms be explained and favor research and development of inherently less vulnerable ones. The transition process will be lengthy, given long life-cycles and program inertia; so Congress should be patient but persistent. Congressionally-mandated analysis of the cost- effectiveness of force protection relative to that of inherently less vulnerable forces would be a logical place to start. ¶ 11 ¶  In questioning senior military officers about strategies and plans, raise the matter of crisis stability – that is of incentives to act first. In this same spirit, question Administration witnesses as to whether the strategic implications of military- operational plans have been spelled out and are understood. What may be a good war-fighting approach (e.g., Air-Sea Battle) could also heighten Chinese fears that the United States would initiate conflict by striking China itself. Given the growing possibility of crises in the Western Pacific, this deserves early attention. Congress could find it important to request an Administration and/or independent study of the implication of emerging Chinese and U.S. military strategies.  Seek to clarify the reasoning and implications of U.S. military plans for cyber- warfare in the context of Sino-U.S. hostilities. Although the United States must be prepared for cyber-warfare in virtually any 21st-Century conflict, when, how, and to what end it would engage in it are consequential questions. Because this is a formative matter being debated both inside and outside of government, it is important for Congress to become knowledgeable and constructively skeptical.  Support the idea of multilateral maritime-security cooperation in the Western Pacific. To be clear, the U.S. has not resisted Sino-American military cooperation; rather, the problem has been on the Chinese side. The analysis here is that (a) multilateral maritime-security cooperation would be advantageous whether or not China accepts an invitation to participate; (b) the Chinese are more likely to participate if the alternative is to be isolated. Therefore, doubts about a positive Chinese reaction should not discourage a multilateral approach. ¶ Security issues stemming from Sino-U.S. military competition are as complex as they are critical. U.S. policy-makers and military leaders are grappling with them thoughtfully and prudently. I respectfully suggest that these are not matters for dividing branches or parties, but instead for open, frank and patient conversation, informed by rigorous analysis.

#### Cyber relations spill over to all other areas of the relationship.

Lieberthal and Singer -12 (Kenneth Lieberthal and Peter W. Singer, John L. Thorton China Center at Brookings, “Cybersecurity and U.S.-China Relations,” http://www.brookings.edu/~/media/research/files/papers/2012/2/23%20cybersecurity%20china%20us%20singer%20lieberthal/0223\_cybersecurity\_china\_us\_lieberthal\_singer\_pdf\_english.pdf)

In sum, distrust of each other’s actions in the cyber realm is growing between the U.S. and China, and such distrust easily spills over into broader assessments of the other country’s long term intentions. It is heightened by the link between the cyber domain and key values like individual privacy on the U.S. side and concerns with internal stabil- ity on the Chinese side. Even more, the potentially poisoning effect of cybersecurity on the relationship is occurring at a time when there is genuine uncertainty about the degree and speed of changes in the global balance of power. The disagreements feed into the anxieties on all sides as to whether America and China will have a basically coop- erative or antagonistic relationship over the coming several decades.25 ¶ In traditional relations between two powers, the intersection of capability, vulnerability, and intention directs whether the states look at each other as partners or threats. Thus, the stakes in this fundamental issue could hardly be higher. Policymakers and publics on both sides must face the fact that, at this point, developments in the cyber realm are contributing to tensions rather than enhancing confidence in each side’s ability to find ways to cooperate with the other to handle the major issues we collectively face in a changing world.

#### Lack of legal codification makes miscalc likely – the plan solves

VornDick 13 (Wilson VornDick is a lieutenant commander in the U.S. Navy, where he is assigned to the Pentagon. Previously, he worked at the Chinese Maritime Studies Institute at the U.S. Naval War College. , “The Real U.S.-Chinese Cyber Problem”, <http://nationalinterest.org/commentary/the-real-us-chinese-cyber-problem-8796?page=2>)

Recent waves of cyber attacks emanated from China despite their vehement denial that they possess “cyber warfare troops.” Meanwhile, the United States, sensing its own security vulnerabilities, stood up its newest military Combatant Command, USCYBERCOM, in 2009. This enabled a coordinated defensive and offensive capability in an increasingly digitized world as evident in the U.S.-led Stuxnet and Flame malware operations against Iran in 2010. As a result, both of the prominent digital players in the international community can bring forth debilitating and warlike capabilities. Washington and Beijing even agreed to a spontaneous two-day summit in June to stem the increasingly dangerous game of digital cat and mouse. Unfortunately, the norms guiding the use of cyber forces have yet to be established. One crucial point lost amid the backdrop of the new digitized battlefield is the lack of Chinese leadership experience both military and political in utilizing key principles of the laws of armed conflict (LOAC). LOAC principles are becoming the foundation and framework for the emerging rules on cyber warfare. Some in China are slowly recognizing this shift. Given the increasingly interconnected, globalized and legally ill-defined nature of cyber technologies, one false move by either the United States or China could steer them into a cyber collision with horrendous conventional consequences.General Escalation of Force, Proportionality and Rules of Engagement Concepts in War Jus in bello (just conduct in war) is the set of general laws and principles that govern the way war is fought. It also incorporates the principles of escalation of force (EOF), proportionality, and the rules of engagement (ROE). This was created to promote humane standards in warfare despite the overreaching, destructive nature inherent in war. With the end of WWII, these principles now have been codified with international and customary laws into the Geneva Convention. These embody the modern concept of the law of armed conflict. U.S. Experience with the LOAC The U.S. Department of Defense leadership has a vast experience with these principles as they apply to the doctrine of jus in bello. They presently use various rules, approaches, and protocols to abide by the LOAC. Prior to the start of hostilities, military planners will delineate three key principles taken from the LOAC noted earlier: escalation of force (EOF), proportionality, and rules of engagement (ROE). This is to avoid confusion and miscalculation before, during and after hostilities. The Army’s Escalation of Force Handbook defines EOF as “sequential actions that begin with nonlethal force measures (visual signals to include flags, spotlights, lasers and pyrotechnics) and may graduate to lethal measures (direct action) to include warning, disabling or deadly shots to defeat a threat and protect the force.” Meanwhile, proportionality is military action that is not excessive in relation to the concrete and direct military advantage anticipated. The Army has a uniform Standard Rules of Engagement dictating engagement of force. Since September 11, U.S. policy makers and military strategists have been provided a tremendous opportunity to finesse those LOAC concepts based on first-hand experience gained in Iraq, Afghanistan, Libya, Guantanamo Bay, on the Korean peninsula and off the Horn of Africa. Each of these situations has spanned a wide range of possibilities in utilizing both cyber and conventional forces. U.S. commanders were required to tailor and adjust these forces to the realities on the ground. This resulted in the integral inclusion of cyber and information warfare training across all military services and senior leaderships. The significance of these experiences has pushed U.S. policy makers to shape frameworks to govern the nebulous and proliferating world of cyber warfare. The Tallinn Manual and Emerging Cyber Norms The law-of-armed-conflict principles already established are guiding the discussion and implementation of the emerging rules, doctrines and frameworks that may one day govern the future of cyber warfare. Realizing the need for a LOAC as it applied to the cyber domain, various states, NGOs and individuals have begun to provide their own precepts. Last year, tremendous work and energy by scholars, policymakers and digital leaders from around the world was poured into the Tallinn Manual on the International Law Applicable to Cyber Warfare. This collaborative document provides a starting point to cover the use of force in cyber warfare by state and nonstate actors. However, this document is merely a guiding post and lacks enforcement mechanisms. There is still no globally recognized norm. China has not provided transparency or information regarding their cyber intentions. Despite this, China’s previous views on conventional use of force may offer some clues on future cyber warfare strategies. The Chinese have not had practical, hands-on experience with escalation of force, proportionality or rules of engagement. The Chinese military has not conducted significant operations since its shellacking in the 1979 border war with Vietnam. Their military has a dearth of expertise in applying these concepts in a real-time threat environment. This inexperience is compounded by the fact that the PRC and PLA leadership define the concepts differently from the United States and others. Because LOAC principles gained from battlefield experience are finding their way into the norms of the cyber domain, the Chinese authorities may be ill-prepared to deal with the pandora’s box of cyber warfare. This mismatch of LOAC experience potentially could cause a miscalculation in any cyber encounter. Lonnie Henley conducted a study on Chinese escalation management in 2006. He found that Chinese military strategists and theorists segregate EOF and proportionality under their concepts of containment of war (遏制战争 ezhi zhanzheng) and war control (战争控制 zhanzheng kongzhi). Further, he pointed out that Chinese perceptions on war containment and control can be described as the “deliberate actions of war leaders to limit or restrain the outbreak, development, scale, intensity, and aftermath of war” as well as controlling its vertical and horizontal escalation. The Chinese concept of war control is unique in that it seeks a united and focused national effort to maintain the political and military initiative at all cost. The concept of seizing the initiative is not new, and it was even an integral part of Mao Zedong’s war strategy. A recent article in Xinhua by Li Duaguang, a professor at the National Defense University, expounded further on war control by stating that “by preparing for war, one can curb war.” This pull towards seizing the initiative could make Chinese leadership lean too far forward on the side of miscalculation and error. Regrettably, there also has been a dearth of current Chinese discussion on these two principles, so it is difficult to assess Chinese intent in the cyber realm. Yet, Chinese media reports have filled some of the void with regards to ROE(交战规则 jiaozhan guize). Despite a lack of battle-tested ROE experience, China has linked ROE with cyber warfare and basically has asserted that the United States lacks a legal basis for any unilateral cyber rules of engagement of its own. This is because the Chinese fear that unilateral action by the United States, such as establishing a cyber ROE, would set the stage for future U.S. preemptive action in anticipation of a cyber attack that could target China.Cyber in China’s Recent Defense White Paper These pronouncements come at the heels of China’s recently published defense white paper that publicly promulgates its military’s intentions. “Cyber” is mentioned only twice in the entire paper. China did recognize however, that “changes in the form of war from mechanization to informationization are accelerating,” while “major powers are vigorously developing new and more sophisticated military technologies so as to ensure that they can maintain strategic superiorities in international competition in such areas as . . . cyber space.” China also unequivocally stated in the document that it would “counterattack” if attacked.Troubling Prospects for U.S.-Chinese Cyber Operations This is particularly troubling for Chinese and American authorities because it is unclear whether or not they could manage their cyber responses in a measured and proportional way if an unofficial or official outbreak of digital force, intentional or not, were to occur. The severity of this issue is intensified by the lack of official Chinese pronouncements or transparency on their cyber operations. Clandestine cyber units, such as the PLA-sponsored Unit 61398 in Shanghai, operate with destructive global reach, adding a layer of uncertainty to an illicit cyber response.After a thorough analysis of the defense white paper, it is clear that the Chinese leadership is reticent to articulate their intentions in cyber warfare. For defense purposes, this is troublesome for Washington. There is a variety of political and military reasons for this course of action. Perhaps this Chinese reluctance in setting the guidelines of response stems from the lack of pressure from the United States and other nations. In any case, it is doubtful that the leadership would state a different course of action than its professed desire to conduct only defensive and nonaggressive operations. Despite this, there is a distinct possibility that if push came to shove, Chinese leadership may be ill-equipped to bring its digital forces to bear or reign in these forces in a responsive, proportional manner once they are released. This is precisely because the Chinese lack LOAC doctrine, training and first-hand experience. The Chinese leadership could make a disastrous miscalculation if it were to mismatch capability or response with the objective or threat at hand, thus risking more confusion and escalation. The recent summit in June may be step toward some sort of digital détente or cyberwar norm. The two states should work to form one sooner rather than later, lest they push each other over the digital edge.

#### Congress is key – solve the perception of reckless use of OCO’s

Bastby 12 (Judy, Chairwoman of the American Bar Association’s Privacy and Computer Crime Committee, CEO of Global Cyber Risk, “U.S. Administration's Reckless Cyber Policy Puts Nation at Risk” June 4, 2012, <http://www.forbes.com/sites/jodywestby/2012/06/04/u-s-administrations-reckless-cyber-policy-puts-nation-at-risk/2/>)

Perhaps more important than being out of the cyber coordination loop, is the how the U.S.’s attitude is being perceived by others in the international community. If the U.S. were a member of IMPACT and taking an active role in the investigation, it would be upholding its role as a global cybersecurity power. Instead, the U.S. appears as the shirking nation state quietly standing on the sidelines while being accused of engaging in cyberwarfare tactics. “People look to the U.S., Russia, and China for leadership and when the U.S. is absent, they will turn to the other two,” observes Dr. Amin. The U.S. Administration’s failure to develop a strong foreign policy with respect to cybersecurity reveals a gross lack of attention at the highest levels of the U.S. Government to one of the country’s most vulnerable areas — the IT systems that underpin the functioning of our society and economy. This failure begins at basic strategy levels and extends to reckless disregard for the consequences of the risky covert Stuxnet operation and failure to secure classified information about the program. For example, in May 2011, government delegations from around the world gathered in Geneva for the World Summit on the Information Society (WSIS), one of the most important communications and technology conferences globally. Noticeably, the U.S. did not have a delegation present. Yet, it was during the WSIS event that the U.S. Administration chose to release its International Strategy for Cyberspace – from Washington, D.C. rather than Geneva. WSIS participants were dumbstruck. For the few private sector Americans who were present, including myself, it was embarrassing. If in fact the Administration did authorize targeting Iranian nuclear systems with Stuxnet and/or Flame, it was a dangerous and reckless decision, especially since the U.S. Government has no idea how many computers in America may be infected with malware capable of being activated by Iran or one of its allies in retaliation. Such “backdoor” malware is capable of having enormous consequences to life and property. A similar CIA covert operation successfully destroyed a Soviet pipeline. In 1982, President Reagan approved a plan to transfer software used to run pipeline pumps, turbines, and valves to the Soviet Union that had embedded features designed to cause pump speeds and valve settings to malfunction. The plot was revealed in a 2004 Washington Post article by David Hoffman in advance of its discussion in former Air Force Secretary Thomas C. Reed’s book, At the Abyss: An Insider’s History of the Cold War. Reed recalled to Hoffman that, “The result was the most monumental non-nuclear explosion and fire ever seen from space.” Unlike Stuxnet, however, the program remained classified for 22 years until the CIA authorized Reed to discuss it in his book. Sanger’s information came from loose-lipped persons involved with the Stuxnet operation. Before pulling a trigger (or launching malware) a nation should assess its strengths and resources and its correlation of vulnerabilities, which, in 2012, includes understanding what an adversary can do when firing back using cyber capabilities. In addition, before launching covert operations, such as Stuxnet, a nation also should ensure that the secrecy of the intelligence operations can be maintained. Conversations with Hill staffers indicate that Congress believes the State Department’s 2011 appointment of Coordinator for Cyber Issues has sufficiently addressed concerns about the lack of U.S. involvement in international cybersecurity matters. Clearly, this is narrow, wishful thinking. Congress needs to stop focusing on what it believes it should force businesses to do about cybersecurity and instead focus on what it should demand that the U.S. Government do to protect our critical infrastructure businesses and avoid retaliatory cyber attacks. The kind of reckless cyber diplomacy and foreign policy now at work has put our nation at risk and demonstrates cyber irresponsiblity, not cyber leadership.

#### Satellites key to preventing water wars – they’re key to effective resource managementPrathapar & Bastiaanssen 2K (S.A. Prathapar, Associate Professor and the Head at the Department of Soils, Water and Agricultural Engineering, College of Agricultural and Marine Sciences, Sultan Qaboos University, W.G.M. Bastiaanssen, International Water Management Institute, “Satellite Observations of International River Basins for All,” International Archives of Photogrammetry and Remote Sensing, Vol. 33, Part B7, 2000, <http://www.isprs.org/proceedings/XXXIII/congress/part7/439_XXXIII-part7.pdf>)

Trust and faith in international river basin water resources management increases if rainfall, diverted water, soil moisture, crop evapotranspiration and plant growth data is collected at a range of scales, is adequate, available and accessible. It must be admitted that in a relatively short time span, hydrologists cannot diagnose the water accounts at the regional scale if hydrological data is improper or incomplete. It requires several months or even years by professionals to thoroughly quantify or model the hydrological processes and cycles in a river basin using other parties data. Satellite data can form an attractive alternative to numerical models. Satellites provide objective data for database building, which is politically neutral and cannot be manipulated. Satellite measurements reflect the land surface features and the observable landscape patterns culminated from socio-economical development, prevailing jurisdiction, agricultural practices, hydrological processes and irrigation management, apart from its original geological formation processes. Because of being direct measurements, satellite observations are often more reliable than secondary data. For instance, the irrigated area in the Gediz River Basin in Western Turkey appeared from the satellite images to be 60% larger than from the secondary data collected from governmental statistics. Another example of dubious secondary data is from Pakistan, where different soil salinity surveys resulted in more than 500 % between the lowest and the highest estimate of soil salinity occurrence in Pakistan. It is obvious that if such type of secondary data is used in establishing intra-basin water cooperations, disputes and conflicts can potentially worsen and trust will fade away.

