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### First Off

#### The Executive branch of the United States federal government should ban the offensive use of remotely piloted aircraft for targeted killing under the war powers authority of the President of the United States and implement this through self-binding mechanisms including, but not limited to independent commissions to review and ensure compliance with the order and transparency measures that gives journalists access to White House decisionmaking.

#### Including self-binding mechanisms ensures effective constraints and executive credibility

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IV. Executive Signaling: Law and Mechanisms¶ We suggest that the executive’s credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well-motivated ones, thus distinguishing themselves from their ill-motivated mimics. Among the specific mechanisms we discuss, an important subset involve executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations.¶This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by “government” or government officials. In constitutional theory, it is often suggested that constitutions represent an attempt by “the people” to bind “themselves” against their own future decisionmaking pathologies, or relatedly that constitutional prohibitions represent mechanisms by which governments commit themselves not to expropriate investments or to exploit their populations.71 Whether or not this picture is coherent,72 it is not the question we examine here, although some of the relevant considerations are similar.73 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government.¶ Furthermore, our question is subconstitutional; it is whether a well-motivated executive, acting within an established set of constitutional and statutory rules, can use signaling to generate public trust. Accordingly we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these constraints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations; in general, the solution is to engage in actions that are less costly for good types than for bad types.¶ We begin with some relevant law; then examine a set of possible mechanisms, emphasizing both the conditions under which they might succeed and the conditions under which they might not; and then examine the costs of credibility.¶ A. A Preliminary Note on Law and Self-Binding¶ Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.74 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is “yes, at least to the same extent that a legislature can.” Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.75 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies.¶More schematically, we may speak of formal and informal means of self-binding:¶ (1) The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so.¶ (2) The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding.76 However, there may be large political costs to repealing the order. This effect does not depend on the courts’ willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it.¶ In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president’s own future choices in ways that impose greater costs on ill-motivated presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal.¶ B. Mechanisms¶ What signaling mechanisms might a well-motivated executive adopt to credibly assure voters, legislators and judges that his policies rest on judgments about the public interest, rather than on power-maximization, partisanship or other nefarious motives? Intrabranch separation of powers. In an interesting treatment of related problems, Neal Katyal suggests that the failure of the Madisonian system counsels “internal separation of powers” within the executive branch.77 Abdication by Congress means that there are few effective checks on executive power; second-best substitutes are necessary. Katyal proposes some mechanisms that would be adopted by Congress, such as oversight hearings by the minority party, but his most creative proposals are for arrangements internal to the executive branch, such as redundancy and competition among agencies, stronger civil-service protections and internal adjudication of executive controversies by insulated “executive” decisionmakers who resemble judges in many ways.78Katyal’s argument is relevant because the mechanisms he discusses might be understood as signaling devices, but his overall approach is conceptually flawed, on two grounds. First, the assumption that second-best constraints on the executive should reproduce the Madisonian separation of powers within the executive branch is never defended. The idea seems to be that this is as close as we can get to the first-best, while holding constant everything else in our constitutional order. But the general theory of second-best states that approaching as closely as possible to the first-best will not necessarily be the preferred strategy;79 the best approach may be to adjust matters on other margins as well, in potentially unpredictable ways. If the Madisonian system has failed in the ways Katyal suggests, the best compensating adjustment might be, for all we know, to switch to a parliamentary system. (We assume that no large-scale changes of this sort are possible, whereas Katyal seemingly assumes that they are, or at least does not make clear his assumptions in this regard). Overall, Katyal’s view has a kind of fractal quality – each branch should reproduce within itself the very same separation of powers structure that also describes the whole system – but it is not explained why the constitutional order should be fractal.¶ Second, Katyal’s proposals for internal separation of powers are self-defeating: the motivations that Katyal ascribes to the executive are inconsistent with the executive adopting or respecting the prescriptions Katyal recommends.80 Katyal never quite says so explicitly, but he clearly envisions the executive as a power-maximizing actor, in the sense that the president seeks to remove all constraints on his current choices.81 Such an executive would not adopt or enforce the internal separation of powers to check himself. Executive signaling is not, even in principle, a solution to the lack of constraints on a power-maximizing executive in the sense Katyal implicitly intends. Although an illmotivated executive might bind himself to enhance his strategic credibility, as explained above, he would not do so in order to restore the balance of powers. Nor is it possible, given Katyal’s premise of legislative passivity or abdication, that Congress would force the internal separation of powers on the executive. In what follows, we limit ourselves to proposals that are consistent with the motivations, beliefs, and political opportunities that we ascribe to the well-motivated executive, to whom the proposals are addressed. This limitation ensures that the proposals are not self-defeating, whatever their costs.¶ The contrast here must not be drawn too simply. A well-motivated executive, in our sense, might well attempt to increase his power. The very point of demonstrating credibility is to encourage voters and legislators to increase the discretionary authority of the executive, where all will be made better off by doing so. Scholars such as Katyal who implicitly distrust the executive, however, do not subscribe to this picture of executive motivations. Rather, they see the executive as an unfaithful agent of the voters; the executive attempts to maximize his power even where fully-informed voters would prefer otherwise. An actor of that sort will have no incentive to adopt proposals intended to constrain that sort of actor.¶ Independent commissions. We now turn to some conceptually coherent mechanisms of executive signaling. Somewhat analogously to Katyal’s idea of the internal separation of powers, a well-motivated executive might establish independent commissions to review policy decisions, either before or after the fact. Presidents do this routinely, especially after a policy has had disastrous outcomes, but sometimes beforehand as well. Independent commissions are typically blue-ribbon and bipartisan.82¶ We add to this familiar process the idea that the President might gain credibility by publicly committing or binding himself to give the commission authority on some dimension. The president might publicly promise to follow the recommendations of such a commission, or to allow the commission to exercise de facto veto power over a policy decision before it is made, or might promise before the policy is chosen that the commission will be given power to review its success after the fact. To be sure, there will always be some wiggle room in the terms of the promise, but that is true of almost all commitments, which raise the costs of wiggling out even if they do not completely prevent it.¶ Consider whether George W. Bush’s credibility would have been enhanced had he appointed a blue-ribbon commission to examine the evidence for weapons of mass destruction in Iraq before the 2003 invasion, and publicly promised not to invade unless the commission found substantial evidence of their existence. Bush would have retained his preexisting legal authority to order the invasion even if the commission found the evidence inadequate, but the political costs of doing so would have been large. Knowing this, and knowing that Bush shared that knowledge, the public could have inferred that Bush’s professed motive – elimination of weapons of mass destruction – was also his real motive. Public promises that inflict reputational costs on badly motivated behavior help the well-motivated executive to credibly distinguish himself from the ill-motivated one.¶ The more common version of this tactic is to appoint commissions after the relevant event, as George W. Bush did to investigate the faulty reports by intelligence agencies that Iraq possessed weapons of mass destruction.83 If the president appoints after-the-fact commissions, the commissions can enhance his credibility for the next event—by showing that he will be willing, after that event, to subject his statements to scrutiny by public experts. Here, however, the demonstration of credibility is weaker, because there is no commitment to appoint any after-the-fact commissions in the future – merely a plausible inference that the president’s future behavior will track his past behavior.¶ Bipartisan appointments. In examples of the sort just mentioned, the signaling arises from public position-taking. The well-motivated executive might produce similar effects through appointments to office.84 A number of statutes require partisan balance on multimember commissions; although these statutes are outside the scope of our discussion, we note that presidents might approve them because they allow the president to commit to a policy that legislators favor, thus encouraging legislators to increase the scope of the delegation in the first place.85 For similar reasons, presidents may consent to restrictions on the removal of agency officials, because the restriction enables the president to commit to giving the agency some autonomy from the president’s preferences.86¶ Similar mechanisms can work even where no statutes are in the picture. As previously mentioned, during World War II, FDR appointed Republicans to important cabinet positions, making Stimson his Secretary of War. Clinton appointed William Cohen, a moderate Republican, as Secretary of Defense in order to shore up his credibility on security issues. Bipartisanship of this sort might improve the deliberation that precedes decisions, by impeding various forms of herding, cascades and groupthink;87 however, we focus on its credibility-generating effects. By (1) expanding the circle of those who share the president’s privileged access to information, (2) ensuring that policy is partly controlled by officials with preferences that differ from the president’s, and (3) inviting a potential whistleblower into the tent, bipartisanship helps to dispel the suspicion that policy decisions rest on partisan motives or extreme preferences, which in turn encourages broader delegations of discretion from the public and Congress.¶ A commitment to bipartisanship is only one way in which appointments can generate credibility. Presidents might simply appoint a person with a reputation for integrity, as when President Nixon appointed Archibald Cox as special prosecutor (although plausibly Nixon did so because he was forced to do so by political constraints, rather than as a tactic for generating credibility). A person with well-known preferences on a particular issue, even if not of the other party or widely respected for impartiality, can serve as a credible whistleblower on that issue. Thus presidents routinely award cabinet posts to leaders of subsets of the president’s own party, leaders whose preferences are known to diverge from the president’s on the subject; one point of this is to credibly assure the relevant interest groups that the president will not deviate (too far) from their preferences.¶ The Independent Counsel Statute institutionalized the special prosecutor and strengthened it. But the statute proved unpopular and was allowed to lapse in 1999.88 This experience raises two interesting questions. First, why have presidents confined themselves to appointing lawyers to investigate allegations of wrongdoing; why have they not appointed, say, independent policy experts to investigate allegations of policy failure? Second, why did the Independent Counsel Statute fail? Briefly, the statute failed because it was too difficult to control the behavior of the prosecutor, who was not given any incentive to keep his investigation within reasonable bounds.89 Not surprisingly, policy investigators would be even less constrained since they would not be confined by the law, and at the same time, without legal powers they would probably be ignored on partisan grounds. A commission composed of members with diverse viewpoints is harder to ignore, if the members agree with each other.¶ More generally, the decision by presidents to bring into their administrations members of other parties, or persons with a reputation for bipartisanship and integrity, illustrates the formation of domestic coalitions of the willing. Presidents can informally bargain around the formal separation of powers90 by employing subsets of Congress, or of the opposing party, to generate credibility while maintaining a measure of institutional control. FDR was willing to appoint Knox and Stimson, but not to give the Republicans in Congress a veto. Truman was willing to ally with Arthur Vandenbergh but not with all the Republicans; Clinton was willing to appoint William Cohen but not Newt Gingrich. George W. Bush likewise made a gesture towards credibility by briefing members of the Senate Intelligence Committee – including Democrats – on the administration’s secret surveillance program(s), which provided a useful talking point when the existence of the program(s) was revealed to the public.¶ Counter-partisanship. Related to bipartisanship is what might be called counterpartisanship: presidents have greater credibility when they choose policies that cut against the grain of their party’s platform or their own presumed preferences.91 Only Nixon could go to China, and only Clinton could engineer welfare reform. Voters and publics rationally employ a political heuristic: the relevant policy, which voters are incapable of directly assessing, must be highly beneficial if it is chosen by a president who is predisposed against it by convictions or partisan loyalty.92 Accordingly, those who wish to move U.S. terrorism policy towards greater security and less liberty might do well to support the election of a Democrat.93 By the same logic, George W. Bush is widely suspected of nefarious motives when he rounds up alleged enemy combatants, but not when he creates a massive prescription drug benefit.¶ Counter-partisanship can powerfully enhance the president’s credibility, but it depends heavily on a lucky alignment of political stars. A peace-loving president has credibility when he declares a military emergency but not when he appeases; a belligerent president has credibility when he offers peace but not when he advocates military solutions. A lucky nation has a well-motivated president with a belligerent reputation when international tensions diminish (Ronald Reagan) and a president with a pacific reputation when they grow (Abraham Lincoln, who opposed the Mexican War). But a nation is not always lucky.¶ Transparency. The well-motivated executive might commit to transparency, as a way to reduce the costs to outsiders of monitoring his actions.94 The FDR strategy of inviting potential whistleblowers from the opposite party into government is a special case of this; the implicit threat is that the whistleblower will make public any evidence of partisan motivations. The more ambitious case involves actually exposing the executive’s decisionmaking processes to observation. To the extent that an ill-motivated executive cannot publicly acknowledge his motivations or publicly instruct subordinates to take them into account in decisionmaking, transparency will exclude those motivations from the decisionmaking process. The public will know that only a well-motivated executive would promise transparency in the first place, and the public can therefore draw an inference to credibility.¶Credibility is especially enhanced when transparency is effected through journalists with reputations for integrity or with political preferences opposite to those of the president. Thus George W. Bush gave Bob Woodward unprecedented access to White House decisionmaking, and perhaps even to classified intelligence,95 with the expectation that the material would be published. This sort of disclosure to journalists is not real-time transparency – no one expects meetings of the National Security Council to appear on CSPAN – but the anticipation of future disclosure can have a disciplining effect in the present. By inviting this disciplining effect, the administration engages in signaling in the present through (the threat of) future transparency.¶There are complex tradeoffs here, because transparency can have a range of harmful effects. As far as process is concerned, decisionmakers under public scrutiny may posture for the audience, may freeze their views or positions prematurely, and may hesitate to offer proposals or reasons for which they can later be blamed if things go wrong.96 As for substance, transparency can frustrate the achievement of programmatic or policy goals themselves. Where security policy is at stake, secrecy is sometimes necessary to surprise enemies or to keep them guessing. Finally, one must take account of the incentives of the actors who expose the facts—especially journalists who might reward presidents who give them access by portraying their decisionmaking in a favorable light.97¶ We will take up the costs of credibility shortly.98 In general, however, the existence of costs does not mean that the credibility-generating mechanisms are useless. Quite the contrary: where the executive uses such mechanisms, voters and legislators can draw an inference that the executive is well-motivated, precisely because the existence of costs would have given an ill-motivated executive an excuse not to use those mechanisms.¶Multilateralism. Another credibility-generating mechanism for the executive is to enter into alliances or international institutions that subject foreign policy decisions to multilateral oversight. Because the information gap between voters and legislators, on the one hand, and the executive on the other is especially wide in foreign affairs, there is also wide scope for suspicion and conspiracy theories. If the president undertakes a unilateral foreign policy, some sectors of the domestic public will be suspicious of his motives. All recent presidents have faced this problem. In the case of George W. Bush, as we suggested, many have questioned whether the invasion of Iraq was undertaken to eliminate weapons of mass destruction, or to protect human rights, or instead to safeguard the oil supply, or because the president has (it is alleged) always wanted to invade Iraq because Saddam Hussein ordered the assassination of his father. In the case of Bill Clinton, some said that the cruise missile attack on Osama bin Laden’s training camp in Afghanistan was a “wag the dog” tactic intended to distract attention from Clinton’s impeachment.¶ A public commitment to multilateralism can close or narrow the credibility gap.¶ Suppose that a group of nations have common interests on one dimension – say, security from terrorism or from proliferation of nuclear weapons – but disparate interests on other dimensions – say, conflicting commercial or political interests. Multilateralism can be understood as a policy that in effect requires a supermajority vote, or even unanimity, among the group to license intervention. The supermajority requirement ensures that only interventions promoting the security interest common to the group will be approved, while interventions that promote some political agenda not shared by the requisite supermajority will be rejected. Knowing this, domestic audiences can infer that interventions that gain multilateral approval do not rest on disreputable motives.¶ It follows that multilateralism can be either formal or informal. Action by the United Nations Security Council can be taken only under formal voting rules that require unanimity. Informally, in the face of increasing tensions with Iran, George W. Bush’s policy has been extensive multilateral consultations and a quasi-commitment not to intervene unilaterally. Knowing that his credibility is thin after Iraq, Bush has presumably adopted this course in part to reassure domestic audiences that there is no nefarious motive behind an intervention, should one occur.¶ It also follows that multilateralism and bipartisan congressional authorization may be substitutes, in terms of generating credibility. In both cases the public knows that the cooperators – partisan opponents or other nations, as the case may be – are unlikely to share any secret agenda the president may have. The substitution is only partial, however; as we suggested in Part III, the Madisonian emphasis on bipartisan authorization has proven insufficient. The interests of parties within Congress diverge less than do the interests of different nations, which makes the credibility gain greater under multilateralism. In eras of unified government, the ability of the president’s party to put a policy through Congress without the co-operation of the other party (ignoring the threat of a Senate filibuster, a weapon that the minority party often hesitates to wield) often undermines the policy’s credibility even if members of the minority go along; after all, the minority members may be going along precisely because they anticipate that opposition is fruitless, in which case no inference about the policy’s merits should be drawn from their approval. Moreover, even a well-motivated president may prefer, all else equal, to generate credibility through mechanisms that do not involve Congress, if concerned about delay, leaks, or obstruction by small legislative minorities. Thus Truman relied on a resolution of the United Nations Security Council rather than congressional authorization to prosecute the Korean War.99¶ The costs of multilateralism are straightforward. Multilateralism increases the costs of reaching decisions, because a larger group must coordinate its actions, and increases the risks of false negatives – failure to undertake justified interventions. A president who declines to bind himself through multilateralism may thus be either illmotivated and desirous of pursuing an agenda not based on genuine security goals, or well-motivated and worried about the genuine costs of multilateralism. As usual, however, the credibility-generating inference holds asymmetrically: precisely because an ill-motivated president may use the costs of multilateralism as a plausible pretext, a president who does pursue multilateralism is more likely to be well-motivated. ¶ Strict liability. For completeness, we mention that the well-motivated executive might in principle subject himself to strict liability for actions or outcomes that only an ill-motivated executive would undertake. Consider the controversy surrounding George W. Bush’s telecommunications surveillance program, which the president has claimed covers only communications in which one of the parties is overseas; domestic-to-domestic calls are excluded.100 There is widespread suspicion that this claim is false.101 In a recent poll, 26% of respondents believed that the National Security Agency listens to their calls.102 The credibility gap arises because it is difficult in the extreme to know what exactly the Agency is doing, and what the costs and benefits of the alternatives are.¶ Here the credibility gap might be narrowed by creating a cause of action, for damages, on behalf of anyone who can show that domestic-to-domestic calls were examined.103 Liability would be strict, because a negligence rule – did the Agency exert reasonable efforts to avoid examining the communication? – requires too much information for judges, jurors, and voters to evaluate, and would just reproduce the monitoring problems that gave rise to the credibility gap in the first place. Strict liability, by contrast, would require a much narrower factual inquiry. Crucially, a commitment to strict liability would only be made by an executive who intended to minimize the incidence of (even unintentional and non-negligent) surveillance of purely domestic communications.¶ However, there are legal and practical problems here, perhaps insuperable ones. Legally, it is hardly clear that the president could, on his own authority, create a cause of action against himself or his agents to be brought in federal court. It is well within presidential authority to create executive commissions for hearing claims against the United States, for disbursing funds under benefit programs, and so on; but the problem here is that there might be no pot of money from which to fund damages. The so-called Judgment Fund, out of which damages against the executive are usually paid, is restricted to statutorily-specified lawsuits. If so, statutory authorization for the president to create the strict liability cause of action would be necessary, as we discuss shortly.104 Practically, it is unclear whether government agents can be forced to “internalize costs” through money damages in the way that private parties can, at least if the treasury is paying those damages.105 And if it is, voters may not perceive the connection between governmental action and subsequent payouts in any event.¶ The news conference. Presidents use news conferences to demonstrate their mastery of the details of policy. Many successful presidents, like FDR, conducted numerous such conferences.106 Ill-motivated presidents will not care about policy if their interest is just holding power for its own sake; thus, they would regard news conferences as burdensome and risky chores. The problem is that a well-motivated president does not necessarily care about details of policy, as opposed to its broad direction, and journalists might benefit by tripping up a president in order to score points. Reagan, for example, did not care about policy details, but is generally regarded as a successful president.107 To make Reagan look good, his handlers devoted considerable resources trying to prepare him for news conferences, resources that might have been better used in other ways.108¶ “Precommitment politics.”109 We have been surveying mechanisms that the wellmotivated executive can employ once in office. However, in every case the analysis can be driven back one stage to the electoral campaign for executive office. During electoral campaigns, candidates for the presidency take public positions that partially commit them to subsequent policies, by raising the reputational costs of subsequent policy changes. Under current law, campaign promises are very difficult to enforce in the courts.110 But even without legal enforcement, position-taking helps to separate the well-motivated from the ill-motivated candidate, because the costs to the former of making promises of this sort are higher. To be sure, many such promises are vacuous, meaning that voters will not sanction a president who violates them, but some turn out to have real force, as George H.W. Bush discovered when he broke his clear pledge not to raise taxes.

