## First Off

#### Obama has the upper hand on debt limit now but GOP demands could create a complicated battle

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(9/9/2013, Sahil, “Is House GOP Backing Down In Debt Limit Fight?” <http://tpmdc.talkingpointsmemo.com/2013/09/house-gop-cantor-memo-debt-ceiling-cr-sequester-immigration.php>)

House Republicans are taming members’ expectations ahead of the debt limit showdown, signaling that they may not be able to extract significant concessions from Democrats.

A Friday memo to GOP members by Majority Leader Eric Cantor (R-VA) says “the House will act to prevent a default on our obligations before” the mid-October deadline the Obama administration has established. “House Republicans,” he says, “will demand fiscal reforms and pro-growth policies which put us on a path to balance in ten years in exchange for another increase in the debt limit.”

The language is vague — intentionally so, in order to maintain wiggle room for Republicans to avert a disastrous debt default. President Barack Obama has vowed not to pay a ransom to ensure the U.S. can meet its obligations.

If and when they do cave, Republicans will be hard-pressed to show their base they got something in return for raising the debt ceiling. In January, they got Senate Democrats to agree to pass a non-binding budget resolution. This time around, the possibilities for symbolic concessions range from a doomed Senate vote to delay or defund Obamacare or instructions to initiate the process of tax reform.

There are a number of demands rank-and-file Republicans have urged leaders to make which could genuinely complicate the battle, such as dollar-for-dollar spending cuts or unwinding Obamacare. Cantor’s memo mentioned neither. GOP members have also called on leadership not to bring up any debt limit bill that lacks the support of half the conference. Boehner hasn’t committed to this and Cantor didn’t mention it in his memo.

There are several reasons Republicans will have a hard time extracting concessions. Back in January, when Obama held firm and refused to negotiate on the debt limit, Republicans folded and agreed to suspend the debt ceiling without substantial concessions but rather symbolic ones. And due to deep divisions within the conference, House Republicans will face enormous challenges in rounding up 218 votes to pass any conceivable debt limit hike.

The party’s top priority is to cut safety-net programs like Social Security and Medicare. But there’s no internal consensus on what to cut. And Republicans, whose constituents are disproportionately older, have generally refused to vote on entitlement cuts without bipartisan cover from Democrats. In this case Democrats are highly unlikely to give it to them, which complicates their task of passing a debt limit bill.

The Cantor memo makes it all but official that Republicans won’t seek to defund Obamacare in the fiscal battles. The strategy, pushed by conservative activists, to withhold support for keeping the government running after Sept. 30 unless Democrats agree to defund Obamacare. Instead it vows to “hold a series of strategic votes throughout the fall to dismantle, defund, and delay Obamacare.” The memo says Republicans “will continue to pursue the strategy of systematically derailing this train wreck and replacing it with a patient-centered system.”

The GOP’s big stand in the fiscal battles will be to force Obama to accept the lower spending levels ordered by sequestration — automatic spending cuts enacted in 2011 — in a measure to keep the government funded. Here Republicans will refuse to cede and the White House has not suggested it’ll veto a bill that maintains sequester spending levels, although Obama wants to cut a deal to replace the sequester.

“In signing a CR at sequester levels,” Cantor writes, “the President would be endorsing a level of spending that wipes away all the increases he and Congressional Democrats made while they were in charge and returns us to a pre-2008 level of discretionary spending.”

#### Plan is a perceived loss for Obama that saps his capital

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(3/2/2007, Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, “Leveraging legitimacy in the crafting of U.S. foreign policy,” pg 35-36, <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>)

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, ¶ In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. ¶ Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. ¶ The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.¶ This brief review of the literature suggests how legitimacy norms enhance presidential influence in ways that structural powers cannot explain. Correspondingly, increased executive power improves the prospects for policy success. As a variety of cases indicate—from Woodrow Wilson’s failure to generate domestic support for the League of Nations to public pressure that is changing the current course of U.S. involvement in Iraq—the effective execution of foreign policy depends on public support. Public support turns on perceptions of policy legitimacy. As a result, policymakers—starting with the president—pay close attention to the receptivity that U.S. policy has with the domestic public. In this way, normative influences infiltrate policy-making processes and affect the character of policy decisions.