#### Water wars escalate – Especially in China, Egypt, and Pakistan – goes nuclear

NPR 10 (NPR citing Steven Solomon who has written for The New York Times, BusinessWeek, The Economist, Forbes, and Esquire. He has been a regular commentator on NPR’s Marketplace, and has appeared as a featured guest on the late Tim Russert’s CNBC show, NPR’s Talk of the Nation, Bloomberg TV, and on many other news shows. He has addressed the World Affairs Council, Center for Strategic and International Studies (CSIS), and university forums, author of *Water: The Epic Struggle for Wealth, Power, and Civilization and The Confidence Game*, 1/3/10, https://www.npr.org/templates/story/story.php?storyId=122195532)

Just as wars over oil played a major role in 20th-century history, a new book makes a convincing case that many 21st century conflicts will be fought over water. In Water: The Epic Struggle for Wealth, Power and Civilization, journalist Steven Solomon argues that water is surpassing oil as the world's scarcest critical resource. Only 2.5 percent of the planet's water supply is fresh, Solomon writes, much of which is locked away in glaciers. World water use in the past century grew twice as fast as world population. "We've now reached the limit where that trajectory can no longer continue," Solomon tells NPR's Mary Louise Kelly. "Suddenly we're going to have to find a way to use the existing water resources in a far, far more productive manner than we ever did before, because there's simply not enough." One issue, Solomon says, is that water's cost doesn't reflect its true economic value. While a society's transition from oil may be painful, water is irreplaceable. Yet water costs far less per gallon — and even less than that for some. "In some cases, where there are large political subsidies, largely in agriculture, it does not [cost very much]," Solomon says. "In many cases, irrigated agriculture is getting its water for free. And we in the cities are paying a lot, and industries are also paying an awful lot. That's unfair. It's inefficient to the allocation of water to the most productive economic ends." At the same time, Solomon says, there's an increasing feeling in the world that everyone has a basic right to a minimum 13 gallons of water a day for basic human health. He doesn't necessarily have an issue with that. "I think there's plenty of water in the world, even in the poorest and most water-famished country, for that 13 gallons to be given for free to individuals — and let them pay beyond that," he says. Solomon says the world is divided into water haves and have-nots. China, Egypt and Pakistan are just a few countries facing critical water issues in the 21st century. In his book he writes, "Consider what will happen in water-distressed, nuclear-armed, terrorist-besieged, overpopulated, heavily irrigation dependent and already politically unstable Pakistan when its single water lifeline, the Indus river, loses a third of its flow from the disappearance from its glacial water source."

#### Pakistan water scarcity causes nuclear war with India

Dr Akmal Hussain 11, The Express Tribune, “Pakistan’s water crisis”, 8-25, http://tribune.com.pk/story/231905/pakistans-water-crisis/

A water crisis is emerging which could have major implications for Pakistan’s economy and society. Effective management of this crisis first requires urgent mitigation and adaptation measures with close cooperation amongst Pakistan’s provinces of Khyber-Pakhtunkhwa, Punjab and Sindh on the one hand and then between Pakistan and India on the other. If the necessary collaboration for cooperative management of the Indus basin water resources is not undertaken expeditiously, the resultant economic crisis could lead to a war with India.¶ The problem of water scarcity in the Indus basin is predicated partly on the inherent limitations of water supply in the Indus River System and partly on the growing water demand associated with inefficient water use in the process of economic and population growth. Unsustainable development practices have exacerbated the problem with intrusion of salinity into the ground water, contamination of aquifers with harmful chemicals such as fluoride and arsenic and pollution of surface water due to lack of an institutional framework for environmentally safe disposal of urban and industrial waste. An important dimension of the water issue in the years ahead is the phenomenon of climate change, which could take the crisis to a critical level.¶ Water scarcity can be measured by the availability of water compared with the generally accepted minimum per capita requirement of 1,700 cubic metres per person per year. In their book, Freshwater Under Threat: South Asia, Mukand S Babel and Shahriar M Wahid have estimated that the per capita availability of water in the Indus basin is 1,329 cubic metres per capita per year. This is significantly below the threshold requirement. Another interesting indicator of the water problem is the measure of development pressure on water resources, which is the percentage of available water supply relative to the total water resources. This ratio is as high as 89 per cent for the Indus basin compared to only 15 per cent for the Ganges-Brahmaputra-Meghna (GBM) basin. This indicates the relatively greater development pressure on the Indus basin.¶ Worse, the utilisation of water for production is also highly inefficient by global standards. Water use efficiency is measured in terms of the GDP per unit of water used. In the case of the five top food producers in the world (Brazil, China, France, Mexico and the US) the water use efficiency is $23.8 per cubic metre. The figure is as low as $3.34 for the Indus basin.¶ The problem of water scarcity is expected to become more acute in the future due to the adverse impact of climate change. Dr Leena Srivastava, in a recent research paper, provides evidence to show that some of the Himalayan glaciers are melting more rapidly than the global average and this could increase the frequency of floods in the short run and increase water shortages in the long term by reducing river flows in South Asia. Furthermore, according to the UN’s Intergovernmental Panel on Climate Change report, given the sensitivity of existing seeds to heat, global warming could result in a 30 per cent reduction in the yield per acre of food crops in South Asia.¶ Science and empirical evidence make clear that existing water scarcity, when combined with the impact of climate change, could place critical stress on the economy and society of Pakistan in particular and South Asia in general: major food shortages, increased frequency of natural disasters, large scale dislocations of population and destabilising contention between upper and lower riparian regions.¶ Effective management of this crisis in Pakistan requires close cooperation with India in joint watershed management, increasing the efficiency of irrigation and water use, joint development of technologies, sustainable agriculture practices and institutional arrangements to manage food shortages as well as natural disasters. When faced with a common threat, ideology must be replaced by rationality in the conduct of governance. If we fail to do so, natural disasters could trigger the man-made catastrophe of war.

#### Water scarcity collapses Latin America

Seneviratne 7 Gamini, Nuclear News’s Vienna Correspondent, “Research projects show nuclear

desalination economical”, April, <http://www.ans.org/pubs/magazines/nn/docs/2007-4-3.pdf>

As in most regions of the world, Latin America, and particularly Argentina, has an extensive coastal area with populations lacking fresh water, representing an important restriction for its socioeconomic development. Nuclear desalination is a possible solution to this ongoing scarcity. Using nuclear power to generate fresh water as well as electricity is economically preferable to energy from fossil fuels. A CAREM plant (a small reactor developed jointly by Investigaciones Aplicadas Sociedad del Estado [INVAP] and the Comisión Nacional de Energia Atómica), coupled to an RO system, is an economical and technically feasible option, as well as a safe and reliable alternative for desalination and energy production in Puerto Deseado and other cities with water scarcity problems.

#### Goes global and nuclear

Rochlin 94(James Francis, Professor of Political Science at Okanagan University College. “Discovering the Americas: the evolution of Canadian foreign policy towards Latin America,” p. 130-131)

While there were economic motivations for Canadian policy in Central America, security considerations were perhaps more important. Canada possessed an interest in promoting stability in the face of a potential decline of U.S. hegemony in the Americas. Perceptions of declining U.S. influence in the region – which had some credibility in 1979-1984 due to the wildly inequitable divisions of wealth in some U.S. client states in Latin America, in addition to political repression, under-development, mounting external debt, anti-American sentiment produced by decades of subjugation to U.S. strategic and economic interests, and so on – were linked to the prospect of **explosive events** occurring in the hemisphere. Hence, the Central American imbroglio was viewed as a fuse which could ignite a cataclysmic process throughout the region. Analysts at the time worried that in a worst-case scenario, instability created by a regional war, beginning in Central America and spreading elsewhere in Latin America, might preoccupy Washington to the extent that the United States would be unable to perform adequately its important hegemonic role in the international arena – a concern expressed by the director of research for Canada’s Standing Committee Report on Central America. It was feared that such a predicament could **generate increased global instability** and perhaps even a **hegemonic war**. This is one of the motivations which led Canada to become involved in efforts at regional conflict resolution, such as Contadora, as will be discussed in the next chapter.

#### Water scarcity causes Central Asian war

Priyadarshi 12 Nitish, lecturer in the department of environment and water management at Ranchi University in India, “War for water is not a far cry”, June 16, <http://www.cleangangaportal.org/node/44>

That's been a constant dilemma for the Central Asian states since they became independent after the Soviet break-up. ¶ Much of Central Asia's water flows from the mountains of Kyrgyzstan and Tajikistan, leaving downstream countries Uzbekistan, Kazakhstan, and Turkmenistan dependent and worried about the effects of planned hydropower plants upstream. ¶ Tashkent fears that those two countries' use of water from Central Asia's two great rivers -- the Syr Darya and Amu Darya -- to generate power will diminish the amount reaching Uzbekistan, whose 28 million inhabitants to make up Central Asia's largest population. ¶ After the collapse of communism in the 1990s, a dispute arose between Hungary and Slovakia over a project to dam the Danube River. It was the first of its type heard by the International Court of Justice and highlighted the difficulty for the Court to resolve such issues decisively. There are 17 European countries directly reliant on water from the Danube so there is clear potential for conflict if any of these countries act selfishly.¶ Experts worry that dwindling water supplies could likely result in regional conflicts in the future. For example, in oil-and-gas rich Central Asia, the upstream countries of Kyrgyzstan and Tajikistan hold 90 percent of the region's water resources, while Uzbekistan, the largest consumer of water in the region, is located downstream.

#### Extinction

Blank 2k Stephen J. - Expert on the Soviet Bloc for the Strategic Studies Institute, “American Grand Strategy and the Transcaspian Region”, World Affairs. 9-22

In 1993 Moscow even threatened World War III to deter Turkish intervention on behalf of Azerbaijan. Yet the new Russo-Armenian Treaty and Azeri-Turkish treaty suggest that Russia and Turkey could be dragged into a confrontation to rescue their allies from defeat. 72 Thus Many of the conditions for conventional war or protracted ethnic conflict in which third parties intervene are present in the Transcaucasus. For example, many Third World conflicts generated by local structural factors have a great potential for unintended escalation. Big powers often feel obliged to rescue their lesser proteges and proxies. One or another big power may fail to grasp the other side's stakes, since interests here are not as clear as in Europe. Hence commitments involving the use of nuclear weapons to prevent a client's defeat are not well established or clear as in Europe. Clarity about the nature of the threat could prevent the kind of rapid and almost uncontrolled escalation we saw in 1993 when Turkish noises about intervening on behalf of Azerbaijan led Russian leaders to threaten a nuclear war in that case. Precisely because Turkey is a NATO ally but probably could not prevail in a long war against Russia - or if it could, would trigger a potential **nuclear blow** (not a small possibility given the erratic nature of Russia's declared nuclear strategies) - **the danger of major war is higher here than** almost **everywhere else**. As Richard Betts has observed, The greatest danger lies in areas where (1) the potential for serious instability is high; (2) both superpowers perceive vital interests; (3) neither recognizes that the other’s perceived interest or commitment is as great as its own; (4) both have the capability to inject conventional forces; and, (5) neither has willing proxies capable of settling the situation.74

# 2AC

## Satellites

**2AC Heg Bad**

Sat collapse = US doesn’t decline peacefully – we’d lashout vs other countries – that’s c-x

**Pursuit of heg is inevitable**

**Dorfman 12** (Zach Dorfman, assistant editor of Ethics and International Affairs, the journal of the Carnegie Council, and co-editor of the Montreal Review, “What We Talk About When We Talk About Isolationism”, May 18, <http://dissentmagazine.org/online.php?id=605>)