### Second Off

#### Debt ceiling likely to be increased now without GOP extracting concessions

Beutler, 9/24 --- Salon's political writer (Brian, “Ted Cruz’s complaints are meaningless; Republicans are painting their way to a debt limit cave, and the government (and Obamacare) will be funded,” <http://www.salon.com/2013/09/24/ted_cruzs_complaints_are_meaningless/>))

Several commentators have watched the defund campaign go flaccid and responded by reissuing breathless exhortations that the risk of a debt default next month is much more severe than the risk of a shutdown ever was.¶ Here’s Steve Benen, Ezra Klein and Jonathan Chait, just today.¶ But it seems to me the past week’s events set up the following equation — cave on defunding Obamacare + ??? = win the debt limit fight — and it’s up to one of these guys to solve for ???¶ They all proceed from the same basic premise — the GOP’s demands are so extreme, and the Democrats’ commitment not to negotiating so ironclad, that Congress simply can’t increase the debt limit without one party folding. Parties don’t like to fold, ergo the risk of default is high.¶ I think this logic is flawed for a few reasons. Parties fold all the time. The GOP’s demands are actually wishes couched as demands. Their insistence on concessions from President Obama isn’t actually as black and white as the doomsayers portray it.¶ But on top of these misapprehensions, the debt limit freakout caucus also misrepresents a straightforward argument that the fight will be resolved fairly harmlessly as a lazily reductive assumption.¶ Chait says, “The debt-ceiling showdowns of 2011 and last spring both resolved themselves without triggering an economic meltdown, and so most people have come to assume the same will happen again this fall.”¶ This is a caricature, which allows doomsayers to grapple with a few basic facts. I and many others are pretty sanguine about this debt limit fight not because everything worked out OK earlier this year and in 2011, but because 1) everyone has said the debt limit will be increased; 2) the votes are there to increase the debt limit; 3) there are multiple procedural avenues that lead to votes on a debt limit increase; 4) at least two of them lead there without Republicans extracting concessions from President Obama.¶ House Republicans have a whole laundry list of non-starter debt limit “demands,” the most high-profile of which is a rider that would “delay” (as opposed to “defund”) Obamacare. Assuming John Boehner can pass that bill with GOP votes, it’ll come to the Senate, which is currently giving the public an object lesson in how Democrats can strip all of these riders on their own, while Republicans pretend they fought to the bitter end to extort the president. Don’t believe me? See the McConnell quote at the top of this article and replace the word “defund-” with “delay-.”¶ John Boehner doesn’t want to default on the national debt. He’s said he’s not willing to allow it. And lucky for him, there are enough votes in the House to pass the clean (or nearly entirely clean) debt limit bill that comes back from the Senate.¶ There are other ways out of this mess too. They’re not as harmless for individual Senate Republicans. But if for some reason Boehner can’t clear a debt limit bill on his own, one of them will prevail.¶ The process might be loud, it might shake economic confidence over the coming few weeks. It’s in Democrats’ best interest to play up the dangers and Republicans’ interest to play up their craziness until the fight is resolved. But the risk of default remains extremely low.

#### Losing authority would embolden the GOP on the debt ceiling fight and undermine the economy

Seeking Alpha, 9/10 (“Syria Could Upend Debt Ceiling Fight,” 9/10/2013, <http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight>)

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability.¶ I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four.¶ While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there, which would be limited in nature. Rather, investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over spending and the debt ceiling.¶ Currently, the government loses spending authority on September 30 while it hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe. Failure in the Syrian vote could change this. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues.¶Until now, consensus has been that the two sides would compromise to fund the government at sequester levels while passing a $1 trillion stand-alone debt ceiling increase. However, the right wing of Boehner's caucus has been pushing for more, including another $1 trillion in spending cuts, defunding of Obamacare, and a one year delay of the individual mandate. Already, Conservative PACs have begun airing advertisements, urging a debt ceiling fight over Obamacare. With the President rendered hapless on Syria, they will become even more vocal about their hardline resolution, setting us up for a showdown that will rival 2011's debt ceiling fight.¶ I currently believe the two sides will pass a short-term continuing resolution to keep the government open, and then the GOP will wage a massive fight over the debt ceiling. While Obama will be weakened, he will be unwilling to undermine his major achievement, his healthcare law. In all likelihood, both sides will dig in their respective trenches, unwilling to strike a deal, essentially in a game of chicken. If the House blocks Syrian action, it will take America as close to a default as it did in 2011. Based on the market action then, we can expect massive volatility in the final days of the showdown with the Dow falling 500 points in one session in 2011.¶ As markets panicked over the potential for a U.S. default, we saw a massive risk-off trade, moving from equities into Treasuries. I think there is a significant chance we see something similar this late September into October. The Syrian vote has major implications on the power of Obama and the far-right when it comes to their willingness to fight over the debt ceiling. If the Syrian resolution fails, the debt ceiling fight will be even worse, which will send equities lower by upwards of 10%. Investors must be prepared for this "black swan" event.¶Looking back to August 2011, stocks that performed the best were dividend paying, less-cyclical companies like Verizon (VZ), Wal-Mart (WMT), Coca-Cola (KO) and McDonald's (MCD) while high beta names like Netflix (NFLX) and Boeing (BA) were crushed. Investors also flocked into treasuries despite default risk while dumping lower quality bonds as spreads widened. The flight to safety helped treasuries despite U.S. government issues. I think we are likely to see a similar move this time.¶ Assuming there is a Syrian "no" vote, I would begin to roll back my long exposure in the stock market and reallocate funds into treasuries as I believe yields could drop back towards 2.50%. Within the stock market, I think the less-cyclical names should outperform, making utilities and consumer staples more attractive. For more tactical traders, I would consider buying puts against the S&P 500 and look toward shorting higher-beta and defense stocks like Boeing and Lockheed Martin (LMT). I also think lower quality bonds would suffer as spreads widen, making funds like JNK vulnerable. Conversely, gold (GLD) should benefit from the fear trade.¶ I would also like to address the potential that Congress does not vote down the Syrian resolution. First, news has broken that Russia has proposed Syria turn over its chemical stockpile. If Syria were to agree (Syria said it was willing to consider), the U.S. would not have to strike, canceling the congressional vote. The proposal can be found here. I strongly believe this is a delaying tactic rather than a serious effort. In 2005, Libya began to turn over chemical weapons; it has yet to complete the hand-off. Removing and destroying chemical weapons is an exceptionally challenging and dangerous task that would take years, not weeks, making this deal seem unrealistic, especially because a cease-fire would be required around all chemical facilities. The idea that a cease-fire could be maintained for months, essentially allowing Assad to stay in office, is hard to take seriously. I believe this is a delaying tactic, and Congress will have to vote within the next two weeks.¶ The final possibility is that Democrats back their President and barely ram the Syria resolution through. I think the extreme risk of a full-blown debt stand-off to dissipate. However, Boehner has promised a strong fight over the debt limit that the market has largely ignored. I do believe the fight would still be worse than the market anticipates but not outright disastrous. As such, I would not initiate short positions, but I would trim some longs and move into less cyclical stocks as the risk would still be the debt ceiling fight leading to some drama not no drama.¶ Remember, in politics everything is connected. Syria is not a stand-alone issue. Its resolution will impact the power structure in Washington. A failed vote in Congress is likely to make the debt ceiling fight even worse, spooking markets, and threatening default on U.S. obligations unless another last minute deal can be struck.

#### **And drone courts cause massive fights**

Munoz 13

(Carlo Munoz, National Security writer, “Turf battle builds quietly in Congress over control of armed drone program”, The Hill, 4/9/13, http://thehill.com/homenews/administration/292501-turf-battle-builds-quietly-over-control-of-armed-drone-program)

A turf war is quietly building between congressional defense and intelligence committees over who will oversee the Obama administration’s controversial armed drone program. ¶ Lawmakers are scrambling to make their case for or against a White House proposal that would hand control of the drones to the Pentagon. ¶ Gordon Adams, a senior defense analyst at the Stimson Center, called the looming battle a “turf fight in the [disguise] of a policy debate.”¶ The Pentagon and CIA operate their own armed drone programs, which are both geared toward eliminating senior al Qaeda leaders and other high-level terror targets around the world. Under the Obama administration’s proposal, the CIA would continue to supply intelligence on possible targets, but actual control over the drone strikes would fall to the Pentagon. ¶ Senate Intelligence Committee Chairwoman Dianne Feinstein (D-Calif.) publicly questioned whether the Defense Department (DOD) would be able to shoulder the program alone. ¶ “We’ve watched the intelligence aspect of the drone program, how they function, the quality of the intelligence, watching the agency exercise patience and discretion,” Feinstein told reporters in March. “The military [armed drone] program has not done that nearly as well.” ¶ Sen. John McCain and other defense lawmakers say the drone program would be better off being run by the Pentagon. ¶ “It’s not the job of the Central Intelligence Agency. ... It’s the military’s job,” the Arizona Republican said in March. ¶ The fight is a typical battle over who on Capitol Hill will retain power over the program, according to several analysts, who described it as predictable. ¶ “There is always going to be a turf battle” when dealing with congressional oversight, said Lawrence Korb, a former DOD official and defense analyst at the liberal-leaning Center for American Progress. ¶ But that battle could become particularly heated, given the high-profile nature of the drone program, which since the Sept. 11, 2001, attacks has become a huge factor in shaping counterterrorism policy, given its success, Korb said. ¶ For congressional panels, the fight over who will control the drone program will have a say in the relevancy of the two committees. ¶ Korb, for example, noted that national security spending on unmanned aircraft and special operations forces will likely increase, even as the budget for defense spending overall is expected to trend downward. ¶ Ironically, Pentagon officials pushed back against using armed drones in the late 1990s, fearing they would replace fighter jets as the weapon of choice in future wars, Korb said. ¶ That decision essentially handed control of the armed drone program to the CIA, he said. Early versions of the unmanned aircraft flown during the 2001 invasion of Afghanistan belonged to the agency, not the Defense Department, according to Korb. ¶ Taking that influence away from Langley and intelligence lawmakers was bound to spark a fight, he said.

#### Entertaining GOP negotiating demands will drag the process out and trigger economic collapse

Lobello, 8/27 --- business editor at TheWeek.com (Carmel, 8/27/2013, “How the looming debt ceiling fight could screw up the U.S. economy; Yup, this is happening — again,” [http://theweek.com/article/index/248775/how-the-looming-debt-ceiling-fight-could-screw-up-the-us-economy)](http://theweek.com/article/index/248775/how-the-looming-debt-ceiling-fight-could-screw-up-the-us-economy%29))

Ready for more debt-ceiling drama?¶ The Treasury Department said Monday it would hit its borrowing limit in mid-October, which means that Congress will need to raise its $16.7 trillion debt ceiling to pay the nation's bills.¶ The sooner-than-expected deadline comes at an inconvenient moment, because Congress is already facing a budget deadline for the stopgap "continuing resolution" that finances the federal government, which is set to run out September 30. Failure to come to an agreement would trigger a government shutdown.¶ Having two big deadlines fall two weeks apart could be a recipe for disaster. Republicans, led by Speaker John Boehner (R-Ohio), have been musing about the possibility of using the debt ceiling, instead of a government shutdown, as leverage to delay the implementation of ObamaCare.¶ But as Ezra Klein put it in The Washington Post, "Trading a government shutdown for a debt-ceiling breach is like trading the flu for septic shock":¶ Anything Republicans might fear about a government shutdown is far more terrifying amidst a debt-ceiling breach. The former is an inconvenience. The latter is a global financial crisis. It’s the difference between what happened in 1995, when the government did shutdown, and what happened in 2008, when global markets realized a bedrock investment they thought was safe (housing in that case, U.S. treasuries in this one) was full of risk. [The Washington Post]¶ Indeed, a debt ceiling debate in 2011 that went on to the last possible minute had real economic consequences, leading Standard & Poor's to downgrade the United States' credit rating. The move "left a clear and deep dent in US economic and market data," said Matt Phillips at Quartz.¶ Investors pulled huge amounts of cash from the stock market, and consumer confidence was hurt as well. When the same problem cropped up again in May 2012, because Congress failed to reach a long-term deal, Betsey Stevenson and Justin Wolfers in Bloomberg explained how confidence plummeted the first time around:¶ [Confidence] went into freefall as the political stalemate worsened through July. Over the entire episode, confidence declined more than it did following the collapse of Lehman Brothers Holdings Inc. in 2008. After July 31, when the deal to break the impasse was announced, consumer confidence stabilized and began a long, slow climb that brought it back to its starting point almost a year later. [Bloomberg]¶ This morning, Wolfers had this to say:¶ Treasury Secretary Jack Lew visited CNBC Tuesday morning to reiterate President Obama's promise not to go down he same road. "The president has made it clear: We're not going to negotiate over the debt limit," Lew said.¶ He also explained why in a letter to Boehner Monday morning. "Protecting the full faith and credit of the United States is the responsibility of Congress, because only Congress can extend the nation's borrowing authority," he wrote. "Failure to meet that responsibility would cause irreparable harm to the American economy."

#### This will destroy the U.S. and global economy and collapse trade

Davidson, 9/10 (Adam - co-founder of NPR’s “Planet Money” 9/10/2013, “Our Debt to Society,” <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=0)>)

This is the definition of a deficit, and it illustrates why the government needs to borrow money almost every day to pay its bills. Of course, all that daily borrowing adds up, and we are rapidly approaching what is called the X-Date — the day, somewhere in the next six weeks, when the government, by law, cannot borrow another penny. Congress has imposed a strict limit on how much debt the federal government can accumulate, but for nearly 90 years, it has raised the ceiling well before it was reached. But since a large number of Tea Party-aligned Republicans entered the House of Representatives, in 2011, raising that debt ceiling has become a matter of fierce debate. This summer, House Republicans have promised, in Speaker John Boehner’s words, “a whale of a fight” before they raise the debt ceiling — if they even raise it at all.¶If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history.¶ Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.¶ Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years.¶ Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar.¶ While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.¶The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

#### The impact is global nuclear war

Freidberg & Schonfeld, 8 --- \*Professor of Politics and IR at Princeton’s Woodrow Wilson School, AND \*\*senior editor of Commentary and a visiting scholar at the Witherspoon Institute in Princeton (10/21/2008, Aaron and Gabriel, “The Dangers of a Diminished America”, Wall Street Journal, http://online.wsj.com/article/SB122455074012352571.html?mod=googlenews\_wsj)

With the global financial system in serious trouble, is America's geostrategic dominance likely to diminish? If so, what would that mean?¶ One immediate implication of the crisis that began on Wall Street and spread across the world is that the primary instruments of U.S. foreign policy will be crimped. The next president will face an entirely new and adverse fiscal position. Estimates of this year's federal budget deficit already show that it has jumped $237 billion from last year, to $407 billion. With families and businesses hurting, there will be calls for various and expensive domestic relief programs.¶ In the face of this onrushing river of red ink, both Barack Obama and John McCain have been reluctant to lay out what portions of their programmatic wish list they might defer or delete. Only Joe Biden has suggested a possible reduction -- foreign aid. This would be one of the few popular cuts, but in budgetary terms it is a mere grain of sand. Still, Sen. Biden's comment hints at where we may be headed: toward a major reduction in America's world role, and perhaps even a new era of financially-induced isolationism.¶ Pressures to cut defense spending, and to dodge the cost of waging two wars, already intense before this crisis, are likely to mount. Despite the success of the surge, the war in Iraq remains deeply unpopular. Precipitous withdrawal -- attractive to a sizable swath of the electorate before the financial implosion -- might well become even more popular with annual war bills running in the hundreds of billions.¶ Protectionist sentiments are sure to grow stronger as jobs disappear in the coming slowdown. Even before our current woes, calls to save jobs by restricting imports had begun to gather support among many Democrats and some Republicans. In a prolonged recession, gale-force winds of protectionism will blow.¶ Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future?¶ Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern.¶ If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk.¶ In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability.¶ The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity.¶ None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.¶ As for our democratic friends, the present crisis comes when many European nations are struggling to deal with decades of anemic growth, sclerotic governance and an impending demographic crisis. Despite its past dynamism, Japan faces similar challenges. India is still in the early stages of its emergence as a world economic and geopolitical power.¶ What does this all mean? There is no substitute for America on the world stage. The choice we have before us is between the potentially disastrous effects of disengagement and the stiff price tag of continued American leadership.

### Third Off

#### Obama’s Syria maneuver has maximized presidential war powers because it’s on his terms

Posner 9/3, Law Prof at University of Chicago

(Eric, Obama Is Only Making His War Powers Mightier, www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html)

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever. It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.” Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him. The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.) People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.

#### **Statutory restriction of Presidential War Powers makes warfighting impossible**

Yoo 12 – prof of law @ UC Berkeley

(John, War Powers Belong to the President, ABA Journal February 2012 Issue, http://www.abajournal.com/magazine/article/war\_powers\_belong\_to\_the\_president) <we do not endorse the ableist language used in this card, but have left it in to preserve the author’s intent. we apologize for the author’s inappropriate use of the word “paralyze”>

The framers realized the obvious. Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation. Instead, they can demand swift, decisive action—sometimes under pressured or even emergency circumstances—that is best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. Congress is too large and unwieldy to take the swift and decisive action required in wartime. Our framers replaced the Articles of Confederation, which had failed in the management of foreign relations because they had no single executive, with the Constitution’s single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, Congress’ loose, decentralized structure would paralyze American policy while foreign threats grow. Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure. Congress’ track record when it has opposed presidential leadership has not been a happy one. Perhaps the most telling example was the Senate’s rejection of the Treaty of Versailles at the end of World War I. Congress’ isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed the Neutrality Acts designed to keep the United States out of the conflict. President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president’s foreign adventurism, the real threat to our national security may come from inaction and isolationism. Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War and the passage of the ineffectual War Powers Resolution. Congress passed the resolution in 1973 over President Richard Nixon’s veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it. Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare war.” But these observers read the 18th century constitutional text through a modern lens by interpreting “declare war” to mean “start war.” When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain—where the framers got the idea of the declare-war power—fought numerous major conflicts but declared war only once beforehand. Our Constitution sets out specific procedures for passing laws, appointing officers and making treaties. There are none for waging war because the framers expected the president and Congress to struggle over war through the national political process. In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent danger as will not admit of delay.” This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive. Presidents, of course, do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. Only Congress can raise the military, which gives it the power to block, delay or modify war plans. Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military. Congress’ check on the presidency lies not just in the long-term raising of the military. It can also block any immediate armed conflict through the power of the purse. If Congress feels it has been misled in authorizing war, or it disagrees with the president’s decisions, all it need do is cut off funds, either all at once or gradually. It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action. Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation. The framers expected Congress’ power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war. Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’ funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo or Korea, it is only because Congress has chosen not to exercise its easy check. We should not confuse a desire to escape political responsibility for a defect in the Constitution. A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy. The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

#### Drones are key to warfighting – they are the future of combat

Bruntstetter 12, Political Science Professor at UC Irvine

(Daniel, Drones: The Future of Warfare?, www.e-ir.info/2012/04/10/drones-the-future-of-warfare/)

Since President Obama took office, the use of and hype surrounding drones has greatly increased. Obama has conducted more than three times as many drone strikes per year compared to his predecessor in the White House. The increase use of drones points to a potential revolution in warfare, or at least a shift in the perspective of how wars will be fought in the future. As robotics expert P.W. Singer argues, “the introduction of unmanned systems to the battlefield doesn’t change simply how we fight, but for the first time changes who fights at the most fundamental level. It transforms the very agent of war, rather than just its capabilities.” The three major reasons drones are seen as the future of warfare are: they remove the risk to our soldiers, they make fewer mistakes than other weapons platforms, and technology will continue to improve such that drones become even more precise, efficient, and infallible in the future, thus rendering less precise, efficient and fallible human forms of war obsolete. Drones are thus seen as marking “a step forward in humanitarian technology,” and viewed as “a weapon of choice for future presidents, future administrations, in future conflicts and circumstances of self-defense and vital national security of the United States.” Yet, there has been much criticism of these assertions. Journalists challenge the claim that there are diminished civilian deaths from drone strikes, while just war scholars suggest that drones loosen the moral restraints on the use of force and legal scholars grapple with the relation between drones and international law. Notwithstanding these ethical and legal challenges, and despite what advocates say about their place in the future of armed combat, drones are, like any weapons platform, inherently limited in what they can do. In this brief article, I make three claims to contextualize the idea that drones are the future of war to shed light on the circumscribed role they might play in the foreseeable future. First, that drones are an improvement – in terms of providing surveillance capabilities and satisfying the rules of war – compared to previous technology. Their technical advantages (loitering capacity, removal of risk to pilots, and precision) make them an important addition to any military arsenal.