**Political capital is finite --- the plan would tradeoff with domestic economic priorities**

**Moore, 9/10** --- Guardian's US finance and economics editor

(Heidi, 9/10/2013, “Syria: the great distraction; Obama is focused on a conflict abroad, but the fight he should be gearing up for is with Congress on America's economic security,” [http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester)](http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester%29))

Before President Obama speaks to the nation about Syria tonight, take a look at what this fall will look like inside America.

There are 49 million people in the country who suffered inadequate access to food in 2012, leaving the percentage of "food-insecure" Americans at about one-sixth of the US population. At the same time, Congress refused to pass food-stamp legislation this summer, pushing it off again and threatening draconian cuts.

**The country will crash into the debt ceiling in mid-October, which would be an economic disaster, especially with a government shutdown looming at the same time. These are deadlines that Congress already learned two years ago not to toy with, but memories appear to be preciously short.**

The Federal Reserve needs a new chief in three months, someone who will help the country confront its raging unemployment crisis that has left 12 million people without jobs. The president has promised to choose a warm body within the next three weeks, despite the fact that his top pick, Larry Summers, would likely spark an ugly confirmation battle – the "fight of the century," according to some – with a Congress already unwilling to do the President's bidding.

Congress was supposed to pass a farm bill this summer, but declined to do so even though the task is already two years late. As a result, the country has no farm bill, leaving agricultural subsidies up in the air, farmers uncertain about what their financial picture looks like, and a potential food crisis on the horizon.

The two main housing agencies, Fannie Mae and Freddie Mac, have been in limbo for four years and are desperately in need of reform that should start this fall, but there is scant attention to the problem.

These are the problems going unattended by the Obama administration while his aides and cabinet members have been wasting the nation's time making the rounds on television and Capitol Hill stumping for a profoundly unpopular war. The fact that all this chest-beating was for naught, and an easy solution seems on the horizon, belies the single-minded intensity that the Obama White House brought to its insistence on bombing Syria.

More than one wag has suggested, with the utmost reason, that if Obama had brought this kind of passion to domestic initiatives, the country would be in better condition right now. As it is, public policy is embarrassingly in shambles at home while the administration throws all of its resources and political capital behind a widely hated plan to get involved in a civil war overseas.

The upshot for the president may be that it's easier to wage war with a foreign power than go head-to-head with the US Congress, even as America suffers from neglect.

This is the paradox that President Obama is facing this fall, as he appears to turn his back on a number of crucial and urgent domestic initiatives in order to spend all of his meager political capital on striking Syria.

Syria does present a significant humanitarian crisis, which has been true for the past two years that the Obama administration has completely ignored the atrocities of Bashar al-Assad.

Two years is also roughly the same amount of time that key domestic initiatives have also gone ignored as Obama and Congress engage in petty battles for dominance and leave the country to run itself on a starvation diet imposed by sequestration cuts. Leon Panetta tells the story of how he tried to lobby against sequestration only to be told:

 Leon, you don't understand. The Congress is resigned to failure.

Similarly, those on Wall Street, the Federal Reserve, those working at government agencies, and voters themselves have become all too practiced at ignoring the determined incompetence of those in Washington.

**Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor.** It's fair to say that **congressional Republicans**, particularly in the House, **have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time.**

The president is scheduled to speak six times this week, mostly about Syria. That includes evening news interviews, an address to the nation, and numerous other speeches. Behind the scenes, he is calling members of Congress to get them to fall into line. Secretary of State John Kerry is omnipresent, so ubiquitous on TV that it may be easier just to get him his own talk show called Syria Today.