¶ The rise of China notwithstanding, the United States remains the world’s sole superpower. Its military (and, to a considerable extent, political) hegemony extends not just over North America or even the Western hemisphere, but also Europe, large swaths of Asia, and Africa. Its interests are global; nothing is outside its potential sphere of influence. There are an estimated 660 to 900 American military bases in roughly forty countries worldwide, although figures on the matter are notoriously difficult to ascertain, largely because of subterfuge on the part of the military. According to official data there are active-duty U.S. military personnel in 148 countries, or over 75 percent of the world’s states. The United States checks Russian power in Europe and Chinese power in South Korea and Japan and Iranian power in Iraq, Afghanistan, and Turkey. In order to maintain a frigid peace between Israel and Egypt, the American government hands the former $2.7 billion in military aid every year, and the latter $1.3 billion. It also gives Pakistan more than $400 million dollars in military aid annually (not including counterinsurgency operations, which would drive the total far higher), Jordan roughly $200 million, and Colombia over $55 million.¶ U.S. long-term military commitments are also manifold. It is one of the five permanent members of the UN Security Council, the only institution legally permitted to sanction the use of force to combat “threats to international peace and security.” In 1949 the United States helped found NATO, the first peacetime military alliance extending beyond North and South America in U.S. history, which now has twenty-eight member states. The United States also has a trilateral defense treaty with Australia and New Zealand, and bilateral mutual defense treaties with Japan, Taiwan, the Philippines, and South Korea. It is this sort of reach that led Madeleine Albright to call the United States the sole “indispensible power” on the world stage.¶ The idea that global military dominance and political hegemony is in the U.S. national interest—and the world’s interest—is generally taken for granted domestically. Opposition to it is limited to the libertarian Right and anti-imperialist Left, both groups on the margins of mainstream political discourse. Today, American supremacy is assumed rather than argued for: in an age of tremendous political division, **it is a bipartisan first principle of foreign policy, a presupposition**. In this area at least, one wishes for a little less agreement.¶ In Promise and Peril: America at the Dawn of a Global Age, Christopher McKnight Nichols provides an erudite account of a period before such a consensus existed, when ideas about America’s role on the world stage were fundamentally contested. As this year’s presidential election approaches, each side will portray the difference between the candidates’ positions on foreign policy as immense. Revisiting Promise and Peril shows us just how narrow the American worldview has become, and how our public discourse has become narrower still.¶ Nichols focuses on the years between 1890 and 1940, during America’s initial ascent as a global power. He gives special attention to the formative debates surrounding the Spanish-American War, U.S. entry into the First World War, and potential U.S. membership in the League of Nations—debates that were constitutive of larger battles over the nature of American society and its fragile political institutions and freedoms. During this period, foreign and domestic policy were often linked as part of a cohesive political vision for the country. Nichols illustrates this through intellectual profiles of some of the period’s most influential figures, including senators Henry Cabot Lodge and William Borah, socialist leader Eugene Debs, philosopher and psychologist William James, journalist Randolph Bourne, and the peace activist Emily Balch. Each of them interpreted isolationism and internationalism in distinct ways, sometimes deploying the concepts more for rhetorical purposes than as cornerstones of a particular worldview.¶ Today, isolationism is often portrayed as intellectually bankrupt, a redoubt for idealists, nationalists, xenophobes, and fools. Yet the term now used as a political epithet has deep roots in American political culture. Isolationist principles can be traced back to George Washington’s farewell address, during which he urged his countrymen to steer clear of “foreign entanglements” while actively seeking nonbinding commercial ties. (Whether economic commitments do in fact entail political commitments is another matter.) Thomas Jefferson echoed this sentiment when he urged for “commerce with all nations, [and] alliance with none.” Even the Monroe Doctrine, in which the United States declared itself the regional hegemon and demanded noninterference from European states in the Western hemisphere, was often viewed as a means of isolating the United States from Europe and its messy alliance system.¶ In Nichols’s telling, however, modern isolationism was born from the debates surrounding the Spanish-American War and the U.S. annexation of the Philippines. Here isolationism began to take on a much more explicitly anti-imperialist bent. Progressive isolationists such as William James found U.S. policy in the Philippines—which it had “liberated” from Spanish rule just to fight a bloody counterinsurgency against Philippine nationalists—anathema to American democratic traditions and ideas about national self-determination.¶ As Promise and Peril shows, however, “cosmopolitan isolationists” like James never called for “cultural, economic, or complete political separation from the rest of the world.” Rather, they wanted the United States to engage with other nations peacefully and without pretensions of domination. They saw the United States as a potential force for good in the world, but they also placed great value on neutrality and non-entanglement, and wanted America to focus on creating a more just domestic order. James’s anti-imperialism was directly related to his fear of the effects of “bigness.” He argued forcefully against all concentrations of power, especially those between business, political, and military interests. He knew that such vested interests would grow larger and more difficult to control if America became an overseas empire.¶ Others, such as “isolationist imperialist” Henry Cabot Lodge, the powerful senator from Massachusetts, argued that fighting the Spanish-American War and annexing the Philippines were isolationist actions to their core. First, banishing the Spanish from the Caribbean comported with the Monroe Doctrine; second, adding colonies such as the Philippines would lead to greater economic growth without exposing the United States to the vicissitudes of outside trade. Prior to the Spanish-American War, many feared that the American economy’s rapid growth would lead to a surplus of domestic goods and cause an economic disaster. New markets needed to be opened, and the best way to do so was to dominate a given market—that is, a country—politically. Lodge’s defense of this “large policy” was public and, by today’s standards, quite bald. Other proponents of this policy included Teddy Roosevelt (who also believed that war was good for the national character) and a significant portion of the business class. For Lodge and Roosevelt, “isolationism” meant what is commonly referred to today as “unilateralism”: the ability for the United States to do what it wants, when it wants.¶ Other “isolationists” espoused principles that we would today call internationalist. Randolph Bourne, a precocious journalist working for the New Republic, passionately opposed American entry into the First World War, much to the detriment of his writing career. He argued that hypernationalism would cause lasting damage to the American social fabric. He was especially repulsed by wartime campaigns to Americanize immigrants. Bourne instead envisioned a “transnational America”: a place that, because of its distinct cultural and political traditions and ethnic diversity, could become an example to the rest of the world. Its respect for plurality at home could influence other countries by example, but also by allowing it to mediate international disputes without becoming a party to them. Bourne wanted an America fully engaged with the world, but not embroiled in military conflicts or alliances.¶ This was also the case for William Borah, the progressive Republican senator from Idaho. Borah was an agrarian populist and something of a Jeffersonian: he believed axiomatically in local democracy and rejected many forms of federal encroachment. He was opposed to extensive immigration, but not “anti-immigrant.” Borah thought that America was strengthened by its complex ethnic makeup and that an imbalance tilted toward one group or another would have deleterious effects. But it is his famously isolationist foreign policy views for which Borah is best known. As Nichols writes:¶ He was consistent in an anti-imperialist stance against U.S. domination abroad; yet he was ambivalent in cases involving what he saw as involving obvious national interest….He also without fail argued that any open-ended military alliances were to be avoided at all costs, while arguing that to minimize war abroad as well as conflict at home should always be a top priority for American politicians.¶ Borah thus cautiously supported entry into the First World War on national interest grounds, but also led a group of senators known as “the irreconcilables” in their successful effort to prevent U.S. entry into the League of Nations. His paramount concern was the collective security agreement in the organization’s charter: he would not assent to a treaty that stipulated that the United States would be obligated to intervene in wars between distant powers where the country had no serious interest at stake.¶ Borah possessed an alternative vision for a more just and pacific international order. Less than a decade after he helped scuttle American accession to the League, he helped pass the Kellogg-Briand Pact (1928) in a nearly unanimous Senate vote. More than sixty states eventually became party to the pact, which outlawed war between its signatories and required them to settle their disputes through peaceful means. Today, realists sneer at the idealism of Kellogg-Briand, but the Senate was aware of the pact’s limitations and carved out clear exceptions for cases of national defense. Some supporters believed that, if nothing else, the law would help strengthen an emerging international norm against war. (Given what followed, this seems like a sad exercise in wish-fulfillment.) Unlike the League of Nations charter, the treaty faced almost no opposition from the isolationist bloc in the Senate, since it did not require the United States to enter into a collective security agreement or abrogate its sovereignty. This was a kind of internationalism Borah and his irreconcilables could proudly support.¶ The United States today looks very different from the country in which Borah, let alone William James, lived, both domestically (where political and civil freedoms have been extended to women, African Americans, and gays and lesbians) and internationally (with its leading role in many global institutions). But different strains of isolationism persist. Newt Gingrich has argued for a policy of total “energy independence” (in other words, domestic drilling) while fulminating against President Obama for “bowing” to the Saudi king. While recently driving through an agricultural region of rural Colorado, I saw a giant roadside billboard calling for American withdrawal from the UN.¶ Yet in the last decade, the Republican Party, with the partial exception of its Ron Paul/libertarian faction, has veered into such a belligerent unilateralism that its graybeards—one of whom, Senator Richard Lugar of Indiana, just lost a primary to a far-right challenger partly because of his reasonableness on foreign affairs—were barely able to ensure Senate ratification of a key nuclear arms reduction treaty with Russia. Many of these same people desire a unilateral war with Iran.¶ And it isn’t just Republicans. Drone attacks have intensified in Yemen, Pakistan, and elsewhere under the Obama administration. Massive troop deployments continue unabated. We spend over $600 billion dollars a year on our military budget; the next largest is China’s, at “only” around $100 billion. Administrations come and go, but **the national security state appears here to stay**.

**Previous decades of hegemony should’ve triggered the impact – it’s empirically denied**

**Resentment against hegemony is inevitable**

**Kagan 2K** - Hillhouse Professor of History at Yale (Robert, “National Interest and Global Responsibility,” Present Dangers: Crisis & Opportunity in American Foreign & Defense Policy, ed. Kagan & Kristol)

It is fair to ask how the rest of the world would respond to a prolonged period of active American hegemony. Those regimes that find an American-led world order inhospitable to their existence will seek to cut away at American power. They will form tactical alliances with other dictatorships or "rogue states" for the common purpose of unsettling such an order, and they will look for ways to divide the United States from its allies. China's recent proliferation of weapons and selling of weapons technologies to Iran, its provision of financial support to Milosevic, and its attempt to find common ground with Russia against American "hegemonism" all represent opportunistic attempts to undercut American dominance. Russia can similarly be expected to look for ways to weaken U.S. political, diplomatic and military preponderance in the world. All this is part of the price for American global preeminence. It does not, however, add up to a convincing argument against preserving that preeminence. The main issue of contention between the United States and most of those who express opposition to its hegemony is not American "arrogance." It is the inescapable reality of American power in its many forms. Those who suggest that these international resentments could somehow be eliminated by a more restrained American foreign policy are engaging in pleasant delusions. Even a United States that never again intervened in places such as Kosovo or expressed disapproval of China's human rights record would find itself the target of jealousy, resentment and, in some cases, even fear. The question, then, is not whether the United States should intervene everywhere or nowhere. The decision Americans need to make is whether the United States should generally lean forward, or whether it should adopt a posture of relative passivity. A strong America capable of projecting force quickly and with devastating effect to important regions of the world would make it less likely that challengers to regional stability will attempt to alter the status quo in their favor. It might even deter them from undertaking expensive efforts to arm themselves for such a challenge. An America whose willingness to project force is in doubt, on the other hand, can only encourage such challenges. In Europe, in Asia and in the Middle East, the message we should be sending to potential foes is: "Don't even think about it." That kind of deterrence offers the best recipe for lasting peace, and it is much cheaper than fighting the wars that would follow should we fail to create such a deterrent

#### Heg won’t collapse – it’s sustainable

Susman 12, US Ambassador to the UK (Louis, “America: Still the Indispensable Power?” Chatham House, http://www.chathamhouse.org/sites/default/files/public/Meetings/Meeting%20Transcripts/260612susman.pdf)

Because an argument is being made by some academics, commentators and journalists that America is now in permanent decline. The argument goes that a gradual but irreversible erosion of economic strength, the so-called ‘rise of the rest’, and the effects of two gruelling wars is stripping the United States of its power, influence and authority. Now, there’s no doubt – as President Obama acknowledged in his speech to Parliament last year – that the international order is being reshaped and that as we adapt to it, we face undeniable and significant challenges. But we have overcome similar circumstances before. In the 1950s and 60s the fear was we were falling behind the Soviet Union in technology and ambition. The 1970s brought recession and unemployment to America; combined with a loss of faith in our system after Vietnam and Watergate. At the same time, Japan’s economy was taking off. Then in the 1980s and 90s the tiger economies of East Asia produced an economic miracle of rapid growth unparalleled in modern history. Each time America’s standing was questioned. Each time America rose to the particular challenges it faced. Time and again the doom mongers and the defeatists were proven wrong. And I am confident that they will be again. There are many reasons for my conclusion but three factors stand out. First, the strength of our economy. Second, our military prowess. Third, the power and scope of our international partnerships. Let me start with the strength and resilience of the United States economy. Despite being damaged by the most severe recession in more than 70 years, America is still – by far – the world’s largest economy. Today the United States is responsible for one quarter of all global economic output, just as we have been for more than four decades. Our economy is growing – with the IMF, Federal Reserve and others projecting growth of somewhere between two and three per cent this year. And the trend lines of the important economic factors continue to be strong. Unemployment nationally is at 8.2% – down from a peak of 10% in October 2010. More than four million private sector jobs have been created in the past two years. There is a renewed consumer confidence - essential to a selfsustaining recovery – where people are no longer paying off their credit cards but out spending again. The Troubled Asset Relief Program – known as TARP – has ensured that our banks are stable and well capitalized. TARP authorized the Treasury to use up to $700 billion to stabilize banks and other financial institutions. Ultimately, only $410 billion was disbursed – including $245 billion to recapitalize the banks. The Treasury is now confident that overall TARP will cost less than $50 billion – in fact, the financial assistance we provided banks will actually result in taxpayer gains of approximately $20 billion. The stronger position of banks is helping to support broader economic recovery, including a 30% increase in private investment in equipment and software. Lending to companies is also rising by over 10% a year. And America is still the No. 1 choice for foreign investment. US exports increased almost 16% last year to $2.1 trillion. That is well on track to achieving America’s ambitious goal of doubling exports by 2015 under the National Export Initiative. Our manufacturing sector is making a strong comeback for the first time since the 1990s. The United States has added nearly half a million manufacturing jobs since the beginning of 2010. The revival is evidenced by General Electric bringing back manufacturing operations from China and opening new plants in America. The French company Michelin is investing $750 million in a new plant and factory expansion in South Carolina. And there is no better example of the recovery in American manufacturing than the United States automobile industry. In 2008, 400,000 jobs across the car-making industry were lost. Two of the big three manufacturers were on the brink of administration. Today, GM is the No. 1 car-maker in the world, Chrysler is growing faster in America than any other car company, and Ford is posting record profits. So while always guarding against complacency, the American economy is on the right path to a return to full health. But one of our greatest and most enduring strengths comes from the fundamentals of our economic approach. Our philosophy is built on the whole-hearted belief in free trade. While other nations – including some of the fast-growing emerging economies – still trade behind barriers, the United States continues to embrace market-based principles. Free trade means every country, every business, and even every individual, has a chance to compete. That in turn creates the very jobs and wealth that lift people and communities out of poverty – both at home and abroad. America has firmly rejected protectionist policies; reaffirming our commitment to open markets with a number of new international free trade agreements. We are also open to immigration. Our ethnically diverse society and a culture of opportunity continues to draw talent from around the world. The latest OECD records show that more than 1.1 million foreigners came to live permanently in America in 2009. A survey by Gallup published in April once again put the United States as the most desirable destination for immigrants. Another distinct advantage America enjoys is the entrepreneurial spirit embedded in our DNA. Equally, our faith in free enterprise and freedom of thought and speech helps stimulate creativity and innovation. Today our companies – many of them small start-ups – are at the forefront of the highgrowth, R&D-based industries of the future. It is also worth noting that America is blessed with an abundance of natural resources. From the most arable land of any country on Earth to a diverse range of energy sources that will leave us increasingly energy independent. Current crude oil production is the highest since 2003, we have been the world’s largest producer of natural gas since 2009, we have vast shale oil deposits, and use of renewables such as wind and solar has doubled since 2008. All these underlying strengths make me confident that the United States will continue to be a vibrant and vital global economic power. And a strong economy, of course, underwrites our second enduring strength: the capability and reach of our military. Clearly, we are in a period of transition; turning the page on a decade of war and at the same time dealing with our budget deficit. But despite what some might say, America is not dismantling its defences. The truth is that in the wake of 9/11 and our response to it, our defence budget grew at an extraordinary pace. In 2001 – the year of the attacks – annual defense spending was $319 billion. By 2011 it had more than doubled to $691 billion a year. So we are taking the difficult step of reducing our planned defence spending by around $45 billion a year over a period of 10 years. But this adjustment is in no way going to undermine America as the foremost military power on earth. Our defense budget was – and still is – larger than roughly the next 10 countries combined. The new approach combines the need for deficit reduction with a recognition of the changing nature of the security threats we face. Today our policy encompasses a more agile, flexible, rapidly deployable and technologically advanced military – complemented with strong international alliances and multilateral cooperation. Which brings me to America’s third core strength, which is the power of our partnerships. Partnerships are essential in the 21st century. Today’s challenges are too many, too immense and too complex for one country to go it alone. This administration is intent on expanding and intensifying US engagement with other nations and with international institutions. As a result, the United States now has a range of formidable alliances on every continent. We don’t see ourselves as a super-power believing unilateral action can solve everything. A more direct, confrontational approach advocated by some in previous decades is clearly no longer appropriate – nor, I should add, would it be effective. The complexity of today's challenges demand a different style of American leadership. That's why today we see ourselves as a super-partner applying Secretary Clinton’s focus on ‘smart power’. In Libya, for example, we used an effective range of tools – including diplomatic, economic, military, and humanitarian – in the multilateral alliance against Colonel Gaddafi. And we will continue to play a central role within the United Nations and NATO – and also inside the G8, G20, the World Bank, and the IMF. At the same time, we are forging new relationships across Asia-Pacific, which is fast-becoming a strategic and economic center of gravity. This is what the Pacific pivot is all about. As a truly global power, we have widespread, enduring interests in the region – and they demand our widespread, enduring presence. But turning our face towards Asia-Pacific does not mean turning our back on Europe. We are constantly reinforcing ties with our oldest and strongest allies, including our special relationship with the United Kingdom. Building and maintaining strong, mutually beneficial partnerships, however, does not come from government alone. Successful and enduring alliances are not simply born from the President signing a treaty, a trade agreement or military pact. They are entrenched and sustained by a range of additional assets that are hard to quantify but nonetheless highly significant: our values, our customs and culture, our institutions and organizations. In effect, what the United States represents to the world. Take the timeless appeal of the values we embrace. Values of freedom, democracy, human rights, tolerance, opportunity and the rule of law. These are the values we promote on the international stage. And one way others learn what we stand for, and who we are, and what aspirations we share comes from the power of our example. America’s standing and influence is not only built on economic and military authority. Consider how the US was one of the first countries to send a message to the corporate world on transparency and bribery. We passed the Foreign Corrupt Practices Act because it was the right thing to do – even though it possibly put American companies at a disadvantage. America was also among the first to take humanitarian action following the devastating earthquake and tsunami in Japan last year. We sent relief supplies, elite search and rescue teams, and disaster response experts - while the American Red Cross provided shelter for some of those made homeless. The exceptional work of American NGOs and foundations around the world also provides US leadership on a number of global causes. In 2011 alone, American individuals, corporations and foundations donated almost $300 billion to charities. But it is not just the immense resources our NGOs bring to their efforts, it is also the boldness of their vision. The Carter Center – the organization founded by former President Jimmy Carter – is close to eradicating Guinea worm disease. It is also promoting democracy through monitoring elections across Africa, Latin America, and Asia. And look at Bill and Melinda Gates. How easy it would have been for them to slip into comfortable early retirement, using their wealth to hide from the world’s troubles. Instead, they were determined to use their personal fortune to help confront and overcome some of the world’s toughest health problems. This enlightened approach to public service and social responsibility is an explicit demonstration of America’s ‘hidden’ role as a global leader. Another source of international influence comes from our educational institutions. The excellence of our universities helps us to cultivate some of the world’s best and brightest minds. Indeed, America remains the No. 1 destination for foreign students – attracted by a system that gives them the opportunity to pursue and achieve their ambitions. According to the QS World University Rankings, 11 of the top 15 universities in the world are located in the United States. Perhaps that is why the US can also claim more Nobel Prizes than any other country. This widespread appeal of America is part of what makes us strong because it means our alliances are built on conviction not convenience. We do not stand alone in the world. We face our challenges in partnership with others. And yes, of course, America has enormous challenges. So nothing I have said this evening is intended to sound either boastful or complacent. We recognize that we constantly have to work, and that there is still a lot to do to maintain our leadership in a turbulent world undergoing significant transformation. But I do believe strongly that our continued leadership is more important than ever. And America is not perfect, we know that. Unemployment is still too high; the need for deficit reduction is essential and must be addressed; there remain issues around equality in our society; and aggressive partisanship is causing dysfunction in our government and cannot be ignored. In these and many other areas, we know our country needs to do more: to heal wounds, take courageous decisions, and adapt to new circumstances. But the lesson from history is that America has always shown the capacity to overcome its difficulties. In the past decade, we’ve endured the deadliest terrorist attacks in modern history; two conflicts that have lasted longer than both world wars; and a global financial crisis on scale unprecedented in a generation. Through it all, America has retained its global leadership. And, as I have outlined this evening, the sources of our influence are many and they are durable. Our economic strengths are unequaled. Our military power unrivaled. And our international partnerships unsurpassed. I believe that our weaknesses pale in comparison to our resilience and our strengths. This is why I can say with confidence that ultimately America will remain the indispensable global power.