#### Loss of warfighting effectiveness ensures nuclear war in every hotspot

Kagan and O’Hanlon 07, resident scholar at AEI and senior fellow in foreign policy at Brookings

(Frederick and Michael, The Case for Larger Ground Forces, April, http://www.aei.org/files/2007/04/24/20070424\_Kagan20070424.pdf)

We live at a time when **wars not only rage in nearly every region but threaten to erupt in many places where the current relative calm is** tenuous. To view this as **a strategic military challenge for the U**nited **S**tates **is not to espouse a specific theory of America’s role in the world** or a certain political philosophy. Such an assessment flows directly from the basic bipartisan view of American foreign policy makers since World War II that **overseas threats must be countered before they can directly threaten this country’s shores**, that the **basic stability of the international system is essential to American peace** and prosperity, **and that no country besides the U**nited **S**tates **is in a position to lead the way in countering major challenges to the global order**. Let us highlight the **threats and their consequences** with a few concrete examples, emphasizing those **that involve key strategic regions of the world such as the Persian Gulf and East Asia, or** key potential **threats to American security, such as the spread of nuclear weapons and** the strengthening of the global **Al Qaeda**/jihadist movement. The Iranian government has rejected a series of international demands to halt its efforts at enriching uranium and submit to international inspections. What will happen if the US—or Israeli—government becomes convinced that Tehran is on the verge of fielding a nuclear weapon? North **Korea**, of course, has already done so, and the ripple effects are beginning to spread. Japan’s recent election to supreme power of a leader who has promised to rewrite that country’s constitution to support increased armed forces—and, possibly, even nuclear weapons— may well alter the delicate balance of fear in Northeast Asia fundamentally and rapidly. Also, in the background, at least for now, Sino Taiwanese tensions continue to flare, as do tensions between India and Pakistan, Pakistan and Afghanistan, Venezuela and the United States, and so on. Meanwhile, the world’s nonintervention in Darfur troubles consciences from Europe to America’s Bible Belt to its bastions of liberalism, yet with no serious international forces on offer, the bloodletting will probably, tragically, continue unabated. And as bad as things are in Iraq today, they could get worse. What would happen if the key Shiite figure, Ali al Sistani, were to die? If another major attack on the scale of the Golden Mosque bombing hit either side (or, perhaps, both sides at the same time)? Such deterioration might convince many Americans that the war there truly was lost—but the costs of reaching such a conclusion would be enormous. Afghanistan is somewhat more stable for the moment, although a major Taliban offensive appears to be in the offing. Sound US grand strategy must proceed from the recognition that, over the next few years and decades, the world is going to be a very unsettled and quite dangerous place, with Al Qaeda and its associated groups as a subset of a much larger set of worries. The only serious response to this international environment is to develop armed forces capable of protecting America’s vital interests throughout this dangerous time**.** Doing so requires a military capable of a wide range of missions—including not only deterrence of great power conflict in dealing with potential hotspots in Korea, the Taiwan Strait, and the Persian Gulf but also associated with a variety of Special Forces activities and stabilization operations. For today’s US military, which already excels at high technology and is increasingly focused on re-learning the lost art of counterinsurgency, this is first and foremost a question of finding the resources to field a large-enough standing Army and Marine Corps to handle personnel intensive missions such as the ones now under way in Iraq and Afghanistan.

### Norms

#### **Soft power fails without hard military backing – empirics.**

Walsh 12, Fellow @ CSIS,

(Eddie Walsh, Vice Chair of the International Correspondents Committee at the National Press Club, senior foreign correspondent who covers diplomacy, defense, and trade issues in Africa and Asia-Pacific, The Washington Times, “Obama's empty Asia pivot; Soft-power diplomacy needs military backing”, 8/8/12, http://www.washingtontimes.com/news/2012/aug/7/obamas-empty-asia-pivot/)

The problem with the administration's current approach is the unwillingness to make hard decisions when it comes to reorienting the U.S. military's force structure in the Pacific. Obama officials are not willing to commit to developing new platforms and weapons systems required to counter emerging threats emanating from Asia. Instead, they promote public diplomacy and strategic communications that do little more than send mixed signals to potential strategic competitors.¶ The South China Sea is a great example. When the United States closed its bases in the Philippines, America lost its hard-power leverage in the region. A power vacuum was created when the Association of Southeast Asian Nations could not match the strategic influence of the U.S. forward presence. This, in effect, provided China with an opportunity to challenge the regional order and redraw the borders in its favor. What did China do? It pounced at this opportunity - exactly as realists would expect.¶ The point here is that the United States cannot rely on soft-power diplomacy alone to promote our interests in Asia. We need to establish a strong forward presence in the region that sends the right signal to potential regional competitors that the U.S. is not going to allow others to challenge peace and stability in the region through coercive actions. This is not about containing others but it is about maintaining primacy. We should not shy away from saying that is our objective.¶ In the end, the United States cannot continue to be caught empty-handed in Asia. We need the Obama administration to be far more decisive in implementing the change required to ensure our primacy in the region. Politics aside, we cannot afford to see our Asia pivot devolve into another Russian re-set fiasco - the stakes are just too high. That's why we need the Obama administration to reconsider its approach in Asia even though it's an election year, when domestic issues predominate.

#### Don’t solve transparency – CIA is still covert post-plan

Zenko 2013 (Micah Zenko is the Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department's Office of Policy Planning, Council Special Report No. 65, January 2013, “U.S. Drone Strike Policies”, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

Drone strikes outside of defined battlefields are inherently difficult to assess and analyze. Programs and missions are highly classified. Unlike other controversial counterterrorism programs that expanded in the wake of 9/11, the Bush administration never openly discussed any aspects of its targeted killing policies. In comparison, the Obama administration has been much more transparent, beginning with its first official acknowledgment of the practice of targeted killings by drones in April 2012. Nevertheless, strikes by the CIA remain covert, defined by law as “an activity or activities . . . where it is intended that the role of the United States Government will not be apparent or acknowledged publicly,”while drone strikes conducted by JSOC in Yemen or Somalia are publicly reported to Congress as “direct actions,” albeit with no specificity.

#### Long timeframe – their author

Zenko 2013 (Micah Zenko is the Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department's Office of Policy Planning, Council Special Report No. 65, January 2013, “U.S. Drone Strike Policies”, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus within the U.S. government, is a long and arduous process. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama administration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations.

#### Developing countries, lax regulation, and profit maximization means warming is inevitable

Porter 2013 - writes the Economic Scene column for the Wednesday Business section (March 19, Eduardo, “A Model for Reducing Emissions” <http://www.nytimes.com/2013/03/20/business/us-example-offers-hope-for-cutting-carbon-emissions.html?_r=1&>)

Even if every American coal-fired power plant were to close, that would not make up for the coal-based generators being built in developing countries like India and China. “Since 2000, the growth in coal has been 10 times that of renewables,” said Daniel Yergin, chairman of IHS Cambridge Energy Research Associates.¶ Fatih Birol, chief economist of the International Energy Agency in Paris, points out that if civilization is to avoid catastrophic climate change, only about one third of the 3,000 gigatons of CO2 contained in the world’s known reserves of oil, gas and coal can be released into the atmosphere.¶ But the world economy does not work as if this were the case — not governments, nor businesses, nor consumers.¶ “In all my experience as an oil company manager, not a single oil company took into the picture the problem of CO2,” said Leonardo Maugeri, an energy expert at Harvard who until 2010 was head of strategy and development for Italy’s state-owned oil company, Eni. “They are all totally devoted to replacing the reserves they consume every year.”

#### No impact – empirics

Willis et. al, ’10 [Kathy J. Willis, Keith D. Bennett, Shonil A. Bhagwat & H. John B. Birks (2010): 4 °C and beyond: what did this mean for biodiversity in the past?, Systematics and Biodiversity, 8:1, 3-9, <http://www.tandfonline.com/doi/pdf/10.1080/14772000903495833>, ]

The most recent climate models and fossil evidence for the early Eocene Climatic Optimum (53–51 million years ago) indicate that during this time interval atmospheric CO2 would have exceeded 1200 ppmv and tropical temperatures were between 5–10 ◦ C warmer than modern values (Zachos et al., 2008). There is also evidence for relatively rapid intervals of extreme global warmth and massive carbon addition when global temperatures increased by 5 ◦ C in less than 10 000 years (Zachos et al., 2001). So what was the response of biota to these ‘climate extremes’ and do we see the large-scale extinctions (especially in the Neotropics) predicted by some of the most recent models associated with future climate changes (Huntingford et al., 2008)? In fact the fossil record for the early Eocene Climatic Optimum demonstrates the very opposite. All the evidence from low-latitude records indicates that, at least in the plant fossil record, this was one of the most biodiverse intervals of time in the Neotropics (Jaramillo et al., 2006). It was also a time when the tropical forest biome was the most extensive in Earth’s history, extending to mid-latitudes in both the northern and southern hemispheres – and there was also no ice at the Poles and Antarctica was covered by needle-leaved forest (Morley, 2007). There were certainly novel ecosystems, and an increase in community turnover with a mixture of tropical and temperate species in mid latitudes and plants persisting in areas that are currently polar deserts. [It should be noted; however, that at the earlier Palaeocene–Eocene Thermal Maximum (PETM) at 55.8 million years ago in the US Gulf Coast, there was a rapid vegetation response to climate change. There was major compositional turnover, palynological richness decreased, and regional extinctions occurred (Harrington & Jaramillo, 2007). Reasons for these changes are unclear, but they may have resulted from continental drying, negative feedbacks on vegetation to changing CO2 (assuming that CO2 changed during the PETM), rapid cooling immediately after the PETM, or subtle changes in plant–animal interactions (Harrington & Jaramillo, 2007).]

#### Humans resilient to disease- no extinction

Posner, former professor of law @ Chicago, 5 (Richard A Posner. [Skeptic](http://proquest.umi.com.www2.lib.ku.edu:2048/pqdweb?RQT=318&pmid=38988&TS=1237848127&clientId=42567&VInst=PROD&VName=PQD&VType=PQD). Altadena: [2005](http://proquest.umi.com.www2.lib.ku.edu:2048/pqdweb?RQT=572&VType=PQD&VName=PQD&VInst=PROD&pmid=38988&pcid=15068061&SrchMode=3). Vol. 11, Iss. 3; pg. 42, Proquest)

Yet the fact that Homo sapiens has managed to survive every disease to assail it in the 200,000 years or so of its existence is a source of genuine comfort, at least if the focus is on extinction events. There have been enormously destaictive plagues, such as the Black Death, smallpox, and now AIDS, but none has come close to destroying the entire human race. There is a biological reason. Natural selection favors germs of limited lethality; they are fitter in an evolutionary sense because their genes are more likely to be spread if the germs do not kill their hosts too quickly. The AIDS virus is an example of a lethal virus, wholly natural, that by lying dormant yet infectious in its host for years maximizes its spread. Yet there is no danger that AIDS will destroy the entire human race.

#### Technology checks a superbug

Easterbrook (Gregg, The New Republic Editor) 2003 [Wired, "We're All Gonna Die!" 11/7, http://www.wired.com/wired/archive/11.07/doomsday.html]

3. Germ warfare! Like chemical agents, biological weapons have never lived up to their billing in popular culture. Consider the 1995 medical thriller Outbreak, in which a highly contagious virus takes out entire towns. The reality is quite different. Weaponized smallpox escaped from a Soviet laboratory in Aralsk, Kazakhstan, in 1971; three people died, no epidemic followed. In 1979, weapons-grade anthrax got out of a Soviet facility in Sverdlovsk (now called Ekaterinburg); 68 died, no epidemic. The loss of life was tragic, but no greater than could have been caused by a single conventional bomb. In 1989, workers at a US government facility near Washington were accidentally exposed to Ebola virus. They walked around the community and hung out with family and friends for several days before the mistake was discovered. No one died. The fact is, evolution has spent millions of years conditioning mammals to resist germs. Consider the Black Plague. It was the worst known pathogen in history, loose in a Middle Ages society of poor public health, awful sanitation, and no antibiotics. Yet it didn't kill off humanity. Most people who were caught in the epidemic survived. Any superbug introduced into today's Western world would encounter top-notch public health, excellent sanitation, and an array of medicines specifically engineered to kill bioagents. Perhaps one day some aspiring Dr. Evil will invent a bug that bypasses the immune system. Because it is possible some novel superdisease could be invented, or that existing pathogens like smallpox could be genetically altered to make them more virulent (two-thirds of those who contract natural smallpox survive), biological agents are a legitimate concern. They may turn increasingly troublesome as time passes and knowledge of biotechnology becomes harder to control, allowing individuals or small groups to cook up nasty germs as readily as they can buy guns today. But no superplague has ever come close to wiping out humanity before, and it seems unlikely to happen in the future.

### Pakistan

#### Pakistani and Yemeni opposition to drones is lip service

Byman 2013 - professor at Georgetown University's Security Studies Program (July, Daniel, “professor at Georgetown University's Security Studies Program” <http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman>)

It is also telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program’s negative publicity: “In Pakistan, things fall out of the sky all the time,” he reportedly remarked. Yemen’s former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States’ involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones, saying that “they pinpoint the target and have zero margin of error, if you know what target you’re aiming at.” As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan’s army chief, Ashfaq Parvez kayani, privately asked U.S. military leaders in 2008 for “continuous Predator coverage” over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted “goodwill kills” against Pakistani militants who threatened Pakistan far more than the United States. Thus, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, “We’ll protest [against the drone program] in the National Assembly and then ignore it.” Still, Pakistan is reluctant to make its approval public. First of all, the country’s inability to fight terrorists on its own soil is a humiliation for Pakistan’s politically powerful armed forces and intelligence service. In addition, although drones kill some of the government’s enemies, they have also targeted pro-government groups that are hostile to the United States, such as the Haqqani network and the Taliban, which Pakistan has supported since its birth in the early 1990s. Even more important, the Pakistani public is vehemently opposed to U.S. drone strikes.

#### Drones are key to Pakistani stability – status quo solves

Curtis 2013 (7/16, Lisa, Senior Researcher, Heritage Foundation, “Pakistan Makes Drones Necessary,” <http://www.heritage.org/research/commentary/2013/7/pakistan-makes-drones-necessary>)

One of the central campaign platforms of newly elected Pakistani prime minister Nawaz Sharif was a promise to curb the use of U.S. drones on Pakistani territory. Indeed there has been a sharp reduction in the number of drone attacks conducted in Pakistan this year compared to the last three.¶ But until Islamabad cracks down more aggressively on groups attacking U.S. interests in the region and beyond, drones will remain an essential tool for fighting global terrorism. Numbering over three hundred and fifty since 2004, drone strikes in Pakistan have killed more than two dozen Al Qaeda operatives and hundreds of militants targeting U.S. and coalition forces.¶ President Obama made clear in his May 23 speech at the National Defense University that Washington would continue to use drones in Pakistan’s tribal border areas to support stabilization efforts in neighboring Afghanistan, even as it seeks to increase transparency and tighten targeting of the drone program in the future. Obama also defended the use of drones from a legal and moral standpoint, noting that by preemptively striking at terrorists, many innocent lives had been saved.¶ The most compelling evidence of the efficacy of the drone program came from Osama bin Laden himself, who shortly before his death contemplated moving Al Qaeda operatives from Pakistan into forested areas of Afghanistan in an attempt to escape the drones’ reach, according to Peter Bergen, renowned author of Manhunt: The Ten-Year Search for Bin Laden from 9/11 to Abbottabad.¶ How to Reduce the Need for Drones

#### No chance that Pakistan will collapse

Bandow 09- Senior Fellow @ Cato, former special assistant to Reagan (11/31/09, Doug, “Recognizing the Limits of American Power in Afghanistan,” Huffington Post, http://www.cato.org/pub\_display.php?pub\_id=10924)

From Pakistan's perspective, limiting the war on almost any terms would be better than prosecuting it for years, even to "victory," whatever that would mean. In fact, the least likely outcome is a takeover by widely unpopular Pakistani militants. The Pakistan military is the nation's strongest institution; while the army might not be able to rule alone, it can prevent any other force from ruling. Indeed, Bennett Ramberg made the important point: "Pakistan, Iran and the former Soviet republics to the north have demonstrated a brutal capacity to suppress political violence to ensure survival. This suggests that even were Afghanistan to become a terrorist haven, the neighborhood can adapt and resist." The results might not be pretty, but the region would not descend into chaos. In contrast, warned Bacevich: "To risk the stability of that nuclear-armed state in the vain hope of salvaging Afghanistan would be a terrible mistake."

#### No escalation- crises will be resolved through negotiations

Alagappa, Distinguished Senior Fellow at the East-West Center, PhD in International Affairs from the Fletcher School of Law and Diplomacy, 2009 (Muthiah, “Nuclear Weapons Reinforce Security and Stability in 21st Century Asia”, Vol 4 No 1)

The stabilizing effect of nuclear weapons may be better illustrated in India-Pakistan relations, as the crises between these two countries during the 1999–2002 period are often cited as demonstrating nuclear weapon-induced instability. Rather than simply attribute these crises to the possession of nuclear weapons, a more accurate and useful reading would ground them in Pakistan’s deliberate policy to alter the status quo through military means on the premise that the risk of escalation to nuclear war would deter India from responding with full-scale conventional retaliation; and in India’s response, employing compellence and coercive diplomacy strategies. In other words, particular goals and strategies rather than nuclear weapons per se precipitated the crises. Further, the outcomes of these two crises revealed the limited utility of nuclear weapons in bringing about even a minor change in the territorial status quo and highlighted the grave risks associated with offensive strategies. Recognition of these limits and the grave consequences in part contributed to the two countries’ subsequent efforts to engage in a comprehensive dialogue to settle the many disputes between them. The crises also led to bilateral understandings and measures to avoid unintended hostilities. Though it is too soon to take a long view, it is possible to argue that, like the Cuban missile crisis in 1962, the 1999 and 2001–02 crises between India and Pakistan mark a watershed in their strategic relations: the danger of nuclear war shifted their focus to avoiding a major war and to finding a negotiated settlement to bilateral problems. Large-scale military deployments along the common border, Pakistan-supported insurgent activities in India, and cross-border terrorism continue; and the two countries regularly conduct large-scale military exercises and test nuclear-capable missiles that have each other’s entire territory within range. Despite these activities, the situation has become relatively less tense; stability with the ability to absorb shocks even like that created by the November 26terrorist attack in Mumbai has begun to characterize the bilateral relationship.