It would be a treat to see White House aides lobbying as aggressively – and on as many talk shows – for a better food stamp bill, an end to the debt-ceiling drama, or a solution to the senseless sequestration cuts, as it is on what is clearly a useless boondoggle in Syria.

**There's no reason to believe that Congress can have an all-consuming debate about Syria and then, somehow refreshed, return to a domestic agenda** that has been as chaotic and urgent as any in recent memory. The President should have judged his options better. As it is, he should now judge his actions better.

**This will destroy the U.S. and global economy**

**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.

## Second Off

#### The Executive branch of the United States federal government should restrict the war powers authority of of the President in the area of introducing Armed Forces into hostilities with the Islamic Republic of Iran 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

Posner & Vermeule, 6 --- \*Prof of Law at U Chicago, AND \*\* Prof of Law at Harvard (9/19/2006, Eric A. Posner & Adrian Vermeule, “The Credible Executive,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=931501)>)

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.

## Third Off

#### **Asking how the executive should be allowed to conduct war masks the fundamental question of whether war should be allowed at all – ensures a military mentality**

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 22-23)

The widespread, unquestioning acceptance of warism and the corresponding reluctance to consider pacifism as a legitimate option make it difficult to propose a genuine consideration of pacifist alternatives. Warism may be held implicitly or explicitly. Held in its implicit form, it does not occur to the warist to challenge the view that war is morally justified; war is taken to be natural and normal. No other way of understanding large-scale human conflict even comes to mind. In this sense warism is like racism, sexism, and homophobia: a prejudicial bias built into conceptions and judgments without the awareness of those assuming it. In its explicit form, warism is openly accepted, articulated, and deliberately chosen as a value judgment on nations in conflict. War may be defended as essential for justice, needed for national security, as “the only thing the enemy understands,” and so on. In both forms warism misguides judgments and institutions by reinforcing the necessity and inevitability of war and precluding alternatives. Whether held implicitly or explicitly, warism obstructs questioning the conceptual framework of the culture. If we assume (without realizing it) that war itself is morally justifiable, our moral considerations of war will be focused on whether a particular war is justified or whether particular acts within a given war are morally acceptable. These are important concerns, but addressing them does not get at the fundamental issue raised by the pacifist: the morality of war as such. In Just and Unjust Wars Michael Walzer explains that “war is always judged twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt.”8 The pacifist suggestion is that there is a third judgment of war that must be made prior to the other two: might war, by its very nature, be morally wrong? This issue is considered by Walzer only as an afterthought in an appendix, where it is dismissed as naïve. Perhaps Walzer should not be faulted for this omission, since he defines his task as describing the conventional morality of war and, as has been argued above, conventional morality does take warism for granted. To this extent Walzer is correct. And this is just the point: our warist conceptual frameworks— our warist normative lenses— blind us to the root question. The concern of pacifists is to expose the hidden warist bias and not merely describe cultural values. Pacifists seek to examine cultural values and recommend what they ought to be. This is why the pacifist insists on judging war in itself, a judgment more fundamental than the more limited assessments of the morality of a given war or the morality of specific acts within a particular war.

**This mindset is important – our consciousness of war guarantees endless violence that ensures planetary destruction and structural violence**

**Lawrence 9** (Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27)

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that war can destroy everything of value." Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) As Americans we are raised on the utility of war to conquer every problem. We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against. In the [United States](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h), solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine and empire, it is important that the terms promoted support the conditioning of its citizens. We are conditioned to see war as the solution to major social ills and major political disagreements. That way when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites mind and body and creates a fear mentality that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. But is this war mentality working for us? In an age when nearly half of our tax money goes to support the war machine and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. Our society is dripping violence. The violence is fed by poverty, social injustice, the break down of family and community that also arises from economic injustice, and by the managed media. The cycle of violence that exists in our society exists because it is useful to those that control society. It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for nearly all of the life of the planet but it does work for the very few that are the master manipulators of our values and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. War is big business and it is supported by a war consciousness that allows it to prosper. That is why more war in Afghanistan, the war on Palestinians, and the other wars around the planet in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse. As mentioned previously, the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science and technological resources along with economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy could have been utilized for the good of humanity, ¶ instead of maintaining the power positions of the very few super wealthy. So the suffering that we give is ultimately the suffering we get. Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines what we experience and how we live. As long as we choose to live in "War" in our minds then we will continue to get "War" in our lives. When humanity chooses to wage peace on the world then there will be a flowering of life. But until then we will be forced to live the life our present war consciousness is creating.