#### No European war

Bacevich 10 – Andrew J. Bacevich is professor of history and international relations at Boston University, “Let Europe be Europe”, Foreign Policy, 2/22, http://www.foreignpolicy.com/articles/2010/02/22/let\_europe\_be\_europe?page=0,0

Europe, however, is another matter. By the dawn of this century, Europeans had long since lost their stomach for battle. The change was not simply political. It was profoundly cultural. The cradle of Western civilization -- and incubator of ambitions that drenched the contemporary age in blood -- had become thoroughly debellicized. As a consequence, however willing they are to spend money updating military museums or maintaining war memorials, present-day Europeans have become altogether stingy when it comes to raising and equipping fighting armies. This pacification of Europe is quite likely to prove irreversible. Yet even if reigniting an affinity for war among the people of, say, Germany and France were possible, why would any sane person even try? Why not allow Europeans to busy themselves with their never-ending European unification project? It keeps them out of mischief

**Heg key to European stability – causes nuclear war**

**Kagan 07** – Senior Associate at the Carnegie Endowment for International Peace and Senior Transatlantic Fellow at the German Marshall Fund (Robert, “End of Dreams, Return of History,” Hoover Institution, No. 144, August/September, http://www.hoover.org/publications/policy-review/article/6136)

Such order as exists in the world rests not merely on the goodwill of peoples but on a foundation provided by American power. Even the European Union, that great geopolitical miracle, owes its founding to American power, for without it the European nations after World War II would never have felt secure enough to reintegrate Germany. Most Europeans recoil at the thought, but even today Europe ’s stability depends on the guarantee, however distant and one hopes unnecessary, that the United States could step in to check any dangerous development on the continent. In a genuinely multipolar world, that would not be possible without renewing the danger of world war.

**Collapse of hegemony causes transition wars**

**Brzezinski 12** - Former US National Security Advisor, (Zbigniew, January/February, “After America” Foreign Policy, http://www.foreignpolicy.com/articles/2012/01/03/after\_america)

Not so long ago, a high-ranking Chinese official, who obviously had concluded that America's decline and China's rise were both inevitable, noted in a burst of candor to a senior U.S. official: "But, please, let America not decline too quickly." Although the inevitability of the Chinese leader's expectation is still far from certain, he was right to be cautious when looking forward to America's demise.¶ For if America falters, the world is unlikely to be dominated by a single preeminent successor -- not even China. International uncertainty, increased tension among global competitors, and even outright chaos would be far more likely outcomes.¶ While a sudden, massive crisis of the American system -- for instance, another financial crisis -- would produce a fast-moving chain reaction leading to global political and economic disorder, a steady drift by America into increasingly pervasive decay or endlessly widening warfare with Islam would be unlikely to produce, even by 2025, an effective global successor. No single power will be ready by then to exercise the role that the world, upon the fall of the Soviet Union in 1991, expected the United States to play: the leader of a new, globally cooperative world order. More probable would be a protracted phase of rather inconclusive realignments of both global and regional power, with no grand winners and many more losers, in a setting of international uncertainty and even of potentially fatal risks to global well-being. Rather than a world where dreams of democracy flourish, a Hobbesian world of enhanced national security based on varying fusions of authoritarianism, nationalism, and religion could ensue.¶ The leaders of the world's second-rank powers, among them India, Japan, Russia, and some European countries, are already assessing the potential impact of U.S. decline on their respective national interests. The Japanese, fearful of an assertive China dominating the Asian mainland, may be thinking of closer links with Europe. Leaders in India and Japan may be considering closer political and even military cooperation in case America falters and China rises. Russia, while perhaps engaging in wishful thinking (even schadenfreude) about America's uncertain prospects, will almost certainly have its eye on the independent states of the former Soviet Union. Europe, not yet cohesive, would likely be pulled in several directions: Germany and Italy toward Russia because of commercial interests, France and insecure Central Europe in favor of a politically tighter European Union, and Britain toward manipulating a balance within the EU while preserving its special relationship with a declining United States. Others may move more rapidly to carve out their own regional spheres: Turkey in the area of the old Ottoman Empire, Brazil in the Southern Hemisphere, and so forth. None of these countries, however, will have the requisite combination of economic, financial, technological, and military power even to consider inheriting America's leading role.¶

## Solvency

### A2: Circumvention

#### No circumvention – DC court decision

Ed Morrissey 13, Hot Air, "DC circuit slaps Obama administration for refusing to follow statutory law", August 14, hotair.com/archives/2013/08/14/dc-circuit-slaps-obama-administration-for-refusing-to-follow-statutory-law/

Could the Yucca Mountain case put the White House in a vise on the ObamaCare mandates? The DC Circuit Court of Appeals ruled yesterday that the Obama administration cannot ignore statutory law that requires the completion of the licensing process for the controversial nuclear storage site in Nevada, including a final decision on approval. The Obama administration had avoided complying with the federal law that designated Yucca Mountain as a repository for nuclear waste:¶ In a rebuke to the Obama administration, a federal appeals court ruled Tuesday that the Nuclear Regulatory Commission has been violating federal law by delaying a decision on a proposed nuclear waste dump in Nevada.¶ By a 2-1 vote, the U.S. Court of Appeals for the District of Columbia ordered the commission to complete the licensing process and approve or reject the Energy Department’s application for a never-completed waste storage site at Nevada’s Yucca Mountain.¶ In a sharply worded opinion, the court said the nuclear agency was “simply flouting the law” when it allowed the Obama administration to continue plans to close the proposed waste site 90 miles northwest of Las Vegas. The action goes against a federal law designating Yucca Mountain as the nation’s nuclear waste repository.¶ “The president may not decline to follow a statutory mandate or prohibition simply because of policy objections,” Judge Brett M. Kavanaugh wrote in a majority opinion, which was joined Judge A. Raymond Randolph. Chief Judge Merrick B. Garland dissented.¶ As Glenn Reynolds wrote, “Seems like this might apply in quite a few situations.” The Obama administration has decided to ignore statutory language in the Affordable Care Act in order to delay enforcement of the employer mandate, out-of-pocket caps on insurance, and a few other aspects of the law it champions to this day. The Yucca Mountain case provides a similar scenario, and at least at the moment, legal precedent that would likely apply to an appeal of the waivers unilaterally imposed by President Obama.¶ The appeals court explicitly stated that a failure to bind a President to the statute has important implications for the principle of limited government — and so does the ObamaCare case. Once Congress passes a bill and a President signs it, it becomes binding law — binding on the President as well as everyone else. In order to “waive” a mandate at this point, Obama has to go back to Congress and ask them to modify the statute accordingly. Obama won’t do that because the House will insist on rolling back all of the mandates at the same time, and the Senate might actually go along with that approach after the serial disaster that this rollout has produced.¶ Instead, the formal constitutional-law scholar has convinced himself that statutes don’t apply to the President. The DC court of appeals has just given Obama a basic lesson in constitutional law, one that stretches from the Nevada mountainside to the doors of HHS. Perhaps the House might think about filing suit under this precedent to force Obama to come back to Congress.

## T

**We meet – we get rid of the President’s authority to do TK’s without due process – we only have to restrict Obama’s AUTHORITY – not ALL OCO’s**

#### Restriction means a limit or qualification, and includes conditions on action

CAA 08,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition.").

P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

#### “Statutory restriction” means limits imposed by legislation

Black’s Law

“statutory restriction”, <http://thelawdictionary.org/statutory-restriction/>, accessed 6-2-13

Limits or controls that have been placed on activities by its ruling legislation.

**Precision – our ev is best at defining the terms of art in the topic – they confuse “restrict” with “restrain”**

**Oklahoma Attorney General 04**Opinions - 3/19/2004, Question Submitted by: The Honorable Mark Campbell, District Attorney, 19th District; The Honorable Jay Paul Gumm, State Senator, District 6, 2004 OK AG 7, [http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=43849](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=438494" \t "_blank)

Accordingly, we must look to the plain and ordinary meaning of the term. Webster's New International Dictionary defines restrictions as follows: "something that restricts" and "a regulation that restricts or restrains." Id. at 1937 (3d ed. 1993). Restrict is defined as follows: "to set bounds or limits to: hold within bounds: as a : to check free activity, motion, progress, or departure." Id. Restrain is defined as to "prevent from doing something." Id. at 1936. Therefore, as used in Section 1125, "restrictions" is meant to describe those conditions of parole or probation which are intended to restrain or prevent certain conduct of the person subject thereto.

**They overlimit – they only allow for 4 affs with no Congress or Court key warrants – so we’d always lose to executive restraint which is an almost unbeatable functional limit on the topic**

**And kills education – this is the WAR POWERS AUTHORITY topic, NOT the OCOs topic – the focus is on the TYPES of restrictions, not TACTICS – they destroy education about different standards of restricting the Executive**

**And we’d lose to every PIC out of individual cyber attack – making it impossible to be aff**

**No bidirectional – get restrictions bad DAS**

**No ground loss get DAs tor eview process**

**Default to reasonability – competing interpretations create a race to the bottom**

## XO CP

**Perm – Do both – solves politics – means he wouldn’t fight the plan**

**Question of starting point – XO no trusted**

#### Congress has to act first – key to solve

Fisher, 04 [Louis, Senior Specialist in Separation of Powers at the Congressional Research Service, Specialist in Constitutional Law at Law Library, Presidential War Power, 2nd ed., 2004, p. 280-281]

Members of Congress need to participate in the daily grind of overseeing administration policies, passing judgment on them, and behaving as a coequal, independent branch. When Presidents overstep constitutional barriers or threaten to do so, Congress must respond with solid statutory checks, not floor speeches and “sense of Congress” resolution. Action by statute is needed to safeguard the legislative institution, maintain a vigorous system of checks and balances, and fulfill the role of Congress as the people’s representatives. Members do more than represent districts and states; they represent popular control. Citizens entrust to Congress the safekeeping of their powers, especially over matters of war and peace. Legislators act as custodians of the people. If they neglect that function, citizens, scholars, and interest groups must apply constant pressure on Congress to discharge the constitutional duties assigned to it. Congress may stand against the President or stand behind him, but should not stand aside as it did year after year during the Vietnam War, looking the other way and occasionally complaining about executive usurpation. Members have to participate actively in questions of national policy, challenging Presidents and contesting their actions. Military issues need the thorough exploration and ventilation that only Congress can provide.

**Perm – Do the counterplan**

#### CP will get rolled back by future presidents

Friedersdorf 13

(CONOR FRIEDERSDORF, staff writer, “Does Obama Really Believe He Can Limit the Next President's Power?” MAY 28 2013, <http://www.theatlantic.com/politics/archive/2013/05/does-obama-really-believe-he-can-limit-the-next-presidents-power/276279/>, KB)

Obama doesn't seem to realize that his legacy won't be shaped by any perspicacious limits he places on the executive branch, if he ever gets around to placing any on it. The next president can just undo those "self-imposed" limits with the same wave of a hand that Obama uses to create them. His influence in the realm of executive power will be to expand it. By 2016 we'll be four terms deep in major policy decisions being driven by secret memos from the Office of Legal Counsel. The White House will have a kill list, and if the next president wants to add names to it using standards twice as lax as Obama's, he or she can do it, in secret, per his precedent.

**And the counterplan is a voting issue – it’s object fiat – they kill aff ground and produce bad education by talking about who should do something instead of what we do – we’re the only way to find out which war powers are good and bad – and no logical decision-maker can ever make the choice between the 2 actors**

Congress is key to clarity – only statute is perceived and enforced

Waxman 8/25/13 (Matthew Waxman is a law professor at Columbia Law School, where he co-chairs the Roger Hertog Program on Law and National Security. He is also Adjunct Senior Fellow for Law and Foreign Policy at the Council on Foreign Relations and a member of the Hoover Institution Task Force on National Security and Law. He previously served in senior policy positions at the State Department, Defense Department, and National Security Council. After graduating from Yale Law School, he clerked for Judge Joel M. Flaum of the U.S. Court of Appeals and Supreme Court Justice David H. Souter, “The Constitutional Power to Threaten War” Forthcoming in YALE LAW JOURNAL, vol. 123, 2014, August 25th DRAFT)

The formal participation of political opponents in legislative bodies provides them with a forum for registering dissent to presidential policies of force through such mechanisms floor statements, committee oversight hearings, resolution votes, and funding decisions. 147 **These official actions prevent the President “from monopolizing the nation’s political discourse”** on decisions regarding military actions can thereby make it difficult for the President to depart too far from congressional preferences. 148 Members of the political opposition in Congress also have access to resources for gathering policyrelevant information from the government that informs their policy preferences. Their active participation in specialized legislative committees similarly gives opponent party members access to fact-finding resources and forums for registering informed dissent from decisions within the committee’s purview. 149 As a result, legislative institutions within democracies can enable political opponents to have a more immediate and informed impact on executive’s decisions regarding force than can opponents among the general public. Moreover, studies suggest that Congress can actively shape media coverage and public support for a president’s foreign policy engagements. 150 In short, these findings among political scientists suggest that, even without having to pass legislation or formally approve of actions, Congress often operates as an important check on threatened force by providing the president’s political opponents with a forum for registering dissent from the executive’s decisions regarding force in ways that attach domestic political costs to contemplated military actions or even the threats to use force. Under this logic, **Presidents, anticipating dissent, will be more selective in issuing threats** in the first place, making only those commitments that would not incite widespread political opposition should the threat be carried through. 151 Political opponents within a legislature also have few electoral incentives to collude in an executive’s bluff, and they are capable of expressing opposition to a threatened use of force in ways that could expose the bluff to a threatened adversary. 152 This again narrows the President’s range of viable policy options for brandishing military force. Counter-intuitively, given the President’s seemingly unlimited and unchallenged constitutional power to threaten war, **it may** in some cases **be easier for** members of **Congress to influence presidential decisions to threaten military action than** presidential war decisions **once U.S. forces are already engaged** in hostilities. It is widely believed that once U.S. armed forces are fighting, congressmembers’ hands are often tied: policy opposition at that stage risks being portrayed as undermining our troops in the field. 153 Perhaps, it could be argued, the President takes this phenomenon into account and therefore discounts political opposition to threatened force; he can assume that such opposition will dissipate if he carries it through. Even if that is true, **before that point occurs**, however, members of **Congress may have communicated messages domestically and communicated signals abroad that the President will find difficult to counter**. 154 The bottom line is that a body of recent political science, while confirming the President’s dominant position in setting policy in this area, also reveals that policymaking with respect to threats of force is significantly shaped by domestic politics and that Congress is institutionally positioned to play a powerful role in influencing those politics, even without exercising its formal legislative powers. Given the centrality of threatened force to U.S. foreign policy strategy and security crises, this suggests that the practical war powers situation is not so imbalanced toward the President as many assume.