#### Nuclear deterrence is stable between India and Pakistan

Ganguly, poli sci prof- Indiana, 08 (Sumit, Nuclear Stability in South Asia, Intl Security Vol 33, No 2, Fall)

The Robustness of Nuclear Deterrence As the outcomes of the 1999 and 2001–02 crises show, nuclear deterrence is robust in South Asia. Both crises were contained at levels considerably short of full-scale war. That said, as Paul Kapur has argued, Pakistan's acquisition of a nuclear weapons capability may well have emboldened its leadership, secure in the belief that India had no good options to respond. India, in turn, has been grappling with an effort to forge a new military doctrine and strategy to enable it to respond to Pakistani needling while containing the possibilities of conflict escalation, especially to the nuclear level.78 Whether Indian military planners [End Page 65] can fashion such a calibrated strategy to cope with Pakistani probes remains an open question. This article's analysis of the 1999 and 2001–02 crises does suggest, however, that nuclear deterrence in South Asia is far from parlous, contrary to what the critics have suggested. Three specific forms of evidence can be adduced to argue the case for the strength of nuclear deterrence. First, there is a serious problem of conflation in the arguments of both Hoyt and Kapur. Undeniably, Pakistan's willingness to provoke India has increased commensurate with its steady acquisition of a nuclear arsenal. This period from the late 1980s to the late 1990s, however, also coincided with two parallel developments that equipped Pakistan with the motives, opportunities, and means to meddle in India's internal affairs—particularly in Jammu and Kashmir. The most important change that occurred was the end of the conflict with the Soviet Union, which freed up military resources for use in a new jihad in Kashmir. This jihad, in turn, was made possible by the emergence of an indigenous uprising within the state as a result of Indian political malfeasance.79 Once the jihadis were organized, trained, armed, and unleashed, it is far from clear whether Pakistan could control the behavior and actions of every resulting jihadist organization.80 Consequently, although the number of attacks on India did multiply during the 1990s, it is difficult to establish a firm causal connection between the growth of Pakistani boldness and its gradual acquisition of a full-fledged nuclear weapons capability. Second, India did respond with considerable force once its military planners realized the full scope and extent of the intrusions across the Line of Control. Despite the vigor of this response, India did exhibit restraint. For example, Indian pilots were under strict instructions not to cross the Line of Control in pursuit of their bombing objectives.81 They adhered to these guidelines even though they left them more vulnerable to Pakistani ground fire.82 The Indian military exercised such restraint to avoid provoking Pakistani fears of a wider attack into Pakistan-controlled Kashmir and then into Pakistan itself. Indian restraint was also evident at another level. During the last war in [End Page 66] Kashmir in 1965, within a week of its onset, the Indian Army horizontally escalated with an attack into Pakistani Punjab. In fact, in the Punjab, Indian forces successfully breached the international border and reached the outskirts of the regional capital, Lahore. The Indian military resorted to this strategy under conditions that were not especially propitious for the country. Prime Minister Jawaharlal Nehru, India's first prime minister, had died in late 1964. His successor, Lal Bahadur Shastri, was a relatively unknown politician of uncertain stature and standing, and the Indian military was still recovering from the trauma of the 1962 border war with the People's Republic of China.83 Finally, because of its role in the Cold War, the Pakistani military was armed with more sophisticated, U.S.-supplied weaponry, including the F-86 Sabre and the F-104 Starfighter aircraft. India, on the other hand, had few supersonic aircraft in its inventory, barring a small number of Soviet-supplied MiG-21s and the indigenously built HF-24.84 Furthermore, the Indian military remained concerned that China might open a second front along the Himalayan border. Such concerns were not entirely chimerical, because a Sino-Pakistani entente was under way. Despite these limitations, the Indian political leadership responded to Pakistani aggression with vigor and granted the Indian military the necessary authority to expand the scope of the war. In marked contrast to the politico-military context of 1965, in 1999 India had a self-confident (if belligerent) political leadership and a substantially more powerful military apparatus. Moreover, the country had overcome most of its Nehruvian inhibitions about the use of force to resolve disputes.85 Furthermore, unlike in 1965, India had at least two reserve strike corps in the Punjab in a state of military readiness and poised to attack across the border if given the political nod.86 Despite these significant differences and advantages, the Indian political leadership chose to scrupulously limit the scope of the conflict to the Kargil region. As K. Subrahmanyam, a prominent Indian defense analyst and political commentator, wrote in 1993: [End Page 67] The awareness on both sides of a nuclear capability that can enable either country to assemble nuclear weapons at short notice induces mutual caution. This caution is already evident on the part of India. In 1965, when Pakistan carried out its "Operation Gibraltar" and sent in infiltrators, India sent its army across the cease-fire line to destroy the assembly points of the infiltrators. That escalated into a full-scale war. In 1990, when Pakistan once again carried out a massive infiltration of terrorists trained in Pakistan, India tried to deal with the problem on Indian territory and did not send its army into Pakistan-occupied Kashmir.87 Subrahmanyam's argument takes on additional significance in light of the overt acquisition of nuclear weapons by both India and Pakistan. Third, Sagan's assertion about the dominance of the Pakistani military in determining Pakistan's security policies is unquestionably accurate. With the possible exception of the Kargil conflict, however, it is far from clear that the Pakistani military has been the primary force in planning for and precipitating aggressive war against India. The first Kashmir war, without a doubt, had the explicit approval of Pakistan's civilian authorities.88 Similarly, there is ample evidence that the highly ambitious foreign minister, Zulfikar Ali Bhutto, goaded President Ayub Khan to undertake the 1965 war.89 Finally, once again Bhutto, as much as the Pakistani military dictator Yahya Khan, was complicit in provoking a war with India in 1971, following the outbreak of a civil war in East Pakistan.90

#### Afghan impact empirically denied – no middle east conflict has escalated

Drum ‘7

(Kevin-, Political Blogger @ the Washington Monthly, Sept. 9, Washington Monthly, “The Chaos Hawks”, http://www.

washingtonmonthly.com/archives/individual/2007\_09/012029.php )

Having admitted, however, that the odds of a military success in Iraq are almost impossibly long, Chaos Hawks nonetheless insist that the U.S. military needs to stay in Iraq for the foreseeable future. Why? Because if we leave the entire Middle East will become a bloodbath. Sunni and Shiite will engage in mutual genocide, oil fields will go up in flames, fundamentalist parties will take over, and al-Qaeda will have a safe haven bigger than the entire continent of Europe.

Needless to say, this is nonsense. Israel has fought war after war in the Middle East. Result: no regional conflagration. Iran and Iraq fought one of the bloodiest wars of the second half the 20th century. Result: no regional conflagration. The Soviets fought in Afghanistan and then withdrew. No regional conflagration. The U.S. fought the Gulf War and then left. No regional conflagration. Algeria fought an internal civil war for a decade. No regional conflagration. So where does this bogeyman come from? Hard to say. Probably a deep-seated unwillingness to confront the fact that the United States can't really influence a course of events we originally set in motion. But Iraq is already fighting a civil war, and that civil war will continue whether we stay or go. If we go it will likely become more intense, but also shorter lived. The eventual result, however, will almost certainly be the same: a de facto independent Kurdistan in the north and a Shiite theocracy in the south. The rest of the Middle East will, as usual, watch events unfold without doing much of anything about them, and will accept the inevitable results. The U.S., for its part, will remain in the north to protect Kurdistan, in the east in Afghanistan, in the west in the Mediterranean, and in the south in its bases in the Gulf. We'll hardly be absent from the region.

#### Limiting the use of drones leads to boots on the ground

Jacobstein 2013 - co-chair of AI and Robotics at Singularity University, located inside NASA Research Park (September, Neil, “Drones: A 360 Degree View” World Policy Journal 2013 30: 14, <http://wpj.sagepub.com/content/30/3/14.full?etoc>)

Second, as President Barack Obama noted in his May 23, 2013 speech on the use of drones, the terrorist threat is real in sectors of the Middle East, especially Yemen, and the Afghanistan-Pakistan frontier region. The United States and its allies cannot simply ignore the threat. In some select cases, we will need to send in “boots on the ground” or drones. Each alternative has strengths and weaknesses, and the tradeoffs are difficult. Sending in troops may seem more humane, until the troops are your close relatives. The process for deciding on the actions to be taken needs to be clear, transparent (at least to government representatives outside the defense and intelligence community), and ethical. It should have a high probability of being able to stand up to critical review a decade or two later.

#### Troops cause worse collateral damage

Zenko 2013 (Micah Zenko is the Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department's Office of Policy Planning, Council Special Report No. 65, January 2013, “U.S. Drone Strike Policies”, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

Compared to other military tools, the advantages of using drones— particularly, that they avoid direct risks to U.S. servicemembers— vastly outweigh the limited costs and consequences. Decision-makers are now much more likely to use lethal force against a range of perceived threats than in the past. Since 9/11, over 95 percent of all nonbattlefield targeted killings have been conducted by drones—the remaining attacks were JSOC raids and AC-130 gunships and offshore sea- or air-launched cruise missiles. And the frequency of drone strikes is only increasing over time. George W. Bush authorized more nonbattlefield targeted killing strikes than any of his predecessors (50), and Barack Obama has more than septupled that number since he entered office (350). Yet without any meaningful checks—imposed by domestic or international political pressure—or sustained oversight from other branches of government, U.S. drone strikes create a moral hazard because of the negligible risks from such strikes and the unprecedented disconnect between American officials and personnel and the actual effects on the ground.14 However, targeted killings by other platforms would almost certainly inflict greater collateral damage, and the effectiveness of drones makes targeted killings the more likely policy option compared to capturing suspected militants or other nonmilitary options.

#### **Drones key to fighting Al-Qaeda – empirically successful in crippling their leadership.**

Simon & Stevenson 9, Professor of Strategic Studies @ US Naval War College

[Steven Simon - Adjunct Senior Fellow for Middle Eastern Studies at CFR; Jonathan Stevenson- Professor of Strategic Studies at the US Naval War College; Survival, Volume 51, Issue 5 October 2009]

Accordingly, Washington might continue its current policy of eliminating al-Qaeda's leadership through targeted killing. Although it is a controversial policy, the Obama administration's position in the freighted domestic policy debate on the nature of counter-terrorism is entirely consistent with it. Despite its declared post-11 September national security policy, which acknowledged roles for both law enforcement and military force in combating terrorism, in practice the Bush administration gave short shrift to law enforcement and strongly favoured military measures. Obama, both during the presidential campaign and after assuming office, decried what he and others viewed as the excessive militarisation of counter-terrorism in practice, and endorsed a more fluid, open-minded and pragmatic approach. While he would prefer to fight transnational terrorists with law-enforcement tools, he understood that that could not always be done effectively. In particular, he realised that the United States could not, practically speaking, dispatch FBI special agents to Pakistan's anarchical tribal areas and other ungoverned spaces in an unmarked Ford Crown Victoria to arrest al-Qaeda suspects and bring them back to federal district court in Washington for trial, so measures like targeted killing from drones were needed. Thus, Obama continued and in fact ramped up the targeted killing policy when he became president. The new president confirmed his instrumental view of counter-terrorism in an impassioned but grounded May 2009 speech, in which he stated for the record that the counter-terrorism tool chosen should fit the particular circumstances. Though he nodded clearly to the preferred status of the law enforcement approach in focusing on closing the Guantanamo Bay detention facility and ending the use of so-called enhanced interrogation techniques, he also argued more generally for 'strategically applying our power' as well as our principles, and doing so 'pragmatically'. The president further noted that 'absolutists' on the 'national security' and the 'law enforcement' side of the counter-terrorism debate were both wrong, and endorsed a middle course of 'common sense'.12 One key implication of the speech was that re-orientating American counter-terrorism policy away from the use of military force would render Islamist militancy more containable by demonstrating US restraint and emphasising American respect for the rule of law. The other, though, was that military force remained indispensable in certain circumstances. It does appear that targeted killing, while only an operational tool and not a strategic solution in itself, can help manage a terrorist threat.13 Open-source information indicates that the recent US campaign in Pakistan, in particular, has been effective. Over the past 18 months or so, the United States has used two related types of unmanned aerial vehicles, the Predator and the faster, higher altitude Reaper, which is capable of carrying two Hellfire anti-tank missiles and precision-guided bombs, to attack individuals and safe houses, eliminating about a dozen key al-Qaeda operatives and dozens more other militants. There were 36 such attacks in 2008 and about 20 in the first eight months of 2009. As of the end of August 2009, they had eliminated Abu Jihad al-Masri, al-Qaeda's intelligence chief; Khalid Habib, head of its Pakistan operations and fourth in the chain of command overall; Abu Khabab al-Masri, the group's ranking explosives expert; and Abu Laith al-Libi, al-Qaeda's commander in Afghanistan. One of the missiles killed Pakistan Taliban leader Baitullah Mehsud in August.14 The success of the air-strikes has resulted from improved technical and human intelligence on al-Qaeda operations in the border area. The logic of the strategy is to make it increasingly difficult for al-Qaeda to repopulate its command structure, and US officials believe the programme has produced the broadest and deepest impact on al-Qaeda senior leadership in several years. Continued success could yield the practical neutralisation of al-Qaeda in Pakistan. Bureaucratically, the Obama administration has already set the table for adopting this strategy: for FY 2010, it has requested $79.7m for Hellfire missiles and $489.4m for 24 Reapers, nearly doubling the 2009 number.

## 2NC

### Norms

Hard Power key to hegemony – solves all the benefits of soft power.

Holmes, former assistant secretary of state and vice president at the Heritage Foundation, 2009 (Kim, States News Service, June 12, Lexis Academic)

Many, if not most, Europeans credit "soft power" for the peace they've enjoyed for decades. Thinking their version of a Kantian universal peace arose from the committee chambers of the European Union - and not from the victories of the Western powers in World War II and the Cold War - they hold up soft power as a model for the rest of the world. In their view, bridging the often hardened differences between states and shaping their decisions requires mainly negotiation and common understanding. The importance of our military strength is downplayed and sometimes even seen as the main obstacle to peace. Even when its importance is acknowledged, it's a perfunctory afterthought. Many liberals are now pressing the U.S. government to adopt this vision, too. But the futility of it can be seen everywhere, from the failure of negotiations to deter both Iran and North Korea from their nuclear programs over the past five years - a period in which their efforts have only matured - to the lackluster response to Russia's invasion of Georgian territory. The limits of soft power have not only bedeviled Mr. [Obama](http://www.lexisnexis.com.proxy1.cl.msu.edu/us/lnacademic/search/XMLCrossLinkSearch.do?bct=A&risb=21_T7015013033&returnToId=20_T7019181371&csi=8058&A=0.3489003562596823&sourceCSI=9369&indexTerm=%23PE000A0BO%23&searchTerm=Obama%20&indexType=P" \t "_parent) but George W. Bush as well. After applying pressure on North Korea so diligently in 2006, the Bush administration relaxed its posture in early 2007, and North Korea concluded that it was again free to backslide on its commitments. Two years later, this effort to "engage" North Korea, which the [Obama administration](http://www.lexisnexis.com.proxy1.cl.msu.edu/us/lnacademic/search/XMLCrossLinkSearch.do?bct=A&risb=21_T7015013033&returnToId=20_T7019181371&csi=8058&A=0.3489003562596823&sourceCSI=9369&indexTerm=%23PE000A0BO%23&searchTerm=Obama%20administration%20&indexType=P" \t "_parent) continued even after North Korea's April 5 missile test, has only led North Korea to believe that it can get away with more missile tests and nuclear weapons detonations. And so far, it has. The problem here is not merely an overconfidence in the process of "talking" and trying to achieve "mutual understanding" - as if diplomacy were merely about communications and eliminating hurt feelings. Rather, it is about the interaction and sometimes clash of hardened interests and ideologies. These are serious matters, and you don't take them seriously by wishing away the necessity, when need be, of using the hard power of force to settle things. It's this connection of hard to soft power that Mr. [Obama](http://www.lexisnexis.com.proxy1.cl.msu.edu/us/lnacademic/search/XMLCrossLinkSearch.do?bct=A&risb=21_T7015013033&returnToId=20_T7019181371&csi=8058&A=0.3489003562596823&sourceCSI=9369&indexTerm=%23PE000A0BO%23&searchTerm=Obama%20&indexType=P" \t "_parent) appears not to understand. In what is becoming a signature trait of saying one thing and doing another, Mr. [Obama](http://www.lexisnexis.com.proxy1.cl.msu.edu/us/lnacademic/search/XMLCrossLinkSearch.do?bct=A&risb=21_T7015013033&returnToId=20_T7019181371&csi=8058&A=0.3489003562596823&sourceCSI=9369&indexTerm=%23PE000A0BO%23&searchTerm=Obama%20&indexType=P" \t "_parent) has argued that America must "combine military power with strengthened diplomacy." But since becoming president he has done little to demonstrate an actual commitment to forging a policy that combines America's military power with diplomatic strategies. For America to be an effective leader and arbiter of the international order, it must be willing to maintain a world-class military. That requires resources: spending, on average, no less than 4 percent of the nation's gross domestic product on defense. Unfortunately, Mr. Obama's next proposed defense budget and Secretary of Defense Robert M. Gates' vision for "rebalancing" the military are drastically disconnected from the broad range of strategic priorities that a superpower like the United States must influence and achieve. If our country allows its hard power to wane, our leaders will lose crucial diplomatic clout. This is already on display in the western Pacific Ocean, where America's ability to hedge against the growing ambitions of a rising China is being called into question by some of our key Asian allies. Recently, Australia released a defense white paper concerned primarily with the potential decline of U.S. military primacy and its implications for Australian security and stability in the Asia-Pacific. These developments are anything but reassuring. The ability of the United States to reassure friends, deter competitors, coerce belligerent states and defeat enemies does not rest on the strength of our political leaders' commitment to diplomacy; it rests on the foundation of a powerful military. The United States can succeed in advancing its priorities by diplomatic means only so long as it retains a "big stick." Only by building a full-spectrum military force can America reassure its many friends and allies and count on their future support.

**Soft power is impossible without strong military power**

Josef **Joffe**, German journalist, Conversations with History, “Power and Culture in International Affairs,” January 20 and March 23, **2K**, http://globetrotter.berkeley.edu/people/Joffe/joffe-con4.html, accessed 10/15/02

I think **power has to be seen like** a bundle of **currencies**. Traditionally **the most important currency of power was military power**, strategic power. Machiavelli said **it's easier to get gold with good soldiers than to get good soldiers with gold**. So on top, the most fungible of all currency is strategic. Then you can go down to all kinds of other "currencies": economic power, the attraction of your political and social system, even of your movies and your TV, your diplomatic skills. Or the power radiating from ideas: part of the great power that the Soviet Union had for a while was that this idea of socialism was a very powerful, attractive idea which inspired the entire Third World after decolonization. Everybody wanted a kind a Marxist-Soviet model of economic development and one-party states. So in the Berlin-Berkeley Belt, where the strategic issue for the time being does not arise, those who have the most soft power sources will do very well, such as Germany. But also the United States. Yes. But the most important thing is, the best deal you can get is when hard power and soft power come together. **The Vatican has a lot of soft power but it has no hard power and** so **that means the influence** of the Vatican **is limited**. Switzerland has a lot of soft power but nothing in the hard power field. So **if you really want to sit pretty today you have to be like the United States**, because the United States has all of these resources in spades. **It's the mightiest military power in the world**, it is the mightiest economy.