#### The alternative must begin in our minds – we need to free ourselves of the presumption towards war and advocate for peace and social justice to stop the flow of militarism that threatens existence

Demenchonok 9 – Worked as a senior researcher at the Institute of Philosophy of the Russian Academy of Sciences, Moscow, and is currently a Professor of Foreign Languages and Philosophy at Fort Valley State University in Georgia, listed in 2000 Outstanding Scholars of the 21st Century and is a recipient of the Twenty-First Century Award for Achievement in Philosophy from the International Biographical Centre --Edward, Philosophy After Hiroshima: From Power Politics to the Ethics of Nonviolence and Co-Responsibility, February, American Journal of Economics and Sociology, Volume 68, Issue 1, Pages 9-49

Where, then, does the future lie? Unilateralism, hegemonic political anarchy, mass immiseration, ecocide, and global violence—a Hobbesian bellum omnium contra omnes? Or international cooperation, social justice, and genuine collective—political and human—security? Down which path lies cowering, fragile hope?¶ Humanistic thinkers approach these problems from the perspective of their concern about the situation of individuals and the long-range interests of humanity. They examine in depth the root causes of these problems, warning about the consequences of escalation and, at the same time, indicating the prospect of their possible solutions through nonviolent means and a growing global consciousness. Today's world is in desperate need of realistic alternatives to violent conflict. Nonviolent action—properly planned and executed—is a powerful and effective force for political and social change. The ideas of peace and nonviolence, as expressed by Immanuel Kant, Leo Tolstoy, Mahatma Gandhi, Martin Luther King, and many contemporary philosophers—supported by peace and civil rights movements—counter the paralyzing fear with hope and offer a realistic alternative: a rational approach to the solutions to the problems, encouraging people to be the masters of their own destiny.¶ Fortunately, the memory of the tragedies of war and the growing realization of this new existential situation of humanity has awakened the global conscience and generated protest movements demanding necessary changes. During the four decades of the Cold War, which polarized the world, power politics was challenged by the common perspective of humanity, of the supreme value of human life, and the ethics of peace. Thus, in Europe, which suffered from both world wars and totalitarianism, spiritual-intellectual efforts to find solutions to these problems generated ideas of "new thinking," aiming for peace, freedom, and democracy. Today, philosophers, intellectuals, progressive political leaders, and peace-movement activists continue to promote a peaceful alternative. In the asymmetry of power, despite being frustrated by war-prone politics, peaceful projects emerge each time, like a phoenix arising from the ashes, as the only viable alternative for the survival of humanity. The new thinking in philosophy affirms the supreme value of human and nonhuman life, freedom, justice, and the future of human civilization. It asserts that the transcendental task of the survival of humankind and the rest of the biotic community must have an unquestionable primacy in comparison to particular interests of nations, social classes, and so forth. In applying these principles to the nuclear age, it considers a just and lasting peace as a categorical imperative for the survival of humankind, and thus proposes a world free from nuclear weapons and from war and organized violence.44 In tune with the Charter of the United Nations, it calls for the democratization of international relations and for dialogue and cooperation in order to secure peace, human rights, and solutions to global problems. It further calls for the transition toward a cosmopolitan order.¶ The escalating global problems are symptoms of what might be termed a contemporary civilizational disease, developed over the course of centuries, in which techno-economic progress is achieved at the cost of depersonalization and dehumanization. Therefore, the possibility of an effective "treatment" today depends on whether or not humankind will be able to regain its humanity, thus establishing new relations of the individual with himself or herself, with others, and with nature. Hence the need for a new philosophy of humanity and an ethics of nonviolence and planetary co-responsibility to help us make sense not only of our past historical events, but also of the extent, quality, and urgency of our present choices.