Congressional involved is key to check the perception of unchecked authority

Dycus 10 (Stephen – Professor @ Vermont Law School, “Cybersecurity Symposium: National Leadership, Individual Responsibility: Congress's Role in Cyber Warfare” 2010, 4 J. Nat'l Security L. & Pol'y 155)

I. Congress's Role in Deciding When and How To Go to War

There is broad agreement that congressional authorization is needed to start a war. n9 On the other hand, the President may act without Congress's approval to repel an attack on the United States. n10 Between these two extremes, the scope of the President's unilateral authority to use military [\*157] force is less well understood. n11 Once hostilities are under way, there is a consensus that the President has the tactical powers of a Commander in Chief, although it may not always be clear which of the President's actions are tactical and which are strategic. n12

Before an attack can be launched, of course, Congress must have supplied the President with personnel and weapons. n13 Moreover, Congress may regulate the President's actions as Commander in Chief, except when the nation comes under sudden attack or the President exercises her tactical powers (and perhaps even then). In the Supreme Court's 1800 decision in Bas v. Tingy, Justice Paterson, one of the Framers, echoed the other Justices in declaring that "as far as congress authorized and tolerated the war on our part, so far may we proceed in hostile operations." n14 Four years later, in Little v. Barreme, the Court reiterated that the President must not exceed limits set forth in Congress's authorization of hostilities. n15 Since then, no court has ruled otherwise. n16

In the intervening two centuries, Congress has adopted a number of measures to control the initiation or conduct of warfare. At the end of the Vietnam War, for example, Congress passed the War Powers Resolution (WPR), n17 which requires the President to report to Congress within 48 hours [\*158] the introduction of U.S. armed forces into hostilities or imminent hostilities, and to withdraw those forces within 60 days if Congress does not expressly approve of their continued deployment. n18 Lambasted by some as an unconstitutional encroachment on presidential powers, the WPR has been followed (or at least lip service has been paid to it) by each President since the Nixon administration, n19 and Congress has repeatedly referred to the WPR approvingly in subsequent legislation. n20

If Congress now fails to enact guidelines for cyber warfare, it might be perceived as inviting "measures on independent presidential responsibility." n21 Chief Justice Marshall suggested in Little v. Barreme that if Congress had remained silent, the President might have been free to conduct the Quasi-War with France as he saw fit. n22 But the national interest in electronic warfare, just as in that early maritime conflict, is so great that the planning and conduct of such a war should not be left entirely to the Executive. And because a cyber war might be fought under circumstances that make it impossible for Congress to play a meaningful contemporaneous role, Congress ought to get out in front of events now in order to be able to participate in the formulation of national policy.

**Counterplan links to politics – causes Republicans to freak out**

Zengerle and Spetalnick 13 [Patricia and Matt, writers for Reuters, “Obama wants to end War on Terror but Congress balks,” Reuters, May 24, 2013, <http://www.reuters.com/article/2013/05/24/us-usa-obama-speech-idUSBRE94M04Y20130524>] CPO

(Reuters) - President Barack Obama wants to roll back some of the most controversial aspects of the U.S. "war on terror," but efforts to alter the global fight against Islamist militants will face the usual hurdle at home: staunch opposition from Republicans in Congress.¶ In a major policy speech on Thursday, Obama narrowed the scope of the targeted-killing drone campaign against al Qaeda and its allies and announced steps toward closing the Guantanamo Bay military prison in Cuba.¶ He acknowledged the past use of "torture" in U.S. interrogations, expressed remorse over civilian casualties from drone strikes, and said Guantanamo "has become a symbol around the world for an America that flouts the rule of law."¶ After launching costly wars in Iraq and Afghanistan, the United States is tiring of conflict. While combating terrorism is still a high priority, polls show Americans' main concerns are the economy and other domestic issues such as healthcare.¶ Conservative opponents said they would try to block the closure of Guantanamo and rejected Obama's call to repeal the Authorization for Use of Military Force, passed in September 2001 and the legal basis for much of the "war on terror."¶ "We have 166 prisoners remaining (at Guantanamo) ... the meanest, nastiest people in the world. They wake up every day seeking to do harm to America and Americans. And if they are released, that's exactly what they are going to do," Republican Senator Saxby Chambliss said in an address to constituents on Friday.¶ Obama called for an end to a "boundless global war on terror" but Republicans warned against being too quick to declare al Qaeda a spent force.¶ "To somehow argue that al Qaeda is quote ‘on the run,' comes from a degree of unreality that to me is really incredible. Al Qaeda is expanding all over the Middle East from Mali to Yemen and all the places in between," scoffed Republican Senator John McCain after Obama's speech.¶ While Obama largely has a free hand as commander in chief to set U.S. drone policy, Congress has used its power of the purse to block him from closing Guantanamo.¶

## Deterrence DA

**Link ev isn’t about the plan – just says OCOS are good in general - we still allow retaliation their ev says that is eky**

**No cyber deterrence now – other countries aren’t sure who the U.S. is going to attack and are confused on WHO makes the decisions – they’ll pre-emptively attack us because they’re fearful of rogue agents – that’s Kramer**

#### Congressional oversight necessary for allied credibility— restoring legitimacy to OCOs is key to cyber coalitions

Dunlap 12, **Major General and Former Deputy Judge Advocate General**

(Lawless Cyberwar? Not If You Want to Win, [www.americanbar.org/groups/public\_services/law\_national\_security/patriot\_debates2/the\_book\_online/ch9/ch9\_ess2.html](http://www.americanbar.org/groups/public_services/law_national_security/patriot_debates2/the_book_online/ch9/ch9_ess2.html))

Military commanders have seen the no-legal-limits movie before and they do not like it. In the aftermath of 9/11, civilian lawyers moved in exactly that direction. Former Attorney General Alberto Gonzales, for example, rejected parts of the Geneva Conventions as “quaint.” He then aligned himself with other civilian government lawyers who seemed to believe that the President’s war-making power knew virtually no limits. The most egregious example of this mindset was their endorsement of interrogation tecshniques now widely labeled as torture.25 The results of the no-legal-limits approach were disastrous. The ill-conceived civilian-sourced interrogation, detention, and military tribunal policies, implemented over the persistent objections of America’s military lawyers, caused an international uproar that profoundly injured critical relations with indispensable allies.26 Even more damaging, they put the armed forces on the road to Abu Ghraib, a catastrophic explosion of criminality that produced what military leaders like then U.S. commander in Iraq Lieutenant General Ricardo Sanchez labeled as a “clear defeat.”27 Infused with illegalities, Abu Ghraib became the greatest reversal America has suffered since 9/11. In fact, in purely military terms, it continues to hobble counterterrorism efforts. General David Petraeus observed that “Abu Ghraib and other situations like that are non-biodegradable. They don’t go away.” “The enemy,” Petraeus says, “continues to beat you with them like a stick.”28 In short, military commanders want to adhere to the law because they have hard experience with the consequences of failing to do so. Why, then, is Baker—and others—so troubled? Actually, there are legitimate concerns about America’s cyber capabilities, but the attack on the issues is misdirected. Indeed, if Baker substitutes the term policy maker for lawyer and the term policy for law, he might be closer to the truth in terms of today’s cyberwar challenges. To those with intimate knowledge of the intricacies of cyber war, it is not the “law,” per se, that represents the most daunting issue; to them, it ispolicy. For example, retired Air Force General Michael Hayden, the former head of the National Security Agency (NSA), and later Director of the CIA, told Congress in October of 2011 that America’s cyber defenses were being undermined because cyber information was “horribly overclassified.”29 That issue is not sourced in lawyers, but in policy makers who could solve the classification problem virtually overnight if they wanted to. That same month, General Keith B. Alexander, Commander of U.S. Cyber Command and current NSA Director, said that rules of engagement were being developed that would “help to define conditions in which the military can go on the offensive against cyber threats and what specific actions it can take.” General Alexander readily acknowledges the applicability of the law of armed conflict, but suggests that challenges exist in discerning the facts and circumstances to apply to the law.30 This gets to the “act of war” question Baker complains about. The law does provide a framework;31 it is up to decision makers to discern the facts to apply to that framework. Hard to do? Absolutely. But—frankly—such “fog of war” issues are not much different than those military commanders routinely confront in the other domains of conflict where difficult decisions frequently must be made on imperfect information. The ability (or inability) to determine facts is not a legal issue, but as much a technical problem for the specialists to solve. So if there is a difficulty in that regard, the complaint ought to be directed at cyber scientists or even policy strategists, but not the lawyers. Sure, the law requires an ability to determine the source of an attack before launching a military response, but so does good sense and effective military strategy. The same can be said for the legal requirement to assess the impact on civilians and civilian objects before launching a cyber attack. This is information that decision makers would want for political and policy reasons wholly independent of any legal requirements. As the great strategist Carl von Clausewitz observed, “War is the continuation of policy by other means.”32 Again, if the ability to make the calculations that political leaders and policy makers require as much as lawyers is inadequate, that is a technical, not legal, issue. When—and if—the facts and circumstances are determined, weighing them is what policy makers and military commanders “do.” Lawyers may help them, but ultimately it is the decision maker’s call, not the lawyer’s. Any reluctance of decision makers to make difficult fact determinations—if such reluctance does exist—is not, in any event, a deficiency of law, but ofleadership. Of course, such decisions are never exclusively about legal matters. Policy makers and commanders rightly take into account a variety of factors beyond the law. In actual practice, it appears that such considerations often are more limiting than the law. For example, the Washington Post reported that U.S. cyber weapons “had been considered to disrupt Gaddafi’s air defenses” early in NATO’s UN-sanctioned operations aimed at protecting Libyan civilians.33 However, the effort “was aborted,” the Post said, “when it became clear that there was not enough time for a cyber attack to work.” Conventional weapons, it was said, were “faster, and more potent,” a pure military rationale. None of this reflects even the slightest suggestion that “lawyers” or the law frustrated the execution of a cyber operation in Libya. No doubt there was discussion about cyber-reporting obligations under the War Powers Resolution, but Presidents have almost never seen that as a bar to military actions, so it can hardly be said to be something unique to cyber operations or that operated to actually block a cyber attack, per se. Rather, it is but one of the many political considerations applicable to military actions generally, cyber or otherwise. To be clear, the primary concern about the potential use of cyber weaponry against Libya wasnot anything generated by lawyers as Baker might put it, but rather by “administration officials and even some military officers” who, the New York Times says, “balked, fearing that it might set a precedent for other nations, in particular Russia or China, to carry out such offensives of their own.” Along this line, the Times quoted James Andrew Lewis, a senior fellow at the Center for Strategic and International Studies, as opining that the United States does not want to be the “ones who break the glass on this new kind of warfare.”34 Again, the legitimacy of these concerns aside, they illustrate— regardless—that while there may be unresolved policy questions inhibiting cyber operations, that is altogether different from the legal problems of Baker’s imaginings. The threat of cyberwar is certainly an extremely serious one, but surely not a greater peril than is nuclear war. Yet at least insofar as the U.S. military is concerned, nuclear operations can be made amenable to the law.35 In other words, if our survival does not require abandoning the rule of law with respect to nuclear weapons, there is certainly no reason to do so in the cyber realm. Does Baker nevertheless believe that the United States is so vulnerable to catastrophic cyber attack that the nation must reject any legal limits in its cyber response? If, indeed, the United States were as vulnerable to catastrophic attack as Baker would have us believe, al Qaeda or some extremist group certainly would have launched one by now. In point of fact, although cyber crime may be extensive, militarily significant cyber attacks apparently are not so easy to conduct as Baker seems to think. In reporting the rejection of cyber weaponry as a means of dismantling ibyan air defenses, The New York Times noted that: While popular fiction and films depict cyberattacks as easy to mount—only a few computer keystrokes needed—in reality it takes significant digital snooping to identify potential entry points and susceptible nodes in a linked network of communications systems, radars and missiles like that operated by the Libyan government, and then to write and insert the proper poisonous codes. Obviously, if cyber weaponry is technically difficult for the world’s foremost military to use even against a third-world power such as Libya, one may reasonably infer that it is markedly more difficult to use against a sophisticated first-world power, even for a peer or near peer of that power. Rejection of legal limits carries other, real-world consequences that are not in the United States’ cyber interests. An effective response to cyber threats is not an autarchic enterprise; it requires the cooperation of international allies. Baker’s “damn the law and lawyers” approach would [harm]~~cripple~~ our relations with the law-abiding nations whose cooperation we must have to address cyber threats. We need to keep in mind that the vast majority of adverse cyber incidents are criminal matters, and the resolution of them frequently necessitates the involvement of foreign police and judicial authorities who, by definition, require partners who are themselves committed to faithfulness to the rule of law. The importance of legal legitimacy cannot be overstated. As outlined above, few in uniform who have experienced the vicissitudes of war since 9/11 would underestimate the deleterious impact on coalition support that the mere perception of American lawlessness can have.

#### That it increases key flexibility and secures cyberspace

Lord et al 11, Vice President and Director of Studies at the Center for a New American Security

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The United States should lead a broad, multi-stakeholder international cyber security coalition that supplements U.S. freedom of action in cyberspace with global norms that will help protect its interests. The United States must play a greater leadership role within a range of existing and emerging international coalitions if it wishes to shape the future of cyberspace and how it is governed.35 Exercising leadership may, in some circumstances, require the United States to curtail some freedom of action internationally in order to shape the behavior of others. It does this already by adhering to existing norms and agreements, such as the Law of Armed Conflict and World Trade Organization. As long as such tradeoffs remain consistent with American interests and values, this cooperative leadership model offers the best way for the United States to strengthen its cyber security. Since the United States pursues competing interests and values in cyberspace, it must develop policies that balance those interests and values. An effective cyber security strategy requires American policymakers to balance competing interests and values in a way that defends the nation without subverting what it stands for.

**Nuclear deterrence should be sufficient to deter –**

#### Cyber Deterrence threat is hyped, nuclear war comes 1st – they wreck cooperation needed to solve

Charles J. Dunlap Jr., ’12 (former deputy judge advocate general of the United States Air Force, joined the Duke Law faculty in July 2010 , “Lawless Cyberwar? Not If You Want to Win”, http://www.americanbar.org/groups/public\_services/law\_national\_security/patriot\_debates2/the\_book\_online/ch9/ch9\_ess2.html)