**Overwhelming military force ensures compliance, even if countries are upset**

Immanuel **Wallerstein**, senior research scholar at Yale, Foreign Policy, July 1, **2002**

Following the terrorist attacks, Bush changed course, declaring war on terrorism, assuring the American people that "the outcome is certain" and informing the world that "you are either with us or against us." Long frustrated by even the most conservative U.S. administrations, the hawks finally came to dominate American policy. Their position is clear: **The United States wields overwhelming military power**, and **even though** countless **foreign leaders consider it unwise for Washington to flex its** military **muscles, these** same **leaders cannot** and will not **do anything if the United States simply imposes its will** on the rest. The hawks believe the United States should act as an imperial power for two reasons: First, **the United States can get away with it.** **And** second, **if Washington doesn't exert its force, the United States will become increasingly marginalized.** Today, this hawkish position has three expressions: the military assault in Afghanistan, the de facto support for the Israeli attempt to liquidate the Palestinian Authority, and the invasion of Iraq, which is reportedly in the military preparation stage. Less than one year after the September 2001 terrorist attacks, it is perhaps too early to assess what such strategies will accomplish. Thus far, these schemes have led to the overthrow of the Taliban in Afghanistan (without the complete dismantling of al Qaeda or the capture of its top leadership); enormous destruction in Palestine (without rendering Palestinian leader Yasir Arafat "irrelevant," as Israeli Prime Minister Ariel Sharon said he is); and heavy opposition from U.S. allies in Europe and the Middle East to plans for an invasion of Iraq. The hawks' reading of recent events emphasizes that **opposition** to U.S. actions, while serious, **has remained largely verbal. Neither** Western **Europe nor Russia nor China nor Saudi Arabia has seemed ready to break ties** in serious ways with the United States. In other words, hawks believe, Washington has indeed gotten away with it.

**Hard power overwhelms anger**

Antony **Blinken**, senior fellow at CSIS and former member of the National Security Council, Washington Quarterly, Spring, **2002**

**Why should the United States care that some criticize its policies and** others **resent its power? Following** U.S. military **success in Afghanistan, concluding that unilateral might makes right**, silencing critics and creating a bandwagon effect among friends, **is tempting**. As Charles Krauthammer wrote, "**We made it plain that even if no one followed us, we would go it alone**. Surprise: **others followed. . . . Not because they love us**. Not because we have embraced multilateralism. But **because we have demonstrated astonishing military power and the will to defend vital** American **interests, unilaterally if necessary." Military power** remains the foundation of U.S. security; successfully applied, it **magnifies U.S. influence**.

#### Impacts inev – even if we could get to zero emissions, temperatures rise until the year 3000.

Solomon et al 9, Chairwoman of the IPCC

(Susan- member of the US National Academy of Sciences, the European Academy of Sciences, and the Academy of Sciences of France, Nobel Peace Prize Winner, Chairwoman of the IPCC, February 10, “Irreversible climate change due to carbon dioxide emissions” PNAS, Vol 106, http://www.pnas.org/content/early/2009/01/28/0812721106.full.pdf)

Over the 20th century, the atmospheric concentrations of key greenhouse gases increased due to human activities. The stated objective (Article 2) of the United Nations Framework Convention on Climate Change (UNFCCC) is to achieve stabilization of greenhouse gas concentrations in the atmosphere at a low enough level to prevent ‘‘dangerous anthropogenic interference with the climate system.’’ Many studies have focused on projections of possible 21st century dangers (1–3). However, the principles (Article 3) of the UNFCCC specifically emphasize ‘‘threats of serious or irreversible damage,’’ underscoring the importance of the longer term. While some irreversible climate changes such as ice sheet collapse are possible but highly uncertain (1, 4), others can now be identified with greater confidence, and examples among the latter are presented in this paper. It is not generally appreciated that the atmospheric temperature increases caused by rising carbon dioxide concentrations are not expected to decrease significantly even if carbon emissions were to completely cease (5–7) (see Fig. 1). Future carbon dioxide emissions in the 21st century will hence lead to adverse climate changes on both short and long time scales that would be essentially irreversible (where irreversible is defined here as a time scale exceeding the end of the millennium in year 3000; note that we do not consider geo-engineering measures that might be able to remove gases already in the atmosphere or to introduce active cooling to counteract warming). For the same reason, the physical climate changes that are due to anthropogenic carbon dioxide already in the atmosphere today are expected to be largely irreversible. Such climate changes will lead to a range of damaging impacts in different regions and sectors, some of which occur promptly in association with warming, while others build up under sustained warming because of the time lags of the processes involved. Here we illustrate 2 such aspects of the irreversibly altered world that should be expected. These aspects are among reasons for concern but are not comprehensive; other possible climate impacts include Arctic sea ice retreat, increases in heavy rainfall and flooding, permafrost melt, loss of glaciers and snowpack with attendant changes in water supply, increased intensity of hurricanes, etc. A complete climate impacts review is presented elsewhere (8) and is beyond the scope of this paper. We focus on illustrative adverse and irreversible climate impacts for which 3 criteria are met: (i) observed changes are already occurring and there is evidence for anthropogenic contributions to these changes, (ii) the phenomenon is based upon physical principles thought to be well understood, and (iii) projections are available and are broadly robust across models. Advances in modeling have led not only to improvements in complex Atmosphere–Ocean General Circulation Models (AOGCMs) for projecting 21st century climate, but also to the implementation of Earth System Models of Intermediate Complexity (EMICs) for millennial time scales. These 2 types of models are used in this paper to show how different peak carbon dioxide concentrations that could be attained in the 21st century are expected to lead to substantial and irreversible decreases in dry-season rainfall in a number of already-dry subtropical areas and lower limits to eventual sea level rise of the order of meters, implying unavoidable inundation of many small islands and low-lying coastal areas. Results Longevity of an Atmospheric CO2 Perturbation. As has long been known, the removal of carbon dioxide from the atmosphere involves multiple processes including rapid exchange with the land biosphere and the surface layer of the ocean through air–sea exchange and much slower penetration to the ocean interior that is dependent upon the buffering effect of ocean chemistry along with vertical transport (9–12). On the time scale of a millennium addressed here, the CO2 equilibrates largely between the atmosphere and the ocean and, depending on associated increases in acidity and in ocean warming (i.e., an increase in the Revelle or ‘‘buffer’’ factor, see below), typically 20% of the added tonnes of CO2 remain in the atmosphere while 80% are mixed into the ocean. Carbon isotope studies provide important observational constraints on these processes and time constants. On multimil- lenium and longer time scales, geochemical and geological processes could restore atmospheric carbon dioxide to its pre- industrial values (10, 11), but are not included here. Fig. 1 illustrates how the concentrations of carbon dioxide would be expected to fall off through the coming millennium if manmade emissions were to cease immediately following an illustrative future rate of emission increase of 2% per year [comparable to observations over the past decade (ref. 13)] up to peak concentrations of 450, 550, 650, 750, 850, or 1,200 ppmv; similar results were obtained across a range of EMICs that were assessed in the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report (5, 7). This is not intended to be a realistic scenario but rather to represent a test case whose purpose is to probe physical climate system changes. A more gradual reduction of carbon dioxide emission (as is more likely), or a faster or slower adopted rate of emissions in the growth period, would lead to long-term behavior qualitatively similar to that illustrated in Fig. 1 (see also Fig. S1). The example of a sudden cessation of emissions provides an upper bound to how much reversibility is possible, if, for example, unexpectedly damaging climate changes were to be observed. Carbon dioxide is the only greenhouse gas whose falloff displays multiple rather than single time constants (see Fig. S2). Current emissions of major non-CO2 greenhouse gases such as methane or nitrous oxide are significant for climate change in the next few decades or century, but these gases do not persist over time in the same way as carbon dioxide (14). Fig. 1 shows that a quasi-equilibrium amount of CO2 is expected to be retained in the atmosphere by the end of the millennium that is surprisingly large: typically 40% of the peak concentration enhancement over preindustrial values ( 280 ppmv). This can be easily understood on the basis of the observed instantaneous airborne fraction (AFpeak) of 50% of anthropogenic carbon emissions retained during their buildup in the atmosphere, together with well-established ocean chemistry and physics that require 20% of the emitted carbon to remain in the atmosphere on thousand-year timescales [quasi- equilibrium airborne fraction (AFequi), determined largely by the Revelle factor governing the long-term partitioning of carbon between the ocean and atmosphere/biosphere system] (9–11). Assuming given cumulative emissions, EMI, the peak concen- tration, CO2peak (increase over the preindustrial value CO20), and the resulting 1,000-year quasi-equilibrium concentration, CO2equi can be expressed as COpeak 2 = CO02 + AFpeak EMI [1] COequi 2 = CO02 + AFequi EMI [2] so that COequi2 – CO0 2 = AFequi/AFpeak (COpeak 2 – CO02) [3] Given an instantaneous airborne fraction (AFpeak) of 50% during the period of rising CO2, and a quasi-equilbrium airborne factor (AFequi) of 20%, it follows that the quasi-equilibrium enhancement of CO2 concentration above its preindustrial value is 40% of the peak enhancement. For example, if the CO2 concentration were to peak at 800 ppmv followed by zero emissions, the quasi-equilibrium CO2 concentration would still be far above the preindustrial value at 500 ppmv. Additional carbon cycle feedbacks could reduce the efficiency of the ocean and biosphere to remove the anthropogenic CO2 and thereby increase these CO2 values (15, 16). Further, a longer decay time and increased CO2 concentrations at year 1000 are expected for large total carbon emissions (17). Irreversible Climate Change: Atmospheric Warming. Global average temperatures increase while CO2 is increasing and then remain approximately constant (within 0.5 °C) until the end of the millennium despite zero further emissions in all of the test cases shown in Fig. 1. This important result is due to a near balance between the long-term decrease of radiative forcing due to CO2 concentration decay and reduced cooling through heat loss to the oceans. It arises because long-term carbon dioxide removal and ocean heat uptake are both dependent on the same physics of deep-ocean mixing. Sea level rise due to thermal expansion accompanies mixing of heat into the ocean long after carbon dioxide emissions have stopped. For larger carbon dioxide concentrations, warming and thermal sea level rise show greater increases and display transient changes that can be very rapid (i.e., the rapid changes in Fig. 1 Middle), mainly because of changes in ocean circulation (18). Paleoclimatic evidence suggests that additional contributions from melting of glaciers and ice sheets may be comparable to or greater than thermal expansion (discussed further below), but these are not included in Fig. 1. Fig. 2 explores how close the modeled temperature changes are to thermal equilibrium with respect to the changing carbon dioxide concentration over time, sometimes called the realized warming fraction (19) (shown for the different peak CO2 cases). Fig. 2 Left shows how the calculated warmings compare to those expected if temperatures were in equilibrium with the carbon dioxide concentrations vs. time, while Fig. 2 Right shows the ratio of these calculated time-dependent and equilibrium tempera- tures. During the period when carbon dioxide is increasing, the realized global warming fraction is 50–60% of the equilibrium warming, close to values obtained in other models (5, 19). After emissions cease, the temperature change approaches equilib- rium with respect to the slowly decreasing carbon dioxide concentrations (cyan lines in Fig. 2 Right). The continuing warming through year 3000 is maintained at 40–60% of the equilibrium warming corresponding to the peak CO2 concentration (magenta lines in Fig. 2 Right). Related changes in fast-responding atmospheric climate variables such as precipitation, water vapor, heat waves, cloudiness, etc., are expected to occur largely simultaneously with the temperature changes. Irreversible Climate Change: Precipitation Changes. Warming is expected to be linked to changes in rainfall (20), which can adversely affect the supply of water for humans, agriculture, and ecosystems. Precipitation is highly variable but long-term rainfall decreases have been observed in some large regions including, e.g., the Mediterranean, southern Africa, and parts of south- western North America (21–25). Confident projection of future changes remains elusive over many parts of the globe and at small scales. However, well-known physics (the Clausius–Clapeyron law) implies that increased temperature causes increased atmospheric water vapor concentrations, and changes in water vapor transport and the hydrologic cycle can hence be expected (26–28). Further, advances in modeling show that a robust characteristic of anthropogenic climate change is poleward expansion of the Hadley cell and shifting of the pattern of precipitation minus evaporation (P–E) and the storm tracks (22, 26), and hence a pattern of drying over much of the already-dry subtropics in a warmer world ( 15°-40° latitude in each hemi- sphere) (5, 26). Attribution studies suggest that such a drying pattern is already occurring in a manner consistent with models including anthropogenic forcing (23), particularly in the south- western United States (22) and Mediterranean basin (24, 25). We use a suite of 22 available AOGCM projections based upon the evaluation in the IPCC 2007 report (5, 29) to characterize precipitation changes. Changes in precipitation are expected (5, 20, 30) to scale approximately linearly with increasing warming (see Fig. S3). The equilibrium relationship between precipitation and temperature may be slightly smaller (by 15%) than the transient values, due to changes in the land/ ocean thermal contrast (31). On the other hand, the observed 20th century changes follow a similar latitudinal pattern but presently exceed those calculated by AOGCMs (23). Models that include more complex representations of the land surface, soil, and vegetation interactively are likely to display additional feedbacks so that larger precipitation responses are possible. Here we evaluate the relationship between temperature and precipitation averaged for each month and over a decade at each grid point. One ensemble member is used for each model so that all AOGCMs are equally weighted in the multimodel ensemble; results are nearly identical if all available model ensemble members are used. Fig. 3 presents a map of the expected dry-season (3 driest consecutive months at each grid point) precipitation trends per degree of global warming. Fig. 3 shows that large uncertainties remain in the projections for many regions (white areas). How- ever, it also shows that there are some subtropical locations on every inhabited continent where dry seasons are expected to become drier in the decadal average by up to 10% per degree of warming. Some of these grid points occur in desert regions that are already very dry, but many occur in currently more temperate and semiarid locations. We find that model results are more robust over land across the available models over wider areas for drying of the dry season than for the annual mean or wet season (see Fig. S4). The Insets in Fig. 3 show the monthly mean projected precipitation changes averaged over several large regions as delineated on the map. Increased drying of respective dry seasons is projected by 90% of the models averaged over the indicated regions of southern Europe, northern Africa, southern Africa, and southwestern North America and by 80% of the models for eastern South America and western Australia (see Fig. S3). Although given particular years would show exceptions, the long-term irreversible warming and mean rainfall changes as suggested by Figs. 1 and 3 would have important consequences in many regions. While some relief can be expected in the wet season for some regions (Fig. S4), changes in dry-season precipitation in northern Africa, southern Europe, and western Australia are expected to be near 20% for 2 °C warming, and those of southwestern North America, eastern South America, and southern Africa would be 10% for 2 °C of global mean warming. For comparison, the American ‘‘dust bowl’’ was associated with averaged rainfall decreases of 10% over 10–20 years, similar to major droughts in Europe and western Australia in the 1940s and 1950s (22, 32). The spatial changes in precipitation as shown in Fig. 3 imply greater challenges in the distribution of food and water supplies than those with which the world has had difficulty coping in the past. Such changes occurring not just for a few decades but over centuries are expected to have a range of impacts that differ by region. These include, e.g., human water supplies (25), effects on dry-season wheat and maize agriculture in certain regions of rain-fed farming such as Africa (33, 34), increased fire frequency, ecosystem change, and desertification (24, 35–38). Fig. 4 Upper relates the expected irreversible changes in regional dry-season precipitation shown in Fig. 3 to best estimates of the corresponding peak and long-term CO2 concentrations. We use 3 °C as the best estimate of climate sensitivity across the suite of AOGCMs for a doubling of carbon dioxide from preindustrial values (5) along with the regional drying values depicted in Fig. 3 and assuming that 40% of the carbon dioxide peak concentration is retained after 1000 years. Fig. 4 shows that if carbon dioxide were to peak at levels of 450 ppmv, irreversible decreases of 8–10% in dry-season precipitation would be expected on average over each of the indicated large regions of southern Europe, western Australia, and northern Africa, while a carbon dioxide peak value near 600 ppmv would be expected to lead to sustained rainfall decreases of 13–16% in the dry seasons in these areas; smaller but statistically significant irreversible changes would also be expected for southwestern North America, eastern South America, and Southern Africa. Irreversible Climate Change: Sea Level Rise. Anthropogenic carbon dioxide will cause irrevocable sea level rise. There are 2 relatively well-understood processes that contribute to this and a third that may be much more important but is also very uncertain. Warm- ing causes the ocean to expand and sea levels to rise as shown in Fig. 1; this has been the dominant source of sea level rise in the past decade at least (39). Loss of land ice also makes important contributions to sea level rise as the world warms. Mountain glaciers in many locations are observed to be retreating due to warming, and this contribution to sea level rise is also relatively well understood. Warming may also lead to large losses of the Greenland and/or Antarctic ice sheets. Additional rapid ice losses from particular parts of the ice sheets of Greenland and Antarctica have recently been observed (40–42). One recent study uses current ice discharge data to suggest ice sheet contributions of up to 1–2 m to sea level rise by 2100 (42), but other studies suggest that changes in winds rather than warming may account for currently observed rapid ice sheet flow (43), rendering quantitative extrapolation into the future uncertain. In addition to rapid ice flow, slow ice sheet mass balance processes are another mechanism for potential large sea level rise. Paleoclimatic data demonstrate large contributions of ice sheet loss to sea level rise (1, 4) but provide limited constraints on the rate of such processes. Some recent studies suggest that ice sheet surface mass balance loss for peak CO2 concentrations of 400–800 ppmv may be even slower than the removal of manmade carbon dioxide following cessation of emis- sions, so that this loss could contribute less than a meter to irreversible sea level rise even after many thousands of years (44, 45). It is evident that the contribution from the ice sheets could be large in the future, but the dependence upon carbon dioxide levels is extremely uncertain not only over the coming century but also in the millennial time scale. An assessed range of models suggests that the eventual contribution to sea level rise from thermal expansion of the ocean is expected to be 0.2–0.6 m per degree of global warming (5). Fig. 4 uses this range together with a best estimate for climate sensitivity of 3 °C (5) to estimate lower limits to eventual sea level rise due to thermal expansion alone. Fig. 4 shows that even with zero emissions after reaching a peak concentration, irreversible global average sea level rise of at least 0.4–1.0 m is expected if 21st century CO2 concentrations exceed 600 ppmv and as much as 1.9 m for a peak CO2 concentration exceeding 1,000 ppmv. Loss of glaciers and small ice caps is relatively well understood and is expected to be largely complete under sustained warming of, for example, 4 °C within 500 years (46). For lower values of warming, partial remnants of glaciers might be retained, but this has not been examined in detail for realistic representations of glacier shrinkage and is not quantified here. Complete losses of glaciers and small ice caps have the potential to raise future sea level by 0.2–0.7 m (46, 47) in addition to thermal expansion. Further contributions due to partial loss of the great ice sheets of Antarctica and/or Greenland could add several meters or more to these values but for what warming levels and on what time scales are still poorly characterized. Sea level rise can be expected to affect many coastal regions (48). While sea walls and other adaptation measures might combat some of this sea level rise, Fig. 4 shows that carbon dioxide peak concentrations that could be reached in the future for the conservative lower limit defined by thermal expansion alone can be expected to be associated with substantial irreversible commitments to future changes in the geography of the Earth because many coastal and island features would ultimately become submerged. Discussion: Some Policy Implications It is sometimes imagined **that** slow processes such as climate changes pose small risks, on the basis of the assumption that a choice can always be made to quickly reduce emissions and thereby reverse any harm within a few years or decades. We have shown that this assumption is incorrect for carbon dioxide emissions, because of the longevity of the atmospheric CO2 perturbation and ocean warming. Irreversible climate changes due to carbon dioxide emissions have already taken place, and future carbon dioxide emissions would imply further irreversible effects on the planet, with attendant long legacies for choices made by contemporary society. Discount rates used in some estimates of economic trade-offs assume that more efficient climate mitigation can occur in a future richer world, but neglect the irreversibility shown here. Similarly, understanding of irreversibility reveals limitations in trading of greenhouse gases on the basis of 100-year estimated climate changes (global warming potentials, GWPs), because this metric neglects carbon dioxide’s unique long-term effects. In this paper we have quantified how societal decisions regarding carbon dioxide concentrations that have already occurred or could occur in the coming century imply irreversible dangers relating to climate change for some illustrative populations and regions. These and other dangers pose substantial challenges to humanity and nature, with a magnitude that is directly linked to the peak level of carbon dioxide reached.