## Case

### Solvency

#### The plan does nothing – just says increase statutory restrictions in this area, and does not mandate any specific restriction.

### Prolif

#### **Rouhani’s reformism solves nuclear proliferation – empirically against developing a weapon.**

AFP 13

[Associated Foreign Press, Google Hosted News, “Rowhani 'halted nuclear weapon programme': ex-ambassador”, 7/27/13, http://www.google.com/hostednews/afp/article/ALeqM5ga-NoKFoqXxebaTYhamNqZJsY4Rw]

PARIS — Iranian President-elect Hassan Rowhani personally stopped the development of a clandestine nuclear weapon in 2003, a former ambassador to the country said Saturday.¶ Writing in the International Herald Tribune newspaper, Francois Nicoullaud, France's ambassador to Iran from 2001 to 2005, said he believed Rowhani was the "main actor" in persuading the country's Supreme Leader Ali Khamenei to halt the secret programme.¶ Rowhani, who led the nuclear negotiating team under reformist former president Mohammad Khatami from 2003-2005, will take power on August 3 after his election on June 15.¶ "Based on conversations that I had at the time, as French ambassador to Tehran, with high Iranian officials close to the matter, I firmly believe that Rowhani was the main actor in the process," Nicoullaud wrote. "Of course, Iranians could not admit to a foreigner that such a program ever existed, and I cannot name the officials I spoke to."¶ Nicoullaud went on to describe a meeting with a "high-ranking official" after Iran had agreed with Western powers to suspend enrichment in October 2003.¶ After this agreement, the official "confided to me that ... Rowhani issued a general circular asking all Iranian departments and agencies, civilian and military, to report in detail about their past and ongoing nuclear activities.¶ "The official explained to me that the main difficulty Rowhani and his team were encountering was learning exactly what was happening in a system as secretive as Iran's.¶ "A few weeks after, I heard from another official, a close friend of Rowhani: 'The Rowhani team is having a hard time ... People resist their instructions ... But they will prevail'."¶ After Nicoullaud advised the official to give researchers more time to archive their work, his source later replied: "I conveyed your message ... It worked!"¶ The retired diplomat confirmed to AFP Saturday he now believes that the project Rowhani's team was working on was the Revolutionary Guard programme.¶ "Uranium enrichment was the visible part of it but there was a hidden section, the manufacture of a nuclear device -- once they had produced enriched uranium, how to put it on the head of a missile and how to deliver it to 'friends' in the region -- that's the programme Rowhani stopped," the former ambassador said.¶ "I had known for a long time but now that Rowhani is becoming president I had enough consistent information to prove that he was the principal figure, who made his decision known to the Supreme Leader," Nicoullaud said.¶ "Above all it was put into action, forcing the Revolutionary Guards to halt the programme that they held so very dearly," added the former diplomat.

Iran is moving away from proliferation now – reduction in uranium.

Karimi 9/13/13 (AP, “Iran says it has reduced its 20 percent-enriched uranium stockpile by producing reactor fuel”, DailyReporter, 9/13/13, http://www.greenfieldreporter.com/view/story/f4a96cbc24cb44bb84e4cf8211afc449/Iran-Nuclear)