 Moreover, uniformed professionals typically do not analyze one military capability in isolation from others. This is why, for example, the DOD Cyberspace Policy Report makes it clear that in the event of a cyber attack, the “response options may include using cyber and/or kinetic capabilities.” (Italics added.)¶ In other words, America’s cyber deterrence does not depend on any particular cyber capability, but includes the fearsome kinetic weaponry of the U.S. armed forces. What adversary today wants to take on America’s vast arsenal of diverse military capabilities?¶ As the DOD report makes clear, U.S. cyber warriors are ready to wage war within the existing limits of the law of armed conflict. Baker nonetheless indicates that in his view doing so will attempt to “impose limits on cyberwar” and is, therefore, “doomed.” Consequently, he implies that there should not be any limits on the way the United States wages cyberwar.¶ This raises an important question: Should America wage war— cyber or otherwise—without legal “limits”?¶ Military commanders have seen the no-legal-limits movie before and they do not like it. In the aftermath of 9/11, civilian lawyers moved in exactly that direction. Former Attorney General Alberto Gonzales, for example, rejected parts of the Geneva Conventions as “quaint.” He then aligned himself with other civilian government lawyers who seemed to believe that the President’s war-making power knew virtually no limits. The most egregious example of this mindset was their endorsement of interrogation techniques now widely labeled as torture.25¶ The results of the no-legal-limits approach were disastrous. The ill-conceived civilian-sourced interrogation, detention, and military tribunal policies, implemented over the persistent objections of America’s military lawyers, caused an international uproar that profoundly injured critical relations with indispensable allies.26 Even more damaging, they put the armed forces on the road to Abu Ghraib, a catastrophic explosion of criminality that produced what military leaders like then U.S. commander in Iraq Lieutenant General Ricardo Sanchez labeled as a “clear defeat.”27¶ Infused with illegalities, Abu Ghraib became the greatest reversal America has suffered since 9/11. In fact, in purely military terms, it continues to hobble counterterrorism efforts. General David Petraeus observed that “Abu Ghraib and other situations like that are non-biodegradable. They don’t go away.” “The enemy,” Petraeus says, “continues to beat you with them like a stick.”28 In short, military commanders want to adhere to the law because they have hard experience with the consequences of failing to do so.¶ Why, then, is Baker—and others—so troubled? Actually, there are legitimate concerns about America’s cyber capabilities, but the attack on the issues is misdirected. Indeed, if Baker substitutes the term policy maker for lawyer and the term policy for law, he might be closer to the truth in terms of today’s cyberwar challenges. To those with intimate knowledge of the intricacies of cyber war, it is not the “law,” per se, that represents the most daunting issue; to them, it is policy.¶ For example, retired Air Force General Michael Hayden, the former head of the National Security Agency (NSA), and later Director of the CIA, told Congress in October of 2011 that America’s cyber defenses were being undermined because cyber information was “horribly overclassified.”29 That issue is not sourced in lawyers, but in policy makers who could solve the classification problem virtually overnight if they wanted to.¶ That same month, General Keith B. Alexander, Commander of U.S. Cyber Command and current NSA Director, said that rules of engagement were being developed that would “help to define conditions in which the military can go on the offensive against cyber threats and what specific actions it can take.” General Alexander readily acknowledges the applicability of the law of armed conflict, but suggests that challenges exist in discerning the facts and circumstances to apply to the law.30¶ This gets to the “act of war” question Baker complains about. The law does provide a framework;31 it is up to decision makers to discern the facts to apply to that framework. Hard to do? Absolutely. But—frankly—such “fog of war” issues are not much different than those military commanders routinely confront in the other domains of conflict where difficult decisions frequently must be made on imperfect information.¶ The ability (or inability) to determine facts is not a legal issue, but as much a technical problem for the specialists to solve. So if there is a difficulty in that regard, the complaint ought to be directed at cyber scientists or even policy strategists, but not the lawyers. Sure, the law requires an ability to determine the source of an attack before launching a military response, but so does good sense and effective military strategy.¶ The same can be said for the legal requirement to assess the impact on civilians and civilian objects before launching a cyber attack. This is information that decision makers would want for political and policy reasons wholly independent of any legal requirements. As the great strategist Carl von Clausewitz observed, “War is the continuation of policy by other means.”32 Again, if the ability to make the calculations that political leaders and policy makers require as much as lawyers is inadequate, that is a technical, not legal, issue.¶ When—and if—the facts and circumstances are determined, weighing them is what policy makers and military commanders “do.” Lawyers may help them, but ultimately it is the decision maker’s call, not the lawyer’s. Any reluctance of decision makers to make difficult fact determinations—if such reluctance does exist—is not, in any event, a deficiency of law, but of leadership.¶ Of course, such decisions are never exclusively about legal matters. Policy makers and commanders rightly take into account a variety of factors beyond the law. In actual practice, it appears that such considerations often are more limiting than the law.¶ For example, the Washington Post reported that U.S. cyber weapons “had been considered to disrupt Gaddafi’s air defenses” early in NATO’s UN-sanctioned operations aimed at protecting Libyan civilians.33 However, the effort “was aborted,” the Post said, “when it became clear that there was not enough time for a cyber attack to work.” Conventional weapons, it was said, were “faster, and more potent,” a pure military rationale.¶ None of this reflects even the slightest suggestion that “lawyers” or the law frustrated the execution of a cyber operation in Libya.¶ No doubt there was discussion about cyber-reporting obligations under the War Powers Resolution, but Presidents have almost never seen that as a bar to military actions, so it can hardly be said to be something unique to cyber operations or that operated to actually block a cyber attack, per se. Rather, it is but one of the many political considerations applicable to military actions generally, cyber or otherwise.¶ To be clear, the primary concern about the potential use of cyber weaponry against Libya was not anything generated by lawyers as Baker might put it, but rather by “administration officials and even some military officers” who, the New York Times says, “balked, fearing that it might set a precedent for other nations, in particular Russia or China, to carry out such offensives of their own.” Along this line, the Times quoted James Andrew Lewis, a senior fellow at the Center for Strategic and International Studies, as opining that the United States does not want to be the “ones who break the glass on this new kind of warfare.”34¶ Again, the legitimacy of these concerns aside, they illustrate— regardless—that while there may be unresolved policy questions inhibiting cyber operations, that is altogether different from the legal problems of Baker’s imaginings.¶ The threat of cyberwar is certainly an extremely serious one, but surely not a greater peril than is nuclear war. Yet at least insofar as the U.S. military is concerned, nuclear operations can be made amenable to the law.35 In other words, if our survival does not require abandoning the rule of law with respect to nuclear weapons, there is certainly no reason to do so in the cyber realm.¶ Does Baker nevertheless believe that the United States is so vulnerable to catastrophic cyber attack that the nation must reject any legal limits in its cyber response?¶ If, indeed, the United States were as vulnerable to catastrophic attack as Baker would have us believe, al Qaeda or some extremist group certainly would have launched one by now. In point of fact, although cyber crime may be extensive, militarily significant cyber attacks apparently are not so easy to conduct as Baker seems to think. In reporting the rejection of cyber weaponry as a means of dismantling ibyan air defenses, The New York Times noted that:¶ While popular fiction and films depict cyberattacks as easy to mount—only a few computer keystrokes needed—in reality it takes significant digital snooping to identify potential entry points and susceptible nodes in a linked network of communications systems, radars and missiles like that operated by the Libyan government, and then to write and insert the proper poisonous codes.36¶ Obviously, if cyber weaponry is technically difficult for the world’s foremost military to use even against a third-world power such as Libya, one may reasonably infer that it is markedly more difficult to use against a sophisticated first-world power, even for a peer or near peer of that power.¶ Rejection of legal limits carries other, real-world consequences that are not in the United States’ cyber interests. An effective response to cyber threats is not an autarchic enterprise; it requires the cooperation of international allies. Baker’s “damn the law and lawyers” approach would cripple our relations with the law-abiding nations whose cooperation we must have to address cyber threats.¶ We need to keep in mind that the vast majority of adverse cyber incidents are criminal matters, and the resolution of them frequently necessitates the involvement of foreign police and judicial authorities who, by definition, require partners who are themselves committed to faithfulness to the rule of law.¶ The importance of legal legitimacy cannot be overstated. As outlined above, few in uniform who have experienced the vicissitudes of war since 9/11 would underestimate the deleterious impact on coalition support that the mere perception of American lawlessness can have.¶ In any event, the American people insist upon legality. Michael Reisman and Chris T. Antoniou noted in 1994 that the public support that democracies need to wage war “can erode or even reverse itself rapidly, no matter how worthy the political objective, if people believe that the war is being conducted in an unfair, inhumane, or iniquitous way.”¶ In truth, as important as the moral perspective may be, the practical advantages of adherence to the rule of law have a power all their own—as history plainly shows.¶ Nazi Germany’s and Imperial Japan’s gruesome violations of the law of war, for example, hardly proved advantageous to them. More recently, Saddam Hussein, who embraced war without “limits,” was pulled from a subterranean spider hole, dirty, defeated, and soon-to-be- dead.37 Muammar Gaddafi’s illicit threats to wage war upon his own civilian population in the spring of 2011 brought the military power of the international community down upon him to the point where he ended his days groveling in a sewer pipe.38¶ Military leaders know that adherence to the law is a pragmatic essential to prevailing in 21st-century conflicts. It might be attractive to some to capitalize on the unpopularity of lawyers to demonize them, and even the law itself, but military commanders understand that war today has changed. They know that law has permeated war much as it has every other human activity, and they realize the perils of ignoring its power and influence. Whether anyone likes it or not, war has become, as General James Jones, then the commander of NATO forces, observed in 2003, “very legalist and very complex.”39¶ And lawyers? “Now,” Jones said, “you need a lawyer or dozen.” To which one might today add “if you want to win.”

No link – AFF doesn’t create new red lines but develops transparent doctrine – that’s key to deterrence

Lewis 09 (James, PhD – UChicago, senior fellow and director of the Technology and Public Policy Program at CSIS, where he writes on technology, security, and the international economy, “The “Korean” Cyber Attacks and Their Implications for Cyber Conflict” October 2009, CSIS)

Deterrence Weak attribution and unpredictable collateral damage make deterrence ineffective in cyberspace. Deterrence is a threat of retaliation, but it is hard to credibly threaten unknown parties and counterproductive to threaten or damage the wrong party. The United States is widely recognized to have pre-eminent offensive cyber capabilities, but it obtains little deterrent effect from this. In the absence of attribution, the response options for the United States to the July A events were extremely limited. We could not retaliate against an unknown attacker. Deterrence is the threat of violent retaliation. This threat changes the opponent's calculus of the benefits and costs of an attack. But it is hard to convincingly threaten an unknown attacker, and weak attribution makes traditional deterrent concepts those based on the threat of reprisal for an attack (either countcrforce or countcrvalue) largely irrelevant in cyberspace. The intcrconnectivity of cyberspace makes predicting collateral damage difficult. Uncertainty about the scope of collateral damage involves both unintended effects on the target and also possible damage to third party networks connected to or dependent upon the target network. Disabling or disrupting one network may affect third parties; for example, an attack on an opponent's network might accidently degrade a neutral nation's satellite or telecommunications sen ices. Anecdotal reports suggest that Israeli cyber attacks on Syrian air defense networks also damaged domestic Israeli networks. Classic deterrence accepted (in theory) a measure of collateral damage. Strikes on invading Soviet forces in Germany would have harmed civilian populations in both allied and enemy countries. But these strikes were reserved for extreme situations when sovereignty had been clearly violated by military force. The extent of collateral damage for nuclear weapons was in some ways easier to predict than is the case in cyber conflict the blast and radiation effect of nuclear weapons is limited to an area around impact: in cyberspace, collateral damage may not be contiguous with the target. Uncertainty about collateral damage may hobble deterrence in cyberspace, by reducing the willingness of political leaders to incur the risk of a retaliatory response that goes awry, widening a conflict or creating unfavorable political consequences. The threat of counterstrike was the basis of deterrence in the Cold War. However, the rationale for this kind of deterrence is not applicable to cyber conflict. In the Cold War. there was symmetry in vulnerabilities each side had cities and populations that the other could hold hostage. That symmetry no longer exists. The United States is far more dependent on digital networks than its opponents and this asymmetric vulnerability means that the United States would come out worse in any cyber exchange. There was clear attribution in the Cold War that allowed for both credible threats and for "signaling" and tacit understandings between opponents on "redlines" and thresholds. We lack that clarity in cyber conflict. The combination of asymmetric vulnerability. weak attribution and unpredictable collateral damage limit our ability to make a credible threat against an opponent in cyberspace. Deterrence relics on more than the implied threat of the use of force in response to an attack. It requires statements about intentions and understanding among potential opponents that define and limit the environment for conflict. Deterrence in cyberspace is limited because we have not adequately assessed what combination of cyber capabilities, defensive measures, and international agreements will make the United States and its allies most secure. It would be useful to undertake a larger strategic calculation, preferably in a public dialogue, to determine the weighting and balance among offensive, defense and multilateral efforts in cyberspace that best reduces the risk of cvber attack.

## Iran PTX DA

#### **Losers-lose is wrong – won’t impact rest of agenda**

Sargent, 9/10 (Greg, 9/10/2013, Washington Post.com, “No, a loss on Syria would not destroy the Obama presidency,” Factiva))

If not? None of the other permutations here are anywhere close to that kind of threat to the Obama presidency. Presidents lose key votes which are then mostly forgotten all the time. They pursue policies which poll badly, but are then mostly forgotten, all the time. Look, there is no question that if Obama loses Syria vote, the coverage will be absolutely merciless. But let's bring some perspective. The public will probably be relieved, and eventually all the "Obama is a loser" talk will sink out of the headlines and be replaced by other big stories with potentially serious ramifications for the country. It's key to distinguish between two things here. One question is: How would a loss impact the credibility of the President and the United States with regard to upcoming foreign policy crises and confrontations? That's not the same as asking: How would a loss impact Obama's relations with Congress in upcoming domestic battles? And on that latter score, there's a simple way to think about it: Look at what's ahead on the calendar. The two looming items are the government shutdown and debt ceiling battles, and when it comes down to it, there's no reason to believe a loss on Syria would substantially alter the dynamics on either. Both are ultimately about whether House Republicans can resolve their own internal differences. Will a Syria loss weaken Obama to the point where Republicans would be even more reluctant than they are now to reach a deal to continue funding the government? Maybe, but even if a shutdown did result, would a loss on Syria make it any easier for the GOP to dodge blame for it? It's hard to see how that work in the eyes of the public. Same with the debt limit. Is the argument really going to be, See, Obama lost on Syria, so we're going to go even further in threatening to unleash economic havoc in order to defund Obamacare and/or force cuts to popular entitlements? There's just no reason why a Congressional vote against Syria strikes would make the "blame game" on these matters any easier for Republicans. Is it possible that a loss on Syria will make Congressional Dems less willing to draw a hard line along with the president in these talks, making a cave to the GOP more likely? I doubt it. It will still be in the interests of Congressional Dems to stand firm, because the bottom line remains the same: House Republicans face potentially unbridgeable differences over how far to push these confrontations, and a united Dem front exploits those divisions. Syria doesn't change any of that. If a short term deal on funding the government is reached, the prospects for a longer term deal to replace the sequester will be bleak, but they've been bleak for a long time. Syria will fade from public memory, leaving us stuck in the same stalemate -- the same war of attrition -- as before. What about immigration? The chances of comprehensive reform passing the House have always been slim. Could a Syria loss make House Republicans even less likely to reach a deal? Maybe, but so what? Does anyone really imagine Latinos would see an Obama loss on Syria as a reason to somehow become less inclined to blame the GOP for killing reform? The House GOP's predicament on immigration will be unchanged. Whatever happens on Syria, and no matter how much "Obama is weak" punditry that results from it, all of the remaining battles will be just as perilous for the GOP as they appeared before the Syria debate heated up. Folks making the case that a Syria loss throws Obama's second term agenda into serious doubt -- as if Congressional intransigence were not already about as bad as it could possibly get -- need to explain what they really mean when they say that. It's not clear even they know.

#### PC theory is no longer true

Ryan Lizza 1-30, The New Yorker's Washington correspondent, [Obama Breaks Up with Congress,” http://www.newyorker.com/online/blogs/comment/2014/01/the-state-of-the-union-or-obama-breaks-up-with-congress.html]

Several generations of political leaders and journalists have been taught to believe that, in the words of the political scientist Richard Neustadt, “Presidential power is the power to persuade.” Presidents always come into office believing that, with bargaining, cajoling, and pure reason, they can bring members of Congress around to the idea that passing the White House’s agenda is in their interest. Obama believed this in his bones; his 2008 campaign was premised on it.¶ But modern political scientists have abandoned some of Neustadt’s core claims. They’ve settled on a far less exciting analysis, which casts the President as a more passive victim of circumstance who can do little to move Congress unless he already has a majority of votes. Instead of emphasizing the potential of great Presidential leadership and heroic abilities of persuasion, this more structural view emphasizes the limits of a system in which Congress and the President—despite the way it looked on TV on Tuesday night—are co-equal branches of government. Congress contains land mines that the White House has almost no ability to defuse: the extreme polarization of the House, based on a geographic sorting of the public; the rural-state tilt in the Senate that gives Republicans an advantage; the filibuster, and more.¶ It has taken Obama years to transform from a Neustadtian into a structuralist, but Tuesday night marked the completion of the cycle. That metamorphosis has forced the White House to think hard about how Obama can effect change on his own, and it’s one reason that the President recently asked John Podesta to come aboard. (Podesta, who has long advised the White House to use more executive authority, watched the speech with other top Obama aides from the back of the chamber. He seemed pleased.)¶ It’s prudent to be skeptical when listening to the White House’s new claims about what it can accomplish without Congress. After all, if Presidents could solve America’s biggest problems on their own, they would. But every modern President pushes the boundaries of executive authority, and Obama laid out some creative ideas last night that are not just token reforms. For instance, his climate-change policies—which rely on E.P.A. regulations—can be implemented with no input whatsoever from Congress, though of course Congress can try to undo them. Obama also hinted that he may use his pen to preserve more wilderness and other sensitive lands, an environmental tool that Bill Clinton often used, but which Obama has not. His push to encourage businesses and states to raise the minimum wage and his own executive order to raise the minimum wage for future federal contractors are not trivial. He has wide latitude to reform the practices of the N.S.A.¶ But many of the other actions that he outlined will have limited impact. The White House can’t implement gun control by fiat, and it can’t fix the tax code or repair the immigration system on its own. Obama’s new realism is necessary and appropriate, but at some point this year he will need to rekindle his relationship with Congress.