#### Oceanic CO2 concentration makes warming inevitable

Harris 9 (Richard, science correspondent for NPR, “Global Warming Is Irreversible, Study Says”, quoting Susan Solomon, Professor of Atmospheric chemistry & Climate Science @ MIT, PhD in Chemistry from UC Berkeley, http://www.npr.org/templates/story/story.php?storyId=99888903)

Climate change is essentially irreversible, according to a sobering new scientific study. As carbon dioxide emissions continue to rise, the world will experience more and more long-term environmental disruption. The damage will persist even when, and if, emissions are brought under control, says study author Susan Solomon, who is among the world's top climate scientists. "We're used to thinking about pollution problems as things that we can fix," Solomon says. "Smog, we just cut back and everything will be better later. Or haze, you know, it'll go away pretty quickly." That's the case for some of the gases that contribute to climate change, such as methane and nitrous oxide. But as Solomon and colleagues suggest in a new study published in the Proceedings of the National Academy of Sciences, it is not true for the most abundant greenhouse gas: carbon dioxide. Turning off the carbon dioxide emissions won't stop global warming. "People have imagined that if we stopped emitting carbon dioxide that the climate would go back to normal in 100 years or 200 years. What we're showing here is that's not right. It's essentially an irreversible change that will last for more than a thousand years," Solomon says. This is because the oceans are currently soaking up a lot of the planet's excess heat — and a lot of the carbon dioxide put into the air. The carbon dioxide and heat will eventually start coming out of the ocean. And that will take place for many hundreds of years. Solomon is a scientist with the National Oceanic and Atmospheric Administration. Her new study looked at the consequences of this long-term effect in terms of sea level rise and drought. If we continue with business as usual for even a few more decades, she says, those emissions could be enough to create permanent dust-bowl conditions in the U.S. Southwest and around the Mediterranean. "The sea level rise is a much slower thing, so it will take a long time to happen, but we will lock into it, based on the peak level of [carbon dioxide] we reach in this century," Solomon says. The idea that changes will be irreversible has consequences for how we should deal with climate change. The global thermostat can't be turned down quickly once it's been turned up, so scientists say we need to proceed with more caution right now."

#### No risk of huge pandemic – genetic diversity

Townsville Bulletin ‘3

(“Bio-terror talk Professor says body can cope with viruses,” Australia, August 30, Lexis)

Immunogenetics researcher Professor Alan Baxter, head of JCU Comparative Genomics Centre, held a public lecture this week on the body's defences against bio-terrorism. Professor Baxter said the global epidemics people were concerned about were highly unlikely to occur. "It is not all doom and gloom, the body has a number of defences against biological weapons and emerging infections," he said. "There are a number of ways the human body has evolved to protect itself from novel infections, or infections it might not have encountered before." Professor Baxter said the requirements for an organism to cause a world-wide pandemic were very restrictive. "Very few organisms are capable of doing this," he said. "And in a mixed population such as ours there's quite a diverse range of genetic resistance strategies, meaning we're unlikely to encounter the sorts of deadly epidemics that decimated the small foundling communities of the past."

#### Diseases “burn out” too fast to cause extinction – their ev is based on a sampling error

Washington Post 97 (John Schwartz, “Battling an Outbreak Of Hype”, 1-19, L/N)

Regis delights in deflating the scaremongers, and parodies the scare talk surrounding the Kikwit outbreak. Thanks to global air travel, he writes, "Your own home -- your very own neighborhood -- was only a day away from the Ebola virus!" He then debunks. Such "hot" viruses as Ebola burn themselves out quickly, and are far from unstoppable. "A virus, including the Ebola virus, was not something that magically tunneled through physical barriers. A layer of plastic or rubber was all that was necessary to contain it, and household bleach was sufficient to kill it." Regis's book also focuses on the heroes of virology: the men and women who identify and fight the nasties. As the book's title suggests, he gives the most ink to the scientists from the U.S. Centers for Disease Control and Prevention (CDC) in Atlanta. But he shows that America has no monopoly on viral cowboys -- people who will go to superhuman effort to get the job done. Sometimes they break the rules of public safety, and even common sense. Belgian scientist Guido van der Groen sweet talks a Federal Express clerk into letting him ship deadly tissue samples from the Kikwit outbreak to the CDC. The CDC's Lyle Conrad brings a victim of deadly Lassa fever into the United States from Africa via airplane in 1969, greatly expanding our understanding of the disease -- and earning a loud reprimand from the then-head of the CDC. This swashbuckling science, Regis gushes, "was a mythic journey, a quest, one that partook of the legendary and the fabulous. . . . It was a romantic adventure in the classic sense." Ryan's book is both broader and deeper. He refrains from the reporters' sometimes-overheated prose, and corrects their errors. But the compelling human stories seem to drag in the telling. Virus X comes alive when Ryan delves into the science, as when he gives a breathtaking step-by-step description of the process by which the CDC's Stuart Nichol was able to identify the hantavirus's genetic sequence even before the virus itself had been successfully cultured. Little wonder, then, that Ryan really begins to cook as he draws sweeping scientific conclusions toward the end of the book. He writes that "viruses, so often thought to be nothing more than parasites, play a much wider role" in nature's grand plan. He takes on the vexing issue of why viruses that coexist in relative harmony with their natural hosts emerge to attack humans with such lethal force. Because a bug that wipes out its target population will become extinct itself, it's sound evolutionary strategy to reach an accommodation instead, and to "co-evolve" with the host over time. Ultimately, the bugs aren't out to kill us, Ryan explains: They just want to move in, like microscopic Kato Kaelins. New hosts for the virus haven't had time to reach this accommodation, and so the initial encounters tend to be tragic. Yet once adapted, the viral guests aren't mere freeloaders: Ryan suggests that they become part of the host's armamentarium against turf invaders. Because we are the invaders of so many remote corners of the Earth, we run into these "unwitting knights of nature. . . . Although not primarily designed to attack humanity, human exploitation and invasion of every ecological sphere has directed that aggression our way." Ryan ends with a call for better monitoring of and response to emerging diseases -- and, just to make sure we get the message, conjures up a hypothetical "virus X," a true doomsday bug as lethal as Ebola Zaire but with the airborne transmission abilities of measles. Brrrrrrrrrrr. Regis, on the other hand, steadfastly refuses to fret, and takes on the increasingly popular apocalyptic notion that emerging diseases are somehow "Gaia's revenge" on humanity for overdevelopment. He scorns Preston's idea that "in a sense, the earth is mounting an immune response against the human species" and Garrett's notion that "the microbes were winning." Many more Americans have been killed by lightning than the 700 Ebola deaths worldwide, yet "nobody spoke of lightning as 'the revenge of the thunderclouds,' even though there was abundant talk of Ebola as 'the revenge of the rain forest'," Regis sneers. This proliferation of new viral threats is an "illusion," Regis says. What's new are the tools of detection. "The better the CDC got at identifying the pathogens that caused age-old but hitherto unrecognized diseases, the more it looked as if scads of trailblazing new microbes were out there amassing themselves for attack, gathering their forces, and preparing to bring us 'the coming plague'."

### Pakistan

#### Killing terrorists solves terrorism –their recruitment arguments are backwards

Peters 4, Masters in International Relations

(Ralph, Fmr Military Officer and Author, Parameters, Summer)

And we shall hear that killing terrorists only creates more terrorists. This is sophomoric nonsense. The surest way to swell the ranks of terror is to follow the approach we did in the decade before 9/11 and do nothing of substance. Success breeds success. Everybody loves a winner. The clichés exist because they’re true. Al Qaeda and related terrorist groups metastasized because they were viewed in the Muslim world as standing up to the West successfully and handing the Great Satan America embarrassing defeats with impunity. Some fanatics will flock to the standard of terror, no matter what we do. But it’s far easier for Islamic societies to purge themselves of terrorists if the terrorists are on the losing end of the global struggle than if they’re allowed to become triumphant heroes to every jobless, unstable teenager in the Middle East and beyond. Far worse than fighting such a war of attrition aggressively is to pretend you’re not in one while your enemy keeps on killing you. Even the occupation of Iraq is a war of attrition. We’re doing remarkably well, given the restrictions under which our forces operate. But no grand maneuvers, no gestures of humanity, no offers of conciliation, and no compromises will persuade the terrorists to halt their efforts to disrupt the development of a democratic, rule-of-law Iraq. On the contrary, anything less than relentless pursuit, with both preemptive and retaliatory action, only encourages the terrorists and remaining Baathist gangsters.

#### **No correlation between drone use and recruitment levels.**

Etzioni 13, Professor of International Relations @ George Washington University

(Aimtai Etzioni, senior adviser to the Carter administration, “Everything Libertarians and Liberals Get Wrong About Drones”, The Atlantic, 4/30/13, http://www.theatlantic.com/politics/archive/2013/04/everything-libertarians-and-liberals-get-wrong-about-drones/275356/)

Some critics worry that relying upon drones will engender significant resentment and potentially aid terrorist recruitment efforts. However, those who are inclined towards terrorism already loathe the United States for a thousand other reasons. Pew surveys show that anti-Americanism thrives in regions where there have been no drone strikes (for example, in Egypt) and, where drones have been active, high levels of anti-Americanism predated their arrival (for instance in Pakistan).

#### Alternatives are less popular than drone strikes – public opinion is misstated

Byman 2013 - professor at Georgetown University's Security Studies Program (July, Daniel, “professor at Georgetown University's Security Studies Program” <http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman>)

Such concerns are valid, but the level of local anger over drones is often lower than commonly portrayed. Many surveys of public opinion related to drones are conducted by anti-drone organizations, which results in biased samples. Other surveys exclude those who are unaware of the drone program and thus overstate the importance of those who are angered by it. In addition, many Pakistanis do not realize that the drones often target the very militants who are wreaking havoc on their country. And for most Pakistanis and Yemenis, the most important problems they struggle with are corruption, weak representative institutions, and poor economic growth; the drone program is only a small part of their overall anger, most of which is directed toward their own governments. A poll conducted in 2007, well before the drone campaign had expanded to its current scope, found that only 15 percent of Pakistanis had a favorable opinion of the United States. It is hard to imagine that alternatives to drone strikes, such as seal team raids or cruise missile strikes, would make the United States more popular.

#### Pakistan wouldn’t launch nukes – Indian deterrent is effective

IBN, 08 (“In any war with Pak, India's superiority will prevail”, http://ibnlive.in.com/news/in-any-war-with-pak-indias-superiority-will-prevail/81479-3.html)

The Pakistani armed forces have received considerable aid from the United States to fight the so-called global war on terror but are in no shape to successfully fight a war with India because of their large-scale commitment in the NWFP, FATA and Swat Valley and because of the recent battering that they have received at the hands of militant groups like the Tehrik-e-Taliban Pakistan (TTP). If conventional conflict does spill over to the plains, India's army and air force will plan to take the fight into enemy territory through their new concept of joint air-land offensive operations. This has been tested in a series of annual exercises that have included Poorna Vijay (2001), Vijay Chakra, Divya Astra, Vajra Shakti (May 2005), Desert Strike (November 2005), Sanghe Shakti (May 2006) and Dakshin Shakti-Brazen Chariots (March 2008). All of these exercises were aimed at concentrating and coordinating the firepower of all available assets and fine-tuning army-air force joint operations in a strategic setting premised on conventional operations in a nuclear environment. The doctrine for offensive operations prior to Operation Parakram (2001-02) was to employ the massive combat potential of India's Strike Corps to advance deep into Pakistani territory to capture strategic objectives and to bring to battle and destroy Pakistan's Army Reserve (North) and Army Reserve (South), so as to substantially degrade its war machinery. This concept was evolved in 1981-82 and tested in Exercise Digvijay when General Krishna Rao was army chief. It was further refined during the famous Exercise Brass Tacks IV in 1987 by General K Sundarji as chief of the army staff and was accepted as the army's doctrine for offensive operations in the plains. While the option to strike deep and call Pakistan's nuclear bluff remains on the table, a new concept of offensive operations now under consideration is a combination of "cold start" and integrated battle groups (IBGs). During Operation Parakram the Strike Corps had taken too long to move to their concentration areas. The aim of Cold Start is to move rapidly from the cantonments directly to battle positions to launch a number of potent strikes all across the western border without prior warning to give India strategic advantage. IBGs based on combinations of infantry divisions and armoured brigades are offensive battle groups capable of penetrating across the border over a wide front. Supported by massive firepower, IBGs can launch multi-pronged offensive operations into Pakistan without presenting large targets for nuclear strikes. India's strike formations are now better capable of launching offensive operations quickly. Within 72 to 96 hours of the issue of the order for full-scale mobilisation, a large number of IBGs based on strike divisions may be expected to launch offensive operations even as the defensive divisions are still completing their deployments on the border. Such simultaneity of operations will unhinge the adversary, break his cohesion and paralyse him into making mistakes from which he will not be able to recover. Each strike division battle group will be specifically structured to achieve designated objectives in the terrain in which it is expected to be launched and yet be flexible enough for two or more of them to be grouped for concentrated operations under a corps HQ. This will enable them to bring to bear the combined weight of their combat power on a common military objective deep inside Pakistani territory. The "pivot" or holding Corps has been provided significant offensive capability that is now integral to them. The then army chief, General JJ Singh, had stated that "they have been assigned roles, which are offensive as well as defensive..." Should the Pakistan army find itself unable to stop the Indian juggernaut, it may consider launching nuclear strikes against India's mechanised forces operating inside its territory. However, Pakistan has a lot to lose by initiating nuclear strikes. Its military leaders are well aware that while India will sustain considerable damage in a Pakistani first strike, India's massive retaliatory strike will completely destroy major Pakistani cities, industry and combat forces and Pakistan will cease to exist as a nation state. Under the circumstances, Pakistan's "red lines" are not as close to the border as the Pakistan army has been trying to convince Indian military planners to believe. Obviously, the red lines vary according to the terrain. For example, in the developed state of west Punjab, Pakistan's nuclear threshold will be much lower than in the Cholistan or Thar deserts, which are relatively less developed and, consequently, more thinly populated.

#### India-Pakistan war won’t go nuclear

Duke News 2 (June 4, pg. http://www.dukenews.duke.edu/2002/06/indiatip0602.html)

Though India and Pakistan probably will never agree on who should control the Kashmir region, it is highly unlikely the two South Asian neighbors will resort to nuclear war to resolve their dispute, says a Duke University professor emeritus who has been researching Pakistan since 1957. "While they have serious divisions, the Indian and Pakistani regimes are rather rational on this matter," said Ralph Braibanti, James B. Duke Professor Emeritus of Political Science. "Even though there is saber rattling going on, I doubt very much they would use nuclear weapons." Steven Wilkinson, an assistant professor of political science at Duke, also thinks the chance of a nuclear outbreak is low as long as India does not mount a full-scale invasion. Pakistan, whose conventional military forces are far weaker than India's, would be the most likely country to initiate a nuclear strike if it felt defeat were imminent, Wilkinson said. As a result, "India recognizes that anything more than a 'limited' strike into Pakistan and Pakistan-held Kashmir poses serious risks," said Wilkinson, who teaches about ethnic identity and conflict resolution in South Asia. Brainbanti, author of *Chief Justice Cornelius of Pakistan* (Oxford University Press, 1999), said Pakistan favors Kashmir residents being allowed to vote on whether it becomes a part of India or Pakistan. India, on the other hand, does not want such a vote to occur because if Kashmir were to become part of Pakistan, it might lead to other succession movements within India. "Ideally, the solution would be to maintain this line of control that's existed since 1947 and make that the permanent division of Kashmir," said Braibanti, who from 1960-62 advised the Pakistani government on civil service issues. "The difficulty is that the best part of Kashmir is held by India in the south."

#### Military not aggressive

Ganguly, poli sci prof- Indiana, 08 (Sumit, Nuclear Stability in South Asia, Intl Security Vol 33, No 2, Fall)

Third, Sagan's assertion about the dominance of the Pakistani military in determining Pakistan's security policies is unquestionably accurate. With the possible exception of the Kargil conflict, however, it is far from clear that the Pakistani military has been the primary force in planning for and precipitating aggressive war against India. The first Kashmir war, without a doubt, had the explicit approval of Pakistan's civilian authorities.88 Similarly, there is ample evidence that the highly ambitious foreign minister, Zulfikar Ali Bhutto, goaded President Ayub Khan to undertake the 1965 war.89 Finally, once again Bhutto, as much as the Pakistani military dictator Yahya Khan, was complicit in provoking a war with India in 1971, following the outbreak of a civil war in East Pakistan.90 Consequently, even though deductive theories may suggest that military organizations are universally more prone to the use of force and the adoption of offensive military doctrines, an assessment of the empirical evidence from South Asia suggests a more complex reality. Even though the Pakistani military has been risk prone and intransigent toward India, the evidence does not support the proposition that the Pakistani military has been more war prone. Civilian decisionmakers have often played a critical role in urging the military to undertake aggressive actions. Furthermore, in the context of weak democratic [End Page 68] institutions and with politicians desirous of exploiting an existing culture of populist jingoism, civilian regimes, especially in Pakistan, have demonstrated a substantial propensity to resort to war.91

#### A coup wouldn’t lead to nuclear use- the military has always controlled their nuclear weapons

Kampani 99 (Gaurav, CNS Research Associate, October, pg. http://cns.miis.edu/pubs/reports/gaurav.htm)

Fears that the coup could leave Pakistan's nuclear arsenal in the military's hands, unfettered by civilian control, are largely unfounded. The degree of actual civilian participation in Pakistan's nuclear decision-making has always been limited. In Pakistan, the military has been responsible for major decisions on defense, security, and nuclear issues. The civilian governments have participated in the process, but only in a supportive role. Pakistani observers also doubt whether any civilian government would have had access to such information as the precise number of nuclear warheads that Pakistan has in its inventory, nuclear storage sites, number of delivery vehicles, operational readiness, existing fissile material stocks, future production rates, command and control chain, future plans on the architecture of the nuclear deterrent, and so forth. (3)

#### No risk that Pakistani nukes are stolen

Innocent, 10 - foreign policy analyst at the Cato Institute (Malou, “Away from McChrystal and Back to the Basics,” Huffington Post, 6/28, http://www.cato.org/pub\_display.php?pub\_id=11934)

Pakistan has an elaborate command and control system in place that complies with strict Western standards, and the country's warheads, detonators, and missiles are not stored fully-assembled, but are scattered and physically separated throughout the country. In short, the danger of militants seizing Pakistan's nuclear weapons in some Rambo-like scenario remains highly unlikely.