Iran significantly reduced its stock of 20 percent-enriched uranium by converting it to reactor fuel, a senior official said, an announcement that appears to be a bid to ease international concerns over its nuclear program.¶ The West remains concerned over Iran's continuing production of 20 percent uranium, which is enriched to a higher level than that used to fuel most energy reactors and is closer to the 90 percent needed for a warhead. The U.S. and its allies demand Iran halt all enrichment, which Tehran rejects.¶ The late Thursday announcement, from the government of moderate President Hasan Rouhani, appeared to be a signal to ease Western worries. Speaking to state television, Iran's nuclear chief Ali Akbar Salehi said the country's stocks of 20 percent-enriched uranium has fallen from 240 kilograms to around 140 kilograms as it is converted into fuel for a medical research reactor. Salehi said the remainder is also being converted.¶ "We have converted a remarkable part to fuel rod," Salehi said. "The amount of 20 percent-enriched uranium is small."¶ An August report by the United Nations' nuclear watchdog put Iran's stockpile 20 percent enriched uranium at 185.5 kilograms. Some 250 kilograms of the 20 percent enriched uranium is enough for a bomb — if it is refined more than 90 percent.¶ The West suspects Iran's nuclear program has military dimension. Iran denies the charge and says its program is for peaceful applications like power generation and cancer treatment.¶ Salehi's remarks came ahead of a new round of talks planned for later this month between Iran and the U.N. nuclear agency. Talks over the past years failed to reach any breakthrough.¶ It also came a few days after Rouhani showed a willingness to use his coming visit to the U.N. General Assembly as a point for resuming nuclear talks with world powers.

#### **Iran won’t build nukes – the Supreme Leader issued a religious ban.**

Tehran Times 13

[Political Desk, “No cause for concern about Iran’s nuclear program: Rafsanjani”, 7/30/13, http://www.tehrantimes.com/politics/109674-no-cause-for-concern-about-irans-nuclear-program-rafsanjani]

Iran’s Expediency Council Chairman, Ayatollah Akbar Hashemi Rafsanjani, has said that there should be no concern about Iran’s nuclear program given the fatwa (religious edict) that the Supreme Leader issued in 2005 declaring that the production, stockpiling, and use of nuclear weapons are all haram (prohibited in Islam). “There is no cause for concern since we have both nuclear know-how in the minds of our young people and the Leader’s fatwa that the use of nuclear weapons is haram. The important point is to make the world understand this through the language of diplomacy,” the former president said in a meeting with a number of MPs in Tehran on Monday.

#### No impact to Iranian nukes – easily contained.

**Barnett 11**, Ph.D. in PoliSci from Harvard

[Thomas Barnett (Chief Analyst at Wikistrat, Ph.D. in PoliSci from Harvard, Distinguished Scholar at the Baker Center for Public Policy), World Politics Review, 11/14/11, “The New Rules: How to Stop Worrying and Live with the Iranian Bomb,” http://www.worldpoliticsreview.com/articles/10652/the-new-rules-how-to-stop-worrying-and-live-with-the-iranian-bomb]