UQ ev says they want to do sanctions now – if UQ is true – then PC fails cuz they’re ALREADY REJECTNG Obama

Doesn’t turn heg – sats lynch of military – maintain that ei Israel strikes

#### Negotiations fail—No progress yet, Iranian hardliners, and Russia

May, 3-27 [Clifford D. president of the Foundation for Defense of Democracies, a policy institute focusing on national security, and a foreign affairs columnist for The Washington Times.¶ Newsletter Thursday March 27, 2014 ¶ The peacenik vs. the hegemon http://www.israelhayom.com/site/newsletter\_opinion.php?id=7867]

The diplomats palavering with Iran represent the so-called P5+1: the United States, Germany, France and Britain -- but also China and Russia, whose commitment to preventing Iran from achieving a nuclear capability appears less than rock-solid.¶ And no one -- diplomats, Western leaders or the major media -- seemed terribly distressed by this: Last week, Ahmed Shaheed, the United Nations' "special rapporteur on the situation of human rights in the Islamic Republic of Iran," issued a report on the egregious persecution and discrimination of religious minorities and dissidents in that country. He noted that Iran has incarcerated at least 895 "prisoners of conscience" and "political prisoners," including 379 political activists, 292 religious "practitioners" -- including dozens of Christians -- 92 human rights defenders, 71 civic activists, 37 journalists and 24 student activists.¶ I'd guess Lady Ashton agrees with the American official who quickly absolved "moderate" Iranian President Hassan Rouhani of any blame. "These are indicators that President Rouhani has no influence over hard-liners, who remain fully in charge of the judiciary and security apparatus, government entities that are responsible for the most severe abuses against religious minorities," Dwight Bashir, deputy director for policy at the U.S. Commission on International Religious Freedom, told FoxNews.com.¶ Those darned "hard-liners" also must be responsible for Iran continuing to top the list of terrorism sponsors. Al-Jazeera -- not exactly a conservative news outlet -- this month aired a documentary making a convincing case that the bombing of Pam Am Flight 103 over Lockerbie, Scotland, in 1988 was commissioned by senior Iranian officials and sanctioned by then-Supreme Leader Ayatollah Ruhollah Khomeini himself.¶ Perhaps Lady Ashton thinks, "That was so long ago." It was just two weeks ago, though, that Israeli navy commandos interdicted the Klos-C, a ship carrying Iranian missiles intended for terrorists in Gaza. Perhaps Lady Ashton thinks, "Well, that's different." I can't think of any good reason why it would be. Or perhaps in private, she frowned at Zarif and said something like, "Not nice, Javad."¶ It's hard to imagine how the Iranian foreign minister might have responded. He is not one to conceal his enthusiasm for terrorism. Earlier this year, you may recall, he laid a wreath on the grave of Imad Mugniyeh, mastermind of the mass murder of American Marines and diplomats in Beirut in 1983.¶ At the conclusion of last week's talks, a senior U.S. official summed up what had been achieved: "We understand each other's concerns." My rough translation from diplomatese into English: "We got nowhere."¶ Perhaps they'll do better when they get together again next month. Here's one reason not to bet on it: Obama last week imposed sanctions on Russia in response to its takeover of Crimea. These were minimal sanctions -- the Russian stock market actually rose in relief -- but the fact is we're now sanctioning Russia even as Putin "partners" with us in negotiations that may lift much tougher sanctions from Iran, Russia's fellow neo-imperialist autocracy. Does anyone see a problem with this?¶ It gets worse -- or rather, it's likely to: According to The New York Times, "Russia's delegate to the Iran talks, Sergei A. Ryabkov, the deputy foreign minister, hinted in comments reported by the Interfax news agency Wednesday night that Russia might link the Ukraine and Iran issues as part of its own diplomatic leverage with the United States and European Union."¶ Ryabkov added: "We wouldn't like to use these talks as an element of the game of raising the stakes, taking into account the sentiments in some European capitals, Brussels and Washington." Let me also translate this: He's saying: "That's a nice little dry-cleaning business you have there, Mr. Obama. It would be a shame if something should happen to it."¶ For some months, Mr. Putin has been vaguely threatening to conclude a sanctions-busting deal with Iran -- billions of dollars in Iranian oil in exchange for missiles and additional nuclear facilities. Russia also has been toying with the idea of selling Iran its effective S-300 anti-aircraft batteries. That would leave the Israelis with a stark choice: Strike Iran before the system is operational or risk losing whatever capability they now have to deploy airpower to destroy Iranian nuclear facilities.¶ I fear this may not end well. Did I mention that?

#### No Iran sanctions Bill, House republicans have given up and are pursuing a different bill- Any evidence before yesterday is too old

Julian Pecquet is Al-Monitor's Congressional Correspondent., 3-27-14 (“Congress prepares second front on Iran sanctions”, [http://www.al-monitor.com/pulse/originals/2014/03/iran-sanctions-terrorism-second-front-nuclear.html#](http://www.al-monitor.com/pulse/originals/2014/03/iran-sanctions-terrorism-second-front-nuclear.html))

House lawmakers are working on new terrorism-related Iran sanctions after ceding to the Barack Obama administration's request to back off the nuclear issue, Al-Monitor has learned.¶ The House Foreign Affairs Committee is mulling ways to target Hezbollah and its Iranian patron in order to disrupt the group's support for Syria's President Bashar al-Assad. The push would allow lawmakers to demonstrate their independence from the White House on Iran while also addressing the Syrian crisis as the conflict enters its fourth year.¶ "I think it's important to make the point that it's not all hugs and kisses. Hezbollah could not exist without the support of Iran," Rep. Eliot Engel (D-NY), ranking Democrat on the Foreign Affairs Committee, told Al-Monitor.¶ He said Congress cannot allow Iran to "blackmail" the United States through terrorist proxies.¶ "Hezbollah continues to be a terrorist organization; it has turned the tide of the civil war in Syria in favor of Assad," he said. "And to me, it's one of the ironies, I guess, of the fact that at a time when we're sitting and negotiating with Iran over their nuclear program, they continue to do mischief with terrorist groups like Hezbollah. It irks me."¶ Engel said he was working on the legislation with Foreign Affairs Committee Chairman Ed Royce (R-Calif.) and others on the committee. The bill remains a work in progress, but sources cited the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010 as a model. That legislation, sponsored by former House Foreign Affairs Chairman Howard Berman (D-Calif.) and former Senate Banking Committee Chairman Chris Dodd (D-Conn.), targets individuals and companies involved in Iran's energy sector.¶ Potential targets could include the Lebanese and European banking sectors, sources said, but bill writers are still doing their due diligence to determine whether the legislation would hurt US allies or otherwise undermine other US priorities. Europe designated the military wing of Hezbollah as a terrorist organization last summer under intense pressure from the US government, but not its political or charitable arms.¶ One key question is figuring out which new legal authorities the administration actually needs. Hezbollah and its operatives are already heavily sanctioned under Executive Order 13224 of 2001, which targets terrorism financing — the State Department designated the Shiite Islamist militia a terrorist group in 1997 — as well as EO 13582 of 2011, which targets assistance to Assad's forces in Syria.¶ "There's plenty of stuff out there if you wanted to look at banks, if you wanted to look at exchange houses, if you wanted to look at hawaladars, if you wanted to look at front companies," said Matthew Levitt, a former Treasury Department official who has advised Congress on the issue. "I think that the people who are talking it through are really, right now, just talking it through and trying to come up with what would be the types of targets that would make a difference."¶ Levitt, who is now the director of the Stein Program on Counterterrorism and Intelligence at the pro-Israel Washington Institute for Near East Policy, said the goal is to cut off Iranian funding for Hezbollah.¶ "The type of activities Hezbollah's engaged in cost a lot of money," he said. "I imagine it would not only target Hezbollah funding specifically, but the channels though which they get funding, [including] from Iran. So if they were able to figure out how Iran sends the money to Hezbollah, maybe that's something they could look at, too."¶ The House hinted at further action to come when it sent President Obama a bipartisan letter signed by 394 members of Congress earlier this month. The letter spells out lawmakers' expectations for a final nuclear deal while making it clear that they have major concerns about Iran's behavior in other realms as well.¶ "Although the P5+1 process is focused on Iran's nuclear program, we remain deeply concerned by Iran's state sponsorship of terrorism, its horrendous human rights record, its efforts to destabilize its neighbors, its pursuit of intercontinental ballistic missiles and its threats against our ally, Israel, as well as the fates of American citizens detained by Iran," the letter states. "We want to work with you to address these concerns as part of a broader strategy of dealing with Iran."¶ The effort to target Hezbollah has been in the works for several months, sources said, but has recently heated up after Democrats acceded to the Obama administration's request that Congress butt out of the multiparty nuclear negotiations with Iran. Senate Majority Leader Harry Reid (D-Nev.) has blocked a vote on a bipartisan Iran sanctions bill that has garnered 59 cosponsors, and the House has also lifted the pressure since passing its own sanctions bill on a 400-20 vote last summer.

#### Obama will use executive action to solve—the plan is already in place, and was developed in negotiations with Iran, most qualified sources and empirics prove.

Kredo, 1-21 [Daily Peel¶ White House Seeks to Bypass Congress on Iran Deal¶ Aims to unilaterally unwind sanctions laws¶ ¶ President Barack Obama looks to bypass Congress on Iran sanctionsPresident Barack Obama and Speaker of the House John Boehner (R., Ohio) / AP¶ ¶ BY: Adam Kredo ¶ January 21, 2014 11:59 am]

The White House has been exploring ways to circumvent Congress and unilaterally lift sanctions on Iran once a final nuclear agreement is reached, according to sources with knowledge of White House conversations and congressional insiders familiar with its strategy.¶ The issue of sanctions relief has become one of the key sticking points in the Iran debate, with lawmakers pushing for increased economic penalties and the White House fighting to roll back regulations.¶ While many in Congress insist that only the legislative branch can legally repeal sanctions, senior White House officials have been examining strategies to skirt Congress, according to those familiar with internal conversations.¶ Sen. Mark Kirk (R., Ill.), who is leading the charge on new sanctions legislation, said that it is unacceptable for the White House to try to bypass Congress on such a critical global issue.¶ “The American people must get a say in any final nuclear agreement with Iran to ensure the mullahs never get the bomb,” Kirk told the Washington Free Beacon. “The administration cannot just ignore U.S. law and lift sanctions unilaterally.”¶ Congressional insiders say that the White House is worried Congress will exert oversight of the deal and demand tougher nuclear restrictions on Tehran in exchange for sanctions relief.¶ Top White House aides have been “talking about ways to do that [lift sanctions] without Congress and we have no idea yet what that means,” said one senior congressional aide who works on sanctions. “They’re looking for a way to lift them by fiat, overrule U.S. law, drive over the sanctions, and declare that they are lifted.”¶ Under the interim nuclear deal with Iran that began on Monday, Tehran will receive more than $4 billion in cash, according to the White House.¶ President Barack Obama could unilaterally unravel sanctions through several executive channels, according to former government officials and legal experts.¶ Executive orders grant the president significant leverage in the how sanctions are implemented, meaning that Obama could choose to stop enforcing many of the laws on the books, according to government insiders.¶ Those familiar with the ins and outs of sanctions enforcement say that the White House has long been lax with its enforcement of sanctions regulations already on the books.¶ “It’s no secret that the president, with executive power, can determine sanctions implementation, particularly with waivers and the decision not to sanction certain entities,” said Jonathan Schanzer, a former terrorism finance analyst at the Treasury Department, which is responsible for enforcing sanctions.¶ “The financial pressure has always been about closing loopholes and identifying new ones to close,” Schanzer added. “If you stop that process of constant gardening, you leave a backdoor open.”¶ Obama could also use executive waivers to “bypass restrictions imposed by the law,” according to a report by Patrick Clawson, director of research at the Washington Institute for Near East Policy (WINEP).¶ The president has a lot of leverage when it comes to sanctions and could effectively “turn a blind eye” to Iranian infractions.¶ “In the case of Iran, such an approach could allow Washington to reach a nuclear accord without Congress having to vote on rescinding, even temporarily or conditionally, certain sanctions,” Clawson wrote. “No matter how stiff and far-reaching sanctions may be as embodied in U.S. law, they would have less bite if the administration stopped enforcing them.”¶ One former senior government official said that President Obama’s legal team has likely been investigating the issue for quite some time.¶ “I’d be shocked if they weren’t putting the various sanctions laws under a microscope to see how they can waive them or work around them in order to deliver to Iran sanctions relief without having to worry about Congress standing in their way,” said Stephen Rademaker, who served as deputy legal adviser to former President George H.W. Bush’s National Security Council (NSC).¶ Executive branch lawyers are often tasked with finding ways to get around existing legislation, Rademaker said.¶ “I’m sure pretty early in the negotiating process they developed a roadmap” to ensure the president has the authority to promise Iran significant relief from sanctions, said Rademaker, who also served as chief council for the House Committee on International Relations. “I’m sure they’ve come up with an in depth analysis of what they can do relying exclusively on the president’s legal authority.”¶ The White House has been known to disregard portions of the sanctions laws that it disagrees with, according to Schanzer.¶ “Just about every time there has been new sanctions legislation, the White House has watered it down in one way or another for various reasons,” he said. “The implementation is always an imperfect implementation of what Congress wants.”¶ When asked if Obama was planning to circumvent Congress, a White House spokesperson referred the Free Beacon to its previous comment about Iran sanctions and declined to comment further.¶ The Obama administration has already begun to wind back the sanctions interim deal recently inked with Iran—an accord that does not require any type of congressional approval.¶ Iran will receive $550 million on Feb. 1, and another $450 million on March 1.¶ It will then receive $550 million on March 7, followed by similar monthly cash installments from April until July.¶ Rep. Debbie Wasserman Schultz (D., Fla.), one of the lead figures opposing new Iran sanctions legislation in the House, did not respond to a request for comment on the White House’s bid to skirt Congress.

#### PC fails – Dems

Rogin 14 (Josh, 1-11, The Daily Beast, Inside the White House War on Dems, 1/11/14, http://www.thedailybeast.com/articles/2014/01/11/inside-the-white-house-war-on-dems.html)

The Obama administration is going to war with its own party to save its peace talks with Iran.¶ The White House is now openly declaring that Senate Democrats who support new sanctions against Iran are itching for war, but their campaign to pressure their own party members has been going on for months and has done little to dissuade Democrats from supporting sanctions.¶ The White House brought their fight with Congressional Democrats out in the open Thursday evening when National Security Staff member Bernadette Meehan sent an incendiary statement lashing out at pro-sanctions Democrats to a select group of reporters, accusing them of being in favor of a strike on Iran.¶ “If certain members of Congress want the United States to take military action, they should be up front with the American public and say so,” said Meehan. “Otherwise, it’s not clear why any member of Congress would support a bill that possibly closes the door on diplomacy and makes it more likely that the United States will have to choose between military options or allowing Iran’s nuclear program to proceed.”¶ Meehan’s statement was issued the same day Senate Foreign Relations Committee Chairman Robert Menendez (D-NJ) published a Washington Post op-ed arguing in favor of legislation that would spell out Congressional parameters for a final nuclear deal with Iran and propose new sanctions that would take effect if diplomacy falls through.¶ In the op-ed Menendez called his legislation a “diplomatic insurance policy” and “an act of reasonable pragmatism.”¶ But the White House both privately and publicly has warned Democratic lawmakers that supporting the Menendez legislation could mean they will be blamed if the negotiations collapse, according to both administration officials and Congressional staffers engaged in the legislative process.¶ The message from the White House echoes warnings from Iran’s foreign minister, Javad Zarif, who last month said new sanctions in Congress would derail the interim agreement he signed at the end of November. Senior Obama administration officials themselves have warned privately that even the introduction of the new sanctions measure, let alone its passage, jeopardized the new round of talks in Geneva.¶ But the White House’s warnings have had little effect. Menendez and Sen. Mark Kirk introduced their bill on Dec. 16 with 13 Republican co-sponsors and 14 Democratic co-sponsors. The bill now has 59 co-sponsors, including 16 Democrats.¶ White House Press Secretary Jay Carney declined Friday to back down from Meehan’s characterization of pro-sanctions Democrats as warmongers.¶ “I don’t know every one of 100 senators what their personal views on, on whether or not military force ought to be used in Iran, so I can’t give a blanket statement about how they all feel,” he said. “What I do know is, when it comes to Senator Menendez and all of the partners who have assisted this administration over the years in building a sanctions regime is that we share a common goal, which is to deprive Iran of the opportunity of acquiring a nuclear weapon and to do so through negotiations. That’s why we built the sanctions regime.”¶ That explanation glosses over the fact that the Obama administration worked against several sanctions measures Congress has passed in recent years, despite claiming credit for those sanctions after the fact.¶ Regardless, both Democrats who support the administration and those who support Menendez told The Daily Beast that the White House’s tactic of going after their own party’s legislators is over-the-top and ineffective, alienating allies, creating bad will on Capitol Hill, and wasting political capital the administration may need on this issue down the road.¶ “The White House has clearly overreached in calling Democratic supporters of the Menendez-Kirk bill warmongers,” one senior Democratic Congressional aide said. “These are Democrats, some who have been in public service for decades and have long supported increasing sanctions against Iran. It’s just not credible and not helpful for them to use such extreme language when it’s clearly not true.”¶ Even those who support the administration’s overall position on Iran sanctions say the White House’s tactics are backfiring. Trita Parsi, the executive director of the National Iranian American Council, which opposes new sanctions legislation, said that the White House doesn’t appreciate that to oppose the Menendez-Kirk bill is a risky decision for Democrats because it puts them at odds with the pro-Israel lobby and many of their constituents.¶ “The approach of the White House towards Congress, particularly towards allies, is not one that tends to build political capital and as long as they continue to use that approach, there is going to continue to be unnecessary resistance,” said Parsi. “The sense in Congress is that the White House is asking them for political cover but not giving them political cover. There’s a widespread perception that there’s no reciprocity.”