## 1NR

### OV

**Hotspots escalate**

**Probability – nationalist tensions and years of anger and fighting**

**Tf – on the brink, ev from 2012**

**Magnitude – US military capability = conflict filter**

**Turns aff – international norms break down**

**Makes soft power ineffective, more likely because soft power would be built up in the long term**

**Pakistan –**

#### Effective use of drones key to prevent militant rise in Pakistan – no blowback

Nadim 12 visiting scholar at the Woodrow Wilson Center

(Hussain, How Drones Changed the Game in Pakistan, nationalinterest.org/how-drones-changed-the-game-pakistan-7290)

Regardless of what the news agencies in Pakistan claim about the negative effects of drone strikes, the weapon is proving to be a game changer for the U.S. war on terrorism. And surprisingly, the Pakistani Army quietly admits to this fact. Just the way Stinger missiles shifted the balance of power in favor of the United States in the 1980s, drones are producing the same results. The critics of unmanned strikes, who claim that drones are contributing to growing radicalization in Pakistan, haven’t looked around enough—or they would realize that much of the radicalization already was established by the Taliban in the 1990s. The real tragedy is that it is acceptable for the Taliban to radicalize and kill, but it is considered a breach of sovereignty for the United States, in pursuit of those radicalizing Pakistan’s people, to do the same. There is so much protest over the drones because the media reports about them are biased. Although people on ground in war zones contend that the drone strikes have very few civilian casualties and, with time, have become extremely precise, the media presents quite a different story to boost its ratings. Many in Pakistan, especially in the army, understand the positive impact of this weapon. Drones are coming in handy for two reasons: their precision and psychological effect. Many analysts of this subject have been concerned only with the military aspect, such as whether or not drones are precise enough and the casualties they incur. But part of what works in favor of the United States is the psychological impact—the fear that drones have instilled in the militants. The fact that the United States might strike day or night, inside the militant compound or outside while traveling in the convoys, works to deter militants and restrict their operations. This tilts the balance of power in favor of the United States. Most of the people in the Pakistani Army whom I interviewed on the subject were positive about the drone strikes and their direct correlation with a decrease in terrorist attacks in Pakistan. The majority focused on the psychological impact of the drones and how they have put militants on the run, forcing them to sleep under trees at night, though it must be said that army officials showed some concern about cases in which the same psychological impact is experienced by civilians. Locals I talked to are frustrated over the fear that they might get hit by a drone if the militants are hiding in their neighborhood. But this frustration may have a positive impact as it motivates civilians to flush out and close doors to militants who seek refuge in their areas. Surprisingly, there isn’t as much anti-Americanism as one would suspect in areas where the United States is conducting drone strikes, largely because the locals are fed up with the influx of militants in their areas and have suffered because of terrorism. However, urban centers, which have suffered the least from terrorism, are far more radicalized and anti-American. Hence, we see large anti-drone rallies in the cities of Punjab, where people have little first-hand experience with drones. The anti-American lot in these places will start a rally for any reason at all as long as they get to burn a few American flags.

### AT: Link Turn – Aff Makes Warfighting Better

#### The status quo is the perfect middle ground because it preserves congressional involvement without threatening flexibility – the plan kills that balance

Scowcroft & Kanter 3, National Security Adviser under Presidents Bush and Ford, undersecretary of state for political affairs in the Bush administration

(Brent Scowcroft and Arnold Kanter, The Washington Post, “Foreign Policy Straightjacket,” 10-20-1993, p.A29)

The alternative is not for Congress to give the president a blank check and abdicate its constitutional responsibilities in foreign policy. Congress is a valuable sounding board and source of wise counsel. It can offer invaluable assistance in rallying public opinion behind the president and is uniquely positioned to run political sanity checks on the president's proposed policies and actions, offering its distinctive insights into the mood of the country and how best to take the voters' concerns into account. Nor is Congress without leverage in helping presidents remember this essential lesson. It can hold the president accountable for his actions before the bar of public opinion -- and ultimately the ballot box -- by calling hearings and requiring the administration to send reports detailing the progress, problems and prognosis of particular issues. If all else fails, of course, it can resort to the power of the purse to enforce its will. The president too must do his job. First, he must exercise the foreign policy leadership that is his unique responsibility, or Congress surely will be tempted -- or feel obliged -- to cross the constitutional line and fill the vacuum. Second, he must build and sustain public and congressional confidence in that leadership by means of frequent, serious consultations with the Hill and clear explanations to the American people about our purposes and stakes. The recent congressional actions on Somalia and the current debate about Haiti can be read as evidence of what happens when the president does not accomplish both these tasks. All presidents know -- or learn -- that their foreign policy cannot succeed and their tough foreign policy decisions will not be sustained without bipartisan support borne of clear, honest dialogue between the two branches of government. But Congress cannot exercise foreign policy leadership, and the president must not acquiesce in its ill-considered efforts to do so. Congress cannot conduct a successful foreign policy; only the president can. Likewise, Congress cannot formulate and execute an effective political-military strategy to accomplish foreign policy objectives; only the president can. Put simply, our country can ill-afford 535 secretaries of state, and still less 535 commanders in chief. Congress, for its part, must participate in the grand debate about the scope and nature of American engagement in the new world order, but it also must resist the temptation to legislate our foreign policy and how military forces will be used to support it. For his part, the president should encourage and benefit from Congress's legitimate participation, but he also must stand ready to veto any legislation that undermines his ability to fulfill his foreign policy responsibilities.

### Perception Link

#### Congressional restrictions cause adversaries to doubt the credibility of our threats --- causes crisis escalation

Matthew Waxman 8/25/13, Professor of Law @ Columbia and Adjunct Senior Fellow for Law and Foreign Policy @ CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN

A claim previously advanced from a presidentialist perspective is that stronger legislative checks on war powers is harmful to coercive and deterrent strategies, because it establishes easily-visible impediments to the President’s authority to follow through on threats. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that any serious restrictions on presidential use of force would mean in practice that “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off explosive confrontations.”178 He continued:¶ In the tense and cautious diplomacy of our present relations with the Soviet Union, as they have developed over the last twenty-five years, the authority of the President to set clear and silent limits in advance is perhaps the most important of all the powers in our constitutional armory to prevent confrontations that could carry nuclear implications. … [I]t is the diplomatic power the President needs most under the circumstance of modern life—the power to make a credible threat to use force in order to prevent a confrontation which might escalate.179

#### Perception of weak Presidential crisis response capabilities

John R. Bolton 9, Senior fellow at the American Enterprise Institute & Former U.S. ambassador to the United Nations, “The danger of Obama's dithering,” Los Angeles Times, October 18, http://articles.latimes.com/2009/oct/18/opinion/oe-bolton18

Weakness in American foreign policy in one region often invites challenges elsewhere, because our adversaries carefully follow diminished American resolve. Similarly, presidential indecisiveness, whether because of uncertainty or internal political struggles, signals that the United States may not respond to international challenges in clear and coherent ways. Taken together, weakness and indecisiveness have proved historically to be a toxic **combination for America's global interests**. That is exactly the combination we now see under President Obama. If anything, his receiving the Nobel Peace Prize only underlines the problem. All of Obama's campaign and inaugural talk about "extending an open hand" and "engagement," especially the multilateral variety, isn't exactly unfolding according to plan. Entirely predictably, we see more clearly every day that diplomacy is not a policy but only a technique. **Absent** presidential leadership, **which at a minimum means** clear policy direction and persistence in the face of criticism and adversity**, engagement simply embodies** weakness and indecision.

### 2NC Congress Link Block

#### We’ll isolate several links to statutory restriction:

#### 1) Flexibility – legislation ties the President’s had and ensures military ineffectiveness

Scowcroft 93

(Brent, Arnold, National Security Adviser Under Bush I and Ford, Undersecretary of State for Political Affairs in Bush I, The Washington Post, “Foreign Policy Straightjacket”, 10/20/1993, p. lexis)

Maneuvering in the complex environment of a Somalia -- or of a Haiti, Bosnia or the other crises that loom on and just over the horizon -- requires the agility of a ballet dancer, not the Mack truck of legislation. In a world that increasingly places a premium on a rapidly adaptable foreign policy, codifying highly detailed requirements in a public law is a recipe for ineffectiveness. It undermines the president's ability to threaten, cajole and pressure our adversaries by publicizing the costs we will and won't pay and by broadcasting the conditions and constraints under which our forces will operate. At the same time, it leaves our friends and allies, whose cooperation we seek, to wonder whether Congress will permit the president to follow through on his promises and commitments. Finally, it stays on the books, continuing to tie the president's hands as circumstances change and Congress's attention shifts to other priorities. Now more than ever, trying to legislate foreign policy is simply a bad idea.

#### 2) Delay – Increased congressional involvement bogs down warfighting

Boylan & Phelps 1 – asst prof of poli sci @ Winthrop U & prof of poli sci @ Northern Arizona University

(Timothy & Glenn, Parameters Spring 2001, The War Powers Resolution: A Rationale for Congressional Inaction)

The House and Senate debates of 10-12 January 1991 concerned the question of congressional authorization versus continued sanctions. One side argued that extending the deadline meant that Saddam Hussein and the Iraqis could improve their defenses and become better entrenched in Kuwait. If military action took place at a later date, this delay would translate into increased American casualties.[18] The opposing side did not rule out the use of force, but believed that continued sanctions would weaken Iraq's hand. A longer wait, it was thought, would better prepare coalition forces for warfare in the desert. Underlying this debate was a disquiet about the legitimacy and applicability of sending US military troops into battle by order of the United Nations.[19] But few members challenged the legitimacy of Congress in delaying this great debate until the last hour. One exception was Representative Bill Green, who concluded:¶ By inserting ourselves into the process at this late date, our ability to participate in a meaningful way is severely limited and could severely cripple the recently begun process of providing for collective security through the United Nations . . . .¶ The 101st Congress, in its waning days, did not lack opportunities to affect this process. By the time we had adjourned on October 28, 1990, we had approved a defense authorization and appropriations bill that provided funds for the stationing of troops in the Persian Gulf. Since that deployment had been in accordance with article 51 of the UN Charter and UN Resolution 655 concerning the naval and maritime blockade, our vote plainly endorsed that deployment.¶ I supported those efforts, joining over 400 of my colleagues in approving an additional $978 million for Persian Gulf related operations.¶ . . . [B]y waiting until this later hour, we have rendered ourselves extraneous to any positive policy role, unless we are prepared to try to force a change in the position taken by the United Nations.[20]¶ This admission highlights Congress's odd treatment of the War Powers Resolution. The weeks of late summer and early autumn of 1990 showed Congress wrangling over reporting and timing procedure, and delaying debate on the tough substantive issues surrounding the invasion of Kuwait. Rather than promoting consultation, the War Powers Resolution helped to delay and inhibit debate and decision. Perhaps Congress might have found a way to push a final decision to January without recourse to the War Powers Resolution. But the ability to find some other strategy of delay does not excuse the current one. This episode illustrates the larger theme--the history of the War Powers Resolution has not been just one of surprises or consequences unintended by its framers. Congress has purposely used the resolution to offer the show of debate and deliberation, while avoiding engagement with substantive policy. This is not simply a question of political adaptation. It is a clear demonstration of constitutional abdication.

#### 3) Confusion – congressional involvement creates murky lines of authority – undermines warfighting

Wall 12 – senior official @ Alston & Bird

(Andru, Demystifying the Title 10-Title 50 Debate: Distinguishing Military Operations, Intelligence Activities & Covert Action, Harvard National Security Journal)

Congress’s failure to provide necessary interagency authorities and budget authorizations threatens our ability to prevent and wage warfare. Congress’s stubborn insistence that military and intelligence activities inhabit separate worlds casts a pall of illegitimacy over interagency support, as well as unconventional and cyber warfare. The U.S. military and intelligence agencies work together more closely than perhaps at any time in American history, yet Congressional oversight and statutory authorities sadly remain mired in an obsolete paradigm. After ten years of war, Congress still has not adopted critical recommendations made by the 9/11 Commission regarding congressional oversight of intelligence activities. Congress’s stovepiped oversight sows confusion over statutory authorities and causes Executive Branch attorneys to waste countless hours distinguishing distinct lines of authority and funding. Our military and intelligence operatives work tirelessly to coordinate, synchronize, and integrate their efforts; they deserve interagency authorities and Congressional oversight that encourages and supports such integration.

4) Perception– Congressional interference sends the signal to our enemies that we don’t have the political will for warfighting

Newton 12 – prof of law @ Vanderbilt

(Michael, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45, Inadvertent Implications of the War Powers Resolution)

The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that our enemies now focus on American political will as the Achilles heel of our vast capabilities. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to “seek the cooperation of the Congress. Only with that can we give the reassurance needed to deter aggression.”62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the “risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact.”63 In his letter to Congress “consistent with the War Powers Resolution,” the president reported that the strikes “were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities” and “were intended to prevent and deter additional attacks by a clearly identified terrorist threat.”64 The following day, in a radio address to the nation, the president explained his decision to take military action, stating, “Our goals were to disrupt bin Laden’s terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden’s network is associated, which was producing an ingredient essential for nerve gas.”65 Citing “compelling evidence that the bin Laden network was poised to strike at us again” and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes.66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war.67 Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima.68 Seeking to bolster legislative support and to better explain the strategic objectives, he explained that: It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability. They are an important deterrent, a symbol of the international backing behind the legitimate Government of Lebanon, and an important weight in the scales. To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our domestic controversy over the war powers has been so disturbing. Uncertainty about the American commitment can only weaken our effectiveness. Doubts about our staying power can only cause political aggressors to discount our presence or to intensify their attacks in hopes of hastening our departure. An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our political hand.69 Following the spectacularly successful terrorist attack on the Marine barracks in Beirut, President Reagan withdrew the Marines. Osama bin Laden later cited this as an example of American weakness that could not withstand the jihadist fury he sought.70 The legal battles over the scope and effect of the War Powers Resolution have highlighted the focus on national political will as the fulcrum of successful military operations by requiring assurances that military operations are limited in nature, duration, and scope, and therefore well within the president’s constitutional authority as Commander-in-Chief and chief executive. President Obama’s report to Congress in the context of the Libya operations in 2011 cited precedent from air strikes in Bosnia that took just over two weeks and involved more than 2,300 US sorties and the deployment of US forces in Somalia in 1992 and Haiti in 1993.71 The White House released a memorandum from the OLC, similar to previous interventions, explaining how the authorization to use such force was constitutional on the basis that “‘war’ within the meaning of the [Constitution’s] Declaration of War Clause” does not encompass all military engagements, but only those that are “prolonged and substantial . . . typically involving exposure of U.S. military personnel to significant risk over a substantial period.”72 President Obama consistently maintained that the US role in Libya was limited, unlikely to expose any US persons to attack (especially given the role of missiles and drones and the utter inability of Qaddafi’s forces to strike back with conventional means), and likely to end expeditiously.73 By that logic, it did not require authorization from Congress. The administration ultimately adopted a legal analysis that the US military’s activities fell short of “hostilities,” and thus, the president needed no permission from Congress to continue the mission after the expiration of the sixty-day reporting window specified in the War Powers Resolution.74 The president’s reasoning rested on previous OLC opinions that what counts as war depends on “a fact- specific assessment of the ‘anticipated nature, scope, and duration’ of the planned military operations.”75 Present justifications for bypassing the War Powers Resolution hinge on interpretations that it requires “prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period.”76 The OLC engaged in similar reasoning in the Bosnia intervention in 1995, explaining that in deciding whether the proposed deployment into Bosnia amounted to a “‘war’ in the constitutional sense, considerable weight was given to the consensual nature and protective purposes of the operation.”77 That deployment was similarly intended to be a limited mission but that mission, in contrast to the present one, was in support of an agreement that the warring parties had reached and it was at the invitation of the parties that led to the belief that little or no resistance to the deployment would occur. Though some scholars argued that the Libya OLC Memorandum defended its reasoning for why the operation did not amount to “war,” it did not address whether the administration believed that it will have to stop operations upon expiration of the sixty-ninety-day clock under the War Powers Resolution.78 The deadline passed with little fanfare. The memorandum also relied upon quite distinguishable precedent to serve as a guiding point in this intervention. Professor Goldsmith argued the opinion broke “new ground . . . in its extension of the ‘no war’ precedents beyond the Bosnia and Haiti situations—which involved consensual peacekeeping-like introductions of ground troops but no significant uses of force—to cover two weeks of non-consensual aerial bombardments.”79 Thus, even as it incentivizes short term, limited deployments, the War Powers Resolution embeds an inevitable constitutional collision between the coordinate branches. Our enemies can rely upon constitutional carping from Congress, and in fact can adapt tactics and statements that seek to undermine political will in the US Congress and among the American people from the first days of an operation. The Resolution helps to ensure that such debates over the national political will take center stage sooner rather than later, and an asymmetric enemy can in theory erode our political will even before it solidifies.

5) Politicization – kills morale and destroys war-fighting ability

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(Michael, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45, Inadvertent Implications of the War Powers Resolution)

Finally, the War Powers Resolution has the pernicious effect of incentivizing commanders to adopt a form of reverse engineering in the planning and conduct of operations. The effort to limit casualties and designed to create minimal risk relies on previous OLC reasoning that such operations would comply with the statutory mandate.80 As noted above, commanders-in-chief must ensure that there is a tight nexus between the strategic reason for ordering deployments of US forces and the optimal conduct of hostilities to secure those objectives quickly and with the least possible expenditure in terms of blood and treasure. As Private Eddie DiFranco stood guard in front of the Marine Barracks that October morning in Beirut in 1983, he was under strict Rules of Engagement that prohibited him from chambering a live round in his weapon.81 The Sergeant of the Guard, Stephen Russell, remembers the yellow Mercedes truck that sped by on its way to kill 241 Americans.82 He recalls that the driver smiled at him as he drove past the guard who was too slow to react.83 Even as crews cleared the rubble from the bombing, marines posted a chilling cartoon on a bulletin board. The cartoon undoubtedly captures the view some soldiers have of ROE in the era of the War Powers Resolution—it showed a Marine rifleman in a prone firing position behind a barricade in Lebanon.84 The president of the United States is shown whispering in his ear, “Before you fire, I want you to consider the nuances of the War Powers Act.”85 To be sure, the War Powers Resolution coincided with a set of revolutionary changes in the nature of warfare, the abolition of the national draft, and the transition to an all-volunteer force, and epochal changes in the nature of conflict as new non-state actors became the norm. It is also historically clear that the micro- management of conflict did predate the War Powers Resolution in some circumstances. One need only remember President Johnson helping to select targets in Vietnam for instance.86 It is difficult to pinpoint a causal linkage between the Resolution and the dramatically more restrictive conduct of modern operations. However, the passage of the War Powers Resolution most definitely injected an entirely unhealthy degree of politicization into the war-making function. Though it was intended to reinforce the parallel authorities of the co- equal branches of the federal government, it actually embedded great incentives for commanders to issue restrictive rules of engagement in an overall effort to limit casualties, as well as the scope of the conflict. This domestic political restriction created controversy for example during the Kosovo air campaign between the United States and its NATO allies. Of more fundamental concern to the war-fighters and the lawyers that advise them, artificial rules that go well beyond the normal bounds of the laws and customs of warfare logically lead to increased American casualties as they erode the morale of the force. To the extent that the War Powers Resolution helped to inject political sensitivity into the conduct of operations, it has led to constrained rules that may not be the optimal pathway for achieving US strategic objectives. Constrained rules in turn actually make missions longer and more costly. This is not at all of course to imply that there are inherent limits on the commander-in-chief’s war-making authority, but to the extent that the Resolution embeds artificial barriers to the accomplishment of US military objectives, it artificially impedes US success in ways that its drafters would certainly not have foreseen or sought.