The International Atomic Energy Agency’s latest report on Iran’s nuclear program surprised no one, even as it created the usual flurry of op-eds championing preventative “next steps.” As I’ve been saying for the past half-decade, there are none. Once the U.S. went into both Iraq and Afghanistan, the question went from being, “How do we prevent Iran from getting the Bomb?” to “How do we handle Iran’s Bomb?” That shift represents neither defeatism nor appeasement. Rather, it reflects a realistic analysis of America’s strategic options. With that in mind, here are 20 reasons why **Iran’s successful pursuit of the Bomb is not the system-changing event so many analysts are keen to portray**. 1. **Iran’s efforts are not irrational. America invaded Iran’s western and eastern neighbors in quick succession, while putting Iran on notice that it**, too, **was on the list of** George W. Bush’s **“Axis of Evil.” Decades of history tell Tehran: Get the Bomb, and the U.S. will never invade. Iran’s logic here is unassailable**. 2. The world’s rising powers are not on board with the West. Brazil and Turkey made their diplomatic play last spring, and the West vilified them in response. Russia has already dismissed more sanctions as a clear “instrument of regime change.” China and India, along with Russia, have their own energy interests in Iran. In sum, Tehran’s workaround options are considerable. 3. More Western sanctions will have no impact. See above. Also, though the economic costs to date have been substantial, Tehran is willing to endure any amount of economic pain to ensure regime survival. The Arab Spring and the dangers it poses to the mullahs’ rule only sharpen this instinct. 4. Iran will not accept any deal that doesn’t include maintaining at least the pathway to the Bomb. The Bomb not only ensures regime survival, it is Tehran’s ticket to the great powers’ club. Without it, Iran is simply a failed revolution, a moribund economy and a sullen, checked-out society. With it, Iran is a focus of global attention and remains in the race for regional leadership. 5. Iran’s Bomb will offer the regime no significant new regional influence**. Iran is already losing the Arab Spring -- and Iraq -- to Turkey and will likely lose influence to a revived Cairo as well. Iran’s Bomb is a desperate pan-Islamism card vis-à-vis Israel that will only engender a vigorous anti-Shiite response from the Saudis. 6. The strategic balance of power in the region will not dissolve. Iran’s Bomb means closing the door on a U.S. invasion, but nothing else. Iran’s limited proxy wars are neither enhanced nor inhibited by possessing the Bomb, as America will stand by both Israel and the Saudis**. 7. **America’s regional military presence will not be threatened. The U.S. military has a long and well-established record of serving as a tripwire presence in regional hotspots. That won’t change with Iran’s Bomb**. If anything, **Tehran’s achievement will reverse America’s growing fixation on building up its military in Asia vis-à-vis China**. 8. **The terror threat is overblown**. Persian **Iran isn’t pursuing the Bomb to put it in the hands of extremist Arab nonstate actors**. Even **Israel is a red herring for the Bomb’s ultimate purposes, which are clearly anti-U.S. and anti-Saudi**. 9. The right historical analogy is not late-1930s Europe, but South Asia once both Pakistan and India got their Bomb. Israel is no Czechoslovakia. Rather, it is armed to the teeth with nuclear weapons and can wipe Iran off the map far more feasibly than vice versa. Yes, the early stages of a mutually assured destruction dyad between Israel and Iran would be scary, but the world has managed this scenario before -- with a perfect record to date. 10. The **MAD** situation **between Israel and Iran is manageable. Israel owns a state-of-the-art multilayered missile defense system**, which means **it can survive a direct exchange far better than Iran ever could**. It also means Israel could retaliate with confidence in any suitcase bomb scenario. 11. An Israeli attack will not work. It will slow down Iran’s pursuit of the Bomb, but as the -- presumably -- joint Israeli-U.S. Stuxnet cyberattack on Iran showed, Tehran can simply respond by ramping up its effort all the more. 12. A U.S. attack is not feasible any time soon. President Barack Obama doesn’t want to be a one-term president that badly, nor is he willing to tarnish his Nobel Peace Prize that decisively. More importantly, attacking Iran would torpedo Obama’s entire effort to get out of Iraq and Afghanistan with some sense of honor. 13. Iran has already achieved a crude but effective asymmetrical deterrence capability. There is no derailing the Bomb pursuit without regime change, and the U.S. is simply unwilling to take on that massive effort. The quick-and-dirty route is to nuke Iran’s facilities, sending the double signal of “No nukes for you!” and “See what we’re capable of?” But once you start talking about using nukes to destroy nukes, you realize that Iran has already achieved a sloppy deterrence. 14. A pre-emptive war works primarily to Iran’s advantage. The political infighting in Tehran is at an all-time high. Meanwhile, the Arab Spring is going badly for Iran. Thus an attack by either Israel or the U.S. would be a godsend to the decaying theocratic regime, changing those narratives and unifying the country. 15. **We can easily arm Iran’s rivals. America has been selling arms like crazy throughout the region for a while now, and nothing will keep Washington from further enhancing the defensive -- and offensive -- capabilities of Iran’s many enemies. 16.** The danger of wider proliferation is overblown. **Yes, Riyadh and possibly Ankara will follow suit, but arguing that anti-Western regimes the world over will now seek a nuclear deterrent is fanciful. After all these years of freaking out about nuclear proliferation, we’re still talking about just the two remaining “Axis of Evil” members.** To date**, North Korea’s achievement has triggered no such regional nuclear race in East Asia. Iran’s effort** likely will in the Middle East, but that **is still** a unique dynamic with **limite**d legs. 17. **The follow-on regional proliferation can be played to our advantage**. Nothing clarifies the strategic mind like nukes. **Once the Saudis join in, the world’s great powers will force a regional strategic dialogue. When that happens, Israel’s diplomatic existence will finally be recognized across the region. 18. The soft-kill option has worked before. In 1972, America gave the Soviets a signed piece of paper that declared them a legitimate nuclear power. Deprived of its own version of the “great Satan,” the USSR collapsed from within -- in the space of a generation. The Iranian mullahs’ self-destruction will come far faster.**