# 1AR

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#### Restrict doesn’t mean prohibit

**Coffey, 82** - US Circuit Judge, dissenting (VICTOR D. QUILICI, ROBERT STENGL, et al., GEORGE L. REICHERT, and ROBERT E. METLER, Plaintiffs-Appellants, v. VILLAGE OF MORTON GROVE, et al., Defendants-Appellees Nos. 82-1045, 82-1076, 82-1132 UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT 695 F.2d 261; 1982 U.S. App. LEXIS 23560, lexis)

Pursuant to section 83, a municipality can enact an ordinance reasonably restricting or confining the use and possession of firearms. A municipality can also require registration of firearm ownership. What the legislature has authorized is limited regulation of firearm possession by local units of government, but not prohibition. Section 83 does not allow a municipality such as Morton Grove to categorically prohibit handgun possession. [\*\*35] To limit or restrict involves a circumscription which falls far short of an absolute prohibition. "The words 'prohibit' and 'restrict' are not synonymous. They are not alike in their meaning in their ordinary use . . . . 'To restrict is to restrain within bounds; to limit; to confine and does not mean to destroy or prohibit.'"

#### Only we have evidence about the Executive

**Weisselberg, 95** - Clinical Professor, University of Southern California Law Center (Charles, “THE EXCLUSION AND DETENTION OF ALIENS: LESSONS FROM THE LIVES OF ELLEN KNAUFF AND IGNATZ MEZEI” 143 U. Pa. L. Rev. 933, lexis)

A more troublesome criticism is that bringing all immigrants within the reach of the Due Process Clause, and affording judicial review, would diminish the executive's power over foreign affairs. Some have asserted that laws relating to aliens are inextricably linked to foreign affairs and that the courts cannot decide such questions without hindering our ability to function in the community of nations. n378 This assertion has some merit, but it is vastly overstated. n379 By definition, any restriction placed upon the executive lessens the government's ability to act. Requiring the executive to comply with international human rights norms is a restriction on the government's power. Yet, not every restriction on executive power is necessarily undesirable.

## ESR CP

### A2: Follow On

**Their follow-on evidence isn’t about OCO’s**

**They’ve read ev and our 1AC ev says Obama likes OCO’s – which disproves he’d follow-on**

#### No follow on

Lemieux, 11 [Scott, assistant professor of political science at the College of Saint Rose, “Checks and Imbalances,” <http://prospect.org/article/checks-and-imbalances>]

Surprisingly, it's not that the president has systematically ignored or overridden Congress. In fact, the presidency has become the dominant war-making power precisely because this is how a majority of legislators want it. The president initiated major wars in Korea, Vietnam, and Iraq (twice), and in all of these cases -- sometimes before the fact, sometimes after -- Congress has passed the buck, delegating to the president the power to authorize force rather than declaring war itself. Senators and congressmen and women are similarly happy to pass on the blame when things go bad. Hillary Clinton's assertion that her vote for the 2002 authorization for President George W. Bush to use force in Iraq was not an authorization for the preemptive war Bush actually fought is an instructive illustration of how Congress tries to have it both ways. Even courts have found that Congress has abdicated its power to the executive. In his famous concurrence in Youngstown Sheet and Tube v. Sawyer, a case that involved President Harry Truman's seizure of steel mills during the Korean War, Justice Robert Jackson noted that the Court "may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers." Statutes passed by Congress matter only if Congress asserts its power in showdowns with the president. Generally, it hasn't. As Posner and Vermuele point out, Congress has occasionally reacted after the fact to presidential abuses of power. The post-Vietnam War Powers Resolution, for example, only authorizes the president to send troops abroad for up to 60 days without congressional approval. But these legislative exercises have been toothless, if not dead letters. Without any enforcement mechanism, the War Powers Resolution and other congressional acts are essentially symbolic. More recently, the reaction to the airstrikes against Libya is quite typical: Individual legislators may grumble, but there's no legislative action.

### 1AR No solve

**Only a change in CHECKS AND BALANCES solve**

Rothschild 13 (Matthew, Feb 4, "The Danger's of Obama's Cyber War Power Grab," [www.progressive.org/dangers-of-obama-cyber-war-power-grab](http://www.progressive.org/dangers-of-obama-cyber-war-power-grab))

When our founders were drafting the Constitution, they went out of their way to give warmaking powers to Congress, not the President.

They understood that if the President could make war on his own, he’d be no different than a king.

And they also understood, as James Madison said, that such power “would be too much temptation” for one man.

And so they vested that power in Congress.

But since World War II, one President after another has usurped that power.

The latest usurper is President Obama, who did so in Libya, and with drones, and now is prepared to do so in cyberspace.

According to The New York Times, the Obama Administration has concluded that the President has the authority to launch preemptive cyberattacks.

This is a very dangerous, and very undemocratic power grab.

There are no checks or balances

when the President, alone, decides when to engage in an act of war.

And this new aggressive stance will lead to a cyber arms race. The United States has evidently already used cyber weapons against Iran, and so many other countries will assume that cyber warfare is an acceptable tool and will try to use it themselves.

Most troubling, U.S. cybersupremacy—and that is Pentagon doctrine—will also raise fears among nuclear powers like Russia, China, and North Korea that the United States may use a cyberattack as the opening move in a nuclear attack.

For if the United States can knock out the command and control structure of an enemy’s nuclear arsenal, it can then launch an all-out nuclear attack on that enemy with impunity. This would make such nuclear powers more ready to launch their nuclear weapons preemptively for fear that they would be rendered useless. So we’ve just moved a little closer to midnight.

Now, I don’t think Obama would use cyberwafare as a first strike in a nuclear war. But our adversaries may not be so sure, either about Obama or his successors.

They, too, worry about the temptations of a President.

## Iran DA

### Neg Ev

**Their ev says Loss of Cred sufficient to trigger the link – concedes Syria causes that**

**The Economist, 1/14/14** (“Mr Obama’s Iran problem” <http://www.economist.com/news/united-states/21594295-congress-not-helping-president-deal-islamic-republic-mr-obamas-iran-problem>)

Now Iran is again causing angst in Washington. Barack Obama faces acute, bipartisan scepticism in Congress, after his envoys joined other world powers in brokering an interim nuclear agreement with the Islamic Republic. This is due to take effect on January 20th, easing international sanctions in exchange for slowing Iran’s nuclear work, and buying time for a more comprehensive deal. At the time of writing 59 of 100 senators say they back a proposal to hold extra sanctions over Iran’s head, despite warnings from Mr Obama that if Congress votes for new sanctions Iran may abandon the talks. That means Senate sceptics are not far from the two-thirds majority they need to override Mr Obama’s threat of a veto. (The Republican-controlled House of Representatives strongly backs tougher sanctions, either because members think the Iranians are bluffing about walking out, or because their favoured Iran strategy involves regime change.) Team Obama has let rip, asserting that passing new sanctions—even ones whose bite is suspended—will wreck talks, shatter international unity over Iran and trigger a “march toward war”. A National Security Council staffer said that if some members of Congress want military action against Iran, “they should be upfront with the American public and say so.”

Some of the forces at work have changed little since 2007. Friends such as Israel and allies such as Saudi Arabia still believe that Iran is a rogue power that will always break nuclear promises. Many members of Congress sincerely loathe Iran’s regime, partly because it sponsors terrorism and tortures dissidents, but also, perhaps, because of a sense that Iran bested America in the battle for influence in post-Saddam Iraq. If the Iranian government of President Hassan Rohani presents a smiling face to the world, many American lawmakers see that as a trick or as a sign that existing tough sanctions have worked, making it imperative to keep a boot on the regime’s neck, while reminding Iran that fresh cheating will be punished.

Another constant is domestic politics, especially in a mid-term election year. An influential pro-Israel group, the American Israel Public Affairs Committee (AIPAC), has been lobbying members of Congress to keep the pressure on Iran. So have members of the People’s Mujahedeen of Iran (often known by the Persian acronym MEK), a group with a violent past whose opposition to the Iranian regime has nonetheless earned it allies in Congress. Lastly, cynicism remains a lodestar. Democratic leaders in the Senate are not rushing to put plans for extra sanctions to a vote, and insiders say that suits some senators very well. For such opportunists, co-sponsoring a sanctions bill that goes nowhere is an ideal outcome: it avoids hard foreign-policy trade-offs, while warding off attack ads that call them soft on Iran.

Yet at least one big thing is new: a widespread belief, certainly among Republicans, that Mr Obama is in exactly the opposite position to Mr Bush. Plenty of people in the world doubt his willingness to use force, even to prevent Iran from building a nuclear bomb on his watch. If Congress is willing to risk scuppering talks with Iran at this early stage, a big part of the explanation is that Mr **Obama is suffering a crisis of presidential credibility**. That crisis dates back, most acutely, to his failure to secure congressional approval for promised strikes on Syria for using chemical weapons. Put bluntly, Washington critics think Mr Obama talks endlessly and wields only sticks small enough to be delivered by drone.

### 1AR XO Solves

#### Obama can do it alone—Congress has no remedy to stop him

Tobin, 1-21 [Will Obama Bypass Congress on Iran?¶ Jonathan S. Tobin | @tobincommentary¶ 01.21.2014 - 5:45 PM http://www.commentarymagazine.com/2014/01/21/will-obama-bypass-congress-on-iran-sanctions/]

Although only Congress has the power to revoke the sanctions it has enacted, this is not a far-fetched scenario. It is entirely possible that the president may wish to end sanctions on his own. That could come as the result of a nuclear deal that failed to satisfy those who rightly worry about the possibility of an agreement that left Iran with its nuclear infrastructure intact. Or it might be part of a further effort to appease Tehran by scaling back sanctions in order to entice it to sign a deal. And the president believes he can achieve these ends by executive action that would come dangerously close to unconstitutional behavior, but for which Congress might have no remedy.¶ The key to any unilateral action by the president on sanctions is effective enforcement. It has long been understood by insiders that the U.S. government has only selectively enforced the existing sanctions on Iran. In 2010, the New York Times reported that more than 10,000 exemptions had already been granted by the Treasury Department to companies wishing to transact business with Iran. Since then there have been worries that the administration has been slow to open new cases by which suspicious economic activity with Iran could be proscribed.¶ As the Washington Institute for Near East Policy noted in a paper published in November 2013, the president can legitimize a policy of non-enforcement by the granting of waivers that could effectively gut any and all sanctions enacted by Congress. The only effective check on such a decision would be the political firestorm that would inevitably follow a relaxation of the sanctions that would be accurately viewed as a craven offering to the ayatollahs and also an affront to both Congress and America’s Middle East allies such as Israel and Saudi Arabia that rightly fear a nuclear Iran.¶ The administration has already made clear on other contentious issues, such as the application of immigration law, that it will only enforce laws with which it agrees. This is clearly unconstitutional, but as we have already seen with the president’s unilateral actions on immigration, Congress cannot prevent him from doing what he likes in these matters. The same might be true on Iran sanctions, especially if he is prepared to double down on inflammatory arguments falsely labeling sanctions proponents as warmongers.¶ Having begun the process of loosening sanctions on Iran with the interim deal signed in November and seemingly intent on promoting a new détente with Tehran, it requires no great leap of imagination to envision the next step in this process. Unless the president produces a deal that truly ends the Iranian nuclear threat—something that would require the dismantling of Iran’s facilities and ensuring it could not possibly continue enriching uranium or building plutonium plants—a confrontation with Congress is likely. In that event, it appears probable that the president will choose to run roughshod over the will of Congress and the rule of law.

### 1AR Negotiations Fail

**Their ev is awful – it literally says people are smiling and says it’s POSSIBLE – only OUR ev is conclusive about the OUTCOME of negotiations**

#### Russia will scuttle nuclear deal over crimea

**Slavin, 3/21** [2014, Crimea crisis could reduce sanctions pressure on Iran, Barbara, http://www.nedayeazadi.net/en/2014/03/469

As a short round of nuclear talks wound up Wednesday in Vienna, much of the world media’s focus has remained on the East-West standoff over Crimea. For Iran watchers, that has posed the question of whether the fallout from the Ukraine crisis will affect Russia’s behavior in multilateral negotiations with Iran. For now, it appears that the impact on the talks themselves has been negligible. Catherine Ashton, the chief European negotiator, told reporters that the discussions had been “substantive and useful” and that negotiators from the five permanent members of the U.N. Security Council plus Germany (the P5+1) would meet their Iranian counterparts again in Vienna next month. Having achieved an interim accord last November, negotiators have made some progress but remain far from resolving the complex technical issues that make a long-term agreement, in the words of a senior Obama administration official, akin to a “Rubik’s Cube.” A more worrisome impact of the Ukraine crisis, however, may be that Russia is tempted to soften its compliance with multilateral sanctions against Iran if the United States and the European Union escalate what so far have been limited measures to punish about two dozen Russians and pro-Moscow Ukrainians for Russia’s reabsorption of Crimea. This becomes more likely if, as now seems probable, a long-term nuclear accord with Iran has not been achieved by July 20, at which point last year’s interim deal would have to be renewed if negotiations are to continue.¶ Russia’s continued status in international affairs despite the collapse of the Soviet Union stems from its vast size, its natural resources — especially gas and oil — its possession of nuclear weapons and the veto power it holds as one of the five permanent members of the Security Council. Moscow values its role as a member of the P5+1, which has been negotiating with Iran since the latter days of the George W. Bush administration, and opposes Iran becoming another nuclear power in its backyard.¶ “In the last few years, Russia has been a constructive player in P5+1 negotiations with Iran,” says Robert Einhorn, a former senior nonproliferation expert in the Obama and Clinton administrations and now at the Brookings Institution.¶ Russia, Einhorn told Al Jazeera in an email, “doesn’t want instability or military conflict in its neighborhood and therefore has strongly supported a diplomatic solution to the Iran nuclear crisis. And while it opposes sanctions as a matter of principle, it has essentially acquiesced in international sanctions against Iran, because it knows they motivate Iran to reach an agreement.”¶ All sanctions erode over time, however, and there have already been reports that Russia might stretch the limits of the sanctions relief provided to Tehran by the November interim accord to swap goods for Iranian oil. Einhorn agrees that “Russia might now be tempted to retaliate against Western sanctions against Russia on the Crimea issue by taking steps to undercut sanctions against Iran.” But the counterargument, he notes, is that easing sanctions pressure “would reduce chances for a diplomatic solution on Iran, which would not be in Russia’s interest.”¶ Some commentators have suggested that Russia — which has traditionally held a less alarmist assessment than the West of the imminence of the threat of Iran developing nuclear weapons — may seek to ease the terms for an accord with Iran, and to benefit from the rift with the West to shore up relations with Tehran. Former Iranian nuclear negotiator Seyed Hossein Mousavian has argued that “if the Ukrainian crisis continues and Iran faces excessive demands and pressure from the West during the nuclear negotiations, Russia will move closer to Iran and the two states could form a power pole in the region.” Mousavian wrote that China could also draw closer to Iran and Russia.