### Link - Drones

There are currently no judicial or statutory restrictions on drone use – maintaining that freedom is key to the president’s ability to wage war

Druck 12 – JD Candidate @ Cornell

(Judah, Cornell Law Review, 98 Cornell L. Rev. 209, NOTE: DRONING ON: THE WAR POWERS RESOLUTION AND THE NUMBING EFFECT OF TECHNOLOGY-DRIVEN WARFARE)

On March 19, 2011, American forces began attacking various targets controlled by Muammar el-Qaddafi as part of NATO's support for the Libyan antigovernment resistance. n1 Promising that no ground [\*210] troops would be used during these operations, n2 President Barack Obama ordered strikes on Qaddafi forces using Tomahawk missiles and bombings from warplanes. n3 This order would later include the use of unmanned Predator drones, signaling a shift toward a supporting role for NATO. n4 Fighting lasted for months, ultimately culminating in the ousting of Qaddafi by rebel forces. n5¶ Despite the limited nature of the U.S. intervention, questions concerning the legality of the President's actions quickly arose. n6 Under the 1973 War Powers Resolution (WPR), n7 which was enacted in the wake of protests during the Vietnam War, the President is required to cease any use of military forces in "hostilities" within sixty days of the conflict's beginning unless he receives congressional authorization to the contrary. n8 Having acted without any support from Congress in the first sixty days, the President had seemingly presented a clear example of a WPR violation. Yet President Obama and State Department legal adviser Harold Koh rejected this view by arguing that the use of force in Libya had not involved the type of "hostilities" covered by the WPR. n9 Emphasizing the absence of U.S. casualties and lack of exposure to "exchanges of fire with hostile forces," the President stood firmly behind his decision to intervene in Libya without consulting Congress. n10¶ [\*211] Legislators, pundits, and academics alike broadly criticized this legal analysis. n11 Yet aside from these particularized complaints, the President ultimately faced no discernible repercussions (judicial, legislative, or social challenges) for his actions. n12 From a historical perspective, the absence of substantial backlash is unsurprising: since its inception, the WPR has generally failed to prevent presidents from using military action in an arguably illegal manner. n13 In those situations, courts, n14 legislators, n15 and social movements n16 have failed to challenge this sort of presidential action, setting the stage for President Obama's similar neglect of the WPR.¶ But perhaps we can examine the apathetic treatment of President Obama's actions in Libya in a different light, one that focuses on the changing nature and conception of warfare itself. Contrary to larger-scale conflicts like the Vietnam War, where public (and political) outrage set the stage for Congress's assertion of war-making power through the WPR, n17 the recent U.S. intervention did not involve a draft, nor a change in domestic industry (requiring, for example, civilians [\*212] to ration food), and, perhaps most importantly, did not result in any American casualties. n18 Consequently, most analyses of the Libyan campaign focused on its monetary costs and other economic harms to American taxpayers. n19 This type of input seems too nebulous to cause any major controversy, especially when contrasted with the concurrent costs associated with the wars in Iraq and Afghanistan. n20 In a sense, less is at stake when drones, not human lives, are on the front lines, limiting the potential motivation of a legislator, judge, or antiwar activist to check presidential action. n21 As a result, the level of nonexecutive involvement in foreign military affairs has decreased.¶ The implications are unsettling: by ameliorating many of the concerns often associated with large-scale wars, technology-driven warfare has effectively removed the public's social and political limitations that previously discouraged a President from using potentially illegal military force. As President Obama's conduct illustrates, removing these barriers has opened the door to an unfettered use of unilateral executive action in the face of domestic law. n22 Consequently, as war becomes more and more attenuated from the American psyche, a President's power to use unilateral force without repercussions will likely continue to grow.

### China

#### Effective executive response is key to prevent global crises --- specificallyNorth African terrorism, Russian aggression, and Senkaku conflict

Ghitis 13

[Frida, world affairs columnist for The Miami Herald and World Politics Review. A former CNN producer and correspondent, she is the author of *The End of Revolution: A Changing World in the Age of Live Television*. “World to Obama: You can't ignore us,” 1/22, http://www.cnn.com/2013/01/22/opinion/ghitis-obama-world]

And while Obama plans to dedicate his efforts to the domestic agenda, a number of brewing international crises are sure to steal his attention and demand his time. Here are a few of the foreign policy issues that, like it or not, may force Obama to divert his focus from domestic concerns in this new term.¶ Syria unraveling: The United Nations says more than 60,000 people have already died in [a civil war t](http://www.cnn.com/2013/01/02/world/meast/syria-civil-war/index.html)hat the West has, to its shame, done little to keep from spinning out of control. Washington[has warned](http://www.nytimes.com/2012/12/04/world/middleeast/nato-prepares-missile-defenses-for-turkey.html?_r=0" \t "_blank) that the use of chemical or biological weapons might force its hand. But the regime [may have already used them](http://www.reuters.com/article/2013/01/19/us-syria-chemical-newspaper-idUSBRE90I0JV20130119%22%20%5Ct%20%22_blank). The West has failed to nurture a moderate force in the conflict. Now Islamist extremists are growing [more powerful](http://www.al-monitor.com/pulse/originals/2013/01/fighter-syria-aleppo-turkey.html%22%20%5Ct%20%22_blank) within the opposition. The chances are growing that worst-case scenarios will materialize. Washington will not be able to endlessly ignore this dangerous war.¶ Egypt and the challenge of democracy: What happens in Egypt strongly influences the rest of the Middle East -- and hence world peace -- which makes it all the more troubling to see liberal democratic forces lose battle after battle for political influence against Islamist parties, and to hear blatantly [anti-Semitic speech](http://www.nytimes.com/2013/01/15/world/middleeast/egypts-leader-morsi-made-anti-jewish-slurs.html%22%20%5Ct%20%22_blank) coming from the mouth of Mohammed Morsy barely two years before he became president.¶ Iran's nuclear program: Obama took office promising a new, more conciliatory effort to persuade Iran to drop its nuclear enrichment program. Four years later, he has succeeded in implementing international sanctions, but Iran has continued enriching uranium, leading [United Nations inspectors](http://news.yahoo.com/un-credible-evidence-iran-working-nuke-weapons-153544271.html%22%20%5Ct%20%22_blank) to find "credible evidence" that Tehran is working on nuclear weapons. Sooner or later the moment of truth will arrive. If a deal is not reached, Obama will have to decide if he wants to be the president on whose watch a nuclear weapons race was unleashed in the most dangerous and unstable part of the world.¶ North Africa terrorism: A much-neglected region of the world is becoming increasingly difficult to disregard. In recent days, [Islamist extremists](http://edition.cnn.com/2013/01/18/opinion/ghitis-algeria-hostage-crisis/index.html?hpt=op_t1) took American and other hostages in Algeria and France sent its military to fight advancing Islamist extremists in Mali, a country that once represented optimism for democratic rule in Africa, now overtaken by militants who are potentially turning it into a staging ground for international terrorism.¶ Russia repression: As Russian President Vladimir Putin succeeds in [crushing opposition](http://www.france24.com/en/20121027-russian-opposition-leaders-detained-protest-navalny-udaltsov-vladimir-putin%22%20%5Ct%20%22_blank) to his [increasingly authoritarian](http://www.freedomhouse.org/report/freedom-world/2013/russia%22%20%5Ct%20%22_blank)rule, he and his allies are making anti-American words and policies their favorite theme. A recent ban on adoption of Russian orphans by American parents is only the most vile example. But Washington needs Russian cooperation to achieve its goals at the U.N. regarding Iran, Syria and other matters. It is a complicated problem with which Obama will have to wrestle.¶ Then there are the long-standing challenges that could take a turn for the worse, such as the Israeli-Palestinian conflict. Obama may not want to wade into that morass again, but events may force his hand.¶ And there are the so-called "black swans," events of low probability and high impact. [There is talk](http://www.economist.com/news/asia/21569757-armed-clashes-over-trivial-specks-east-china-sea-loom-closer-drums-war%22%20%5Ct%20%22_blank) that China and Japan could go to war over a cluster of disputed islands.¶ A war between two of the world's largest economies could prove devastating to the global economy, just as a sudden and dramatic reversal in the fragile Eurozone economy could spell disaster. Japan's is only the hottest of many territorial disputes between China and its Asian neighbors. Then there's North Korea with its nuclear weapons.¶ We could see regions that have garnered little attention come back to the forefront, such as Latin America, where conflict could arise in a post-Hugo Chavez Venezuela.¶ The president -- and the country -- could also benefit from unexpectedly positive outcomes. Imagine a happy turn of events in Iran, a breakthrough between Israelis and Palestinians, the return of prosperity in Europe, a successful push by liberal democratic forces in the Arab uprising countries, which could create new opportunities, lowering risks around the world, easing trade, restoring confidence and improving the chances for the very agenda Obama described in his inaugural speech.¶ The aspirations he expressed for America are the ones he should express for our tumultuous planet. Perhaps in his next big speech, the State of the Union, he can remember America's leadership position and devote more attention to those around the world who see it as a source of inspiration and encouragement.¶ After all, in this second term Obama will not be able to devote as small a portion of his attention to foreign policy as he did during his inaugural speech.

#### Senkaku conflict is on the brink --- quick U.S. intervention is key to prevent global nuclear escalation.

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[Michael, He holds a Ph.D. from the Graduate School of the Union Institute. “The Next War”, 1/23, http://www.realclearworld.com/articles/2013/01/23/the\_next\_war\_100500.html]

Don't look now, but conditions are deteriorating in the western Pacific. Things are turning ugly, with consequences that could prove deadly and spell catastrophe for the global economy.¶ In Washington, it is widely assumed that a showdown with Iran over its nuclear ambitions will be the first major crisis to engulf the next secretary of defense -- whether it be former Senator Chuck Hagel, as President Obama desires, or someone else if he fails to win Senate confirmation. With few signs of an imminent breakthrough in talks aimed at peacefully resolving the Iranian nuclear issue, many analysts believe that military action -- if not by Israel, then by the United States -- could be on this year's agenda.¶ Lurking just behind the Iranian imbroglio, however, is a potential crisis of far greater magnitude, and potentially far more imminent than most of us imagine. China's determination to assert control over disputed islands in the potentially energy-rich waters of the East and South China Seas, in the face of stiffening resistance from Japan and the Philippines along with greater regional assertiveness by the United States, spells trouble not just regionally, but potentially globally.¶ Islands, Islands, Everywhere¶ The possibility of an Iranian crisis remains in the spotlight because of the obvious risk of disorder in the Greater Middle East and its threat to global oil production and shipping. A crisis in the East or South China Seas (essentially, western extensions of the Pacific Ocean) would, however, pose a greater peril because of the possibility of a U.S.-China military confrontation and the threat to Asian economic stability.¶ The United States is bound by treaty to come to the assistance of Japan or the Philippines if either country is attacked by a third party, so any armed clash between Chinese and Japanese or Filipino forces could trigger American military intervention. With so much of the world's trade focused on Asia, and the American, Chinese, and Japanese economies tied so closely together in ways too essential to ignore, a clash of almost any sort in these vital waterways might paralyze international commerce and trigger a global recession (or worse).¶ All of this should be painfully obvious and so rule out such a possibility -- and yet the likelihood of such a clash occurring has been on the rise in recent months, as China and its neighbors continue to ratchet up the bellicosity of their statements and bolster their military forces in the contested areas. Washington's continuing statements about its ongoing plans for a "pivot" to, or "rebalancing" of, its forces in the Pacific have only fueled Chinese intransigence and intensified a rising sense of crisis in the region. Leaders on all sides continue to affirm their country's inviolable rights to the contested islands and vow to use any means necessary to resist encroachment by rival claimants. In the meantime, China has increased the frequency and scale of its naval maneuvers in waters claimed by Japan, Vietnam, and the Philippines, further enflaming tensions in the region.¶ Ostensibly, these disputes revolve around the question of who owns a constellation of largely uninhabited atolls and islets claimed by a variety of nations. In the East China Sea, the islands in contention are called the Diaoyus by China and the Senkakus by Japan. At present, they are administered by Japan, but both countries claim sovereignty over them. In the South China Sea, several island groups are in contention, including the Spratly chain and the Paracel Islands (known in China as the Nansha and Xisha Islands, respectively). China claims all of these islets, while Vietnam claims some of the Spratlys and Paracels. Brunei, Malaysia, and the Philippines also claim some of the Spratlys.¶ Far more is, of course, at stake than just the ownership of a few uninhabited islets. The seabeds surrounding them are believed to sit atop vast reserves of oil and natural gas. Ownership of the islands would naturally confer ownership of the reserves -- something all of these countries desperately desire. Powerful forces of nationalism are also at work: with rising popular fervor, the Chinese believe that the islands are part of their national territory and any other claims represent a direct assault on China's sovereign rights; the fact that Japan -- China's brutal invader and occupier during World War II -- is a rival claimant to some of them only adds a powerful tinge of victimhood to Chinese nationalism and intransigence on the issue. By the same token, the Japanese, Vietnamese, and Filipinos, already feeling threatened by China's growing wealth and power, believe no less firmly that not bending on the island disputes is an essential expression of their nationhood.¶ Long ongoing, these disputes have escalated recently. In May 2011, for instance, the Vietnamese reported that Chinese warships were harassing oil-exploration vessels operated by the state-owned energy company PetroVietnam in the South China Sea. In two instances, Vietnamese authorities claimed, cables attached to underwater survey equipment were purposely slashed. In April 2012, armed Chinese marine surveillance ships blocked efforts by Filipino vessels to inspect Chinese boats suspected of illegally fishing off Scarborough Shoal, an islet in the South China Sea claimed by both countries.¶ The East China Sea has similarly witnessed tense encounters of late. Last September, for example, Japanese authorities arrested 14 Chinese citizens who had attempted to land on one of the Diaoyu/Senkaku Islands to press their country's claims, provoking widespread anti-Japanese protests across China and a series of naval show-of-force operations by both sides in the disputed waters.¶ Regional diplomacy, that classic way of settling disputes in a peaceful manner, has been under growing strain recently thanks to these maritime disputes and the accompanying military encounters. In July 2012, at the annual meeting of the Association of Southeast Asian Nations (ASEAN), Asian leaders were unable to agree on a final communiqué, no matter how anodyne -- the first time that had happened in the organization's 46-year history. Reportedly, consensus on a final document was thwarted when Cambodia, a close ally of China's, refused to endorse compromise language on a proposed "code of conduct" for resolving disputes in the South China Sea. Two months later, when Secretary of State Hillary Rodham Clinton visited Beijing in an attempt to promote negotiations on the disputes, she was reviled in the Chinese press, while officials there refused to cede any ground at all.¶ As 2012 ended and the New Year began, the situation only deteriorated. On December 1st, officials in Hainan Province, which administers the Chinese-claimed islands in the South China Sea, announced a new policy for 2013: Chinese warships would now be empowered to stop, search, or simply repel foreign ships that entered the claimed waters and were suspected of conducting illegal activities ranging, assumedly, from fishing to oil drilling. This move coincided with an increase in the size and frequency of Chinese naval deployments in the disputed areas.¶ On December 13th, the Japanese military scrambled F-15 fighter jets when a Chinese marine surveillance plane flew into airspace near the Diaoyu/Senkaku Islands. Another worrisome incident occurred on January 8th, when four Chinese surveillance ships entered Japanese-controlled waters around those islands for 13 hours. Two days later, Japanese fighter jets were again scrambled when a Chinese surveillance plane returned to the islands. Chinese fighters then came in pursuit, the first time supersonic jets from both sides flew over the disputed area. The Chinese clearly have little intention of backing down, having indicated that they will increase their air and naval deployments in the area, just as the Japanese are doing.¶ Powder Keg in the Pacific¶ While war clouds gather in the Pacific sky, the question remains: Why, pray tell, is this happening now?¶ Several factors seem to be conspiring to heighten the risk of confrontation, including leadership changes in China and Japan, and a geopolitical reassessment by the United States.¶ \* In China, a new leadership team is placing renewed emphasis on military strength and on what might be called national assertiveness. At the 18th Party Congress of the Chinese Communist Party, held last November in Beijing, Xi Jinping was named both party head and chairman of the Central Military Commission, making him, in effect, the nation's foremost civilian and military official. Since then, Xi has made several heavily publicized visits to assorted Chinese military units, all clearly intended to demonstrate the Communist Party's determination, under his leadership, to boost the capabilities and prestige of the country's army, navy, and air force. He has already linked this drive to his belief that his country should play a more vigorous and assertive role in the region and the world.¶ In a speech to soldiers in the city of Huizhou, for example, Xi spoke of his "dream" of national rejuvenation: "This dream can be said to be a dream of a strong nation; and for the military, it is the dream of a strong military." Significantly, he used the trip to visit the Haikou, a destroyer assigned to the fleet responsible for patrolling the disputed waters of the South China Sea. As he spoke, a Chinese surveillance plane entered disputed air space over the Diaoyu/Senkaku islands in the East China Sea, prompting Japan to scramble those F-15 fighter jets.¶ \* In Japan, too, a new leadership team is placing renewed emphasis on military strength and national assertiveness. On December 16th, arch-nationalist Shinzo Abe returned to power as the nation's prime minister. Although he campaigned largely on economic issues, promising to revive the country's lagging economy, Abe has made no secret of his intent to bolster the Japanese military and assume a tougher stance on the East China Sea dispute.¶ In his first few weeks in office, Abe has already announced plans to increase military spending and review an official apology made by a former government official to women forced into sexual slavery by the Japanese military during World War II. These steps are sure to please Japan's rightists, but certain to inflame anti-Japanese sentiment in China, Korea, and other countries it once occupied.¶ Equally worrisome, Abe promptly negotiated an agreement with the Philippines for greater cooperation on enhanced "maritime security" in the western Pacific, a move intended to counter growing Chinese assertiveness in the region. Inevitably, this will spark a harsh Chinese response -- and because the United States has mutual defense treaties with both countries, it will also increase the risk of U.S. involvement in future engagements at sea.¶ \* In the United States, senior officials are debating implementation of the "Pacific pivot" announced by President Obama in a speech before the Australian Parliament a little over a year ago. In it, he promised that additional U.S. forces would be deployed in the region, even if that meant cutbacks elsewhere. "My guidance is clear," he declared. "As we plan and budget for the future, we will allocate the resources necessary to maintain our strong military presence in this region." While Obama never quite said that his approach was intended to constrain the rise of China, few observers doubt that a policy of "containment" has returned to the Pacific.¶ Indeed, the U.S. military has taken the first steps in this direction, announcing, for example, that by 2017 all three U.S. stealth planes, the F-22, F-35, and B-2, would be deployed to bases relatively near China and that by 2020 60% of U.S. naval forces will be stationed in the Pacific (compared to 50% today). However, the nation's budget woes have led many analysts to question whether the Pentagon is actually capable of fully implementing the military part of any Asian pivot strategy in a meaningful way. A study conducted by the Center for Strategic and International Studies (CSIS) at the behest of Congress, released last summer, concluded that the Department of Defense "has not adequately articulated the strategy behind its force posture planning [in the Asia-Pacific] nor aligned the strategy with resources in a way that reflects current budget realities."¶ This, in turn, has fueled a drive by military hawks to press the administration to spend more on Pacific-oriented forces and to play a more vigorous role in countering China's "bullying" behavior in the East and South China Seas. "[America's Asian allies] are waiting to see whether America will live up to its uncomfortable but necessary role as the true guarantor of stability in East Asia, or whether the region will again be dominated by belligerence and intimidation," former Secretary of the Navy and former Senator James Webb wrote in the Wall Street Journal. Although the administration has responded to such taunts by reaffirming its pledge to bolster its forces in the Pacific, this has failed to halt the calls for an even tougher posture by Washington. Obama has already been chided for failing to provide sufficient backing to Israel in its struggle with Iran over nuclear weapons, and it is safe to assume that he will face even greater pressure to assist America's allies in Asia were they to be threatened by Chinese forces.¶ Add these three developments together, and you have the makings of a powder keg -- potentially at least as explosive and dangerous to the global economy as any confrontation with Iran. Right now, given the rising tensions, the first close encounter of the worst kind, in which, say, shots were unexpectedly fired and lives lost, or a ship or plane went down, might be the equivalent of lighting a fuse in a crowded, over-armed room. Such an incident could occur almost any time. The Japanese press has reported that government officials there are ready to authorize fighter pilots to fire warning shots if Chinese aircraft penetrate the airspace over the Diaoyu/Senkaku islands. A Chinese general has said that such an act would count as the start of "actual combat." That the irrationality of such an event will be apparent to anyone who considers the deeply tangled economic relations among all these powers may prove no impediment to the situation -- as at the beginning of World War I -- simply spinning out of everyone's control.¶ Can such a crisis be averted? Yes, if the leaders of China, Japan, and the United States, the key countries involved, take steps to defuse the belligerent and ultra-nationalistic pronouncements now holding sway and begin talking with one another about practical steps to resolve the disputes. Similarly, an emotional and unexpected gesture -- Prime Minister Abe, for instance, pulling a Nixon and paying a surprise goodwill visit to China -- might carry the day and change the atmosphere. Should these minor disputes in the Pacific get out of hand, however, not just those directly involved but the whole planet will look with sadness and horror on the failure of everyone involved.