#### **Deterrence solves – India and Pakistan prove.**

Waltz 12 Professor of PoliSci @ Columbia, Research Scholar @ Saltzman Institute of War and Peace Studies

 [Kenneth N. Waltz (Senior Research Scholar at the Saltzman Institute of War and Peace Studies, Adjunct Professor of Political Science at Columbia University, winner of James Madison Lifetime Achievement Award in Political Science, has 5 honorary doctorates, had an award named after him for studies on international security and arms control), Foreign Affairs, Vol. 91, Issue 4, “Why Iran Should Get the Bomb”, Jul/Aug 2012, http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=76591794]

In 1991, the historical rivals India and Pakistan signed a treaty agreeing not to target each other's nuclear facilities. They realized that far more worrisome than their adversary's nuclear deterrent was the instability produced by challenges to it. Since then, even in the face of high tensions and risky provocations, the two countries have kept the peace. Israel and Iran would do well to consider this precedent. If Iran goes nuclear, Israel and Iran will deter each other, as nuclear powers always have. There has never been a full-scale war between two nuclear-armed¶ states. Once Iran crosses the nuclear threshold, deterrence will apply, even if the Iranian arsenal is relatively small. No other country in the region will have an incentive to acquire its own nuclear capability, and the current crisis will finally dissipate, leading to a Middle East that is more stable than it is today.¶ For that reason, the United States and its allies need not take such pains to prevent the Iranians from developing a nuclear weapon. Diplomacy between Iran and the major powers should continue, because open lines of communication will make the Western countries feel better able to live with a nuclear Iran. But the current sanctions on Iran can be dropped: they primarily harm ordinary Iranians, with little purpose.¶ Most important, policymakers and citizens in the Arab world, Europe, Israel, and the United States should take comfort from the fact that history has shown that where nuclear capabilities emerge, so, too, does stability. When it comes to nuclear weapons, now as ever, more may be better.

#### **No regional proliferation – empirically proven in even more unstable situations.**

Waltz 12 Professor of PoliSci @ Columbia, Research Scholar @ Saltzman Institute of War and Peace Studies

[Kenneth N. Waltz (Senior Research Scholar at the Saltzman Institute of War and Peace Studies, Adjunct Professor of Political Science at Columbia University, winner of James Madison Lifetime Achievement Award in Political Science, has 5 honorary doctorates, had an award named after him for studies on international security and arms control), Foreign Affairs, Vol. 91, Issue 4, “Why Iran Should Get the Bomb”, Jul/Aug 2012, http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=76591794]

Another oft-touted worry is that if Iran obtains the bomb, other states in the region will follow suit, leading to a nuclear arms race in the Middle East. But the nuclear age is now almost 70 years old, and so far, fears of proliferation have proved to be unfounded. Properly defined, the term "proliferation" means a rapid and uncontrolled spread. Nothing like that has occurred; in fact, since 1970, there has been a marked slowdown in the emergence of nuclear states. There is no reason to expect that this pattern will change now. Should Iran become the second Middle Eastern nuclear power since 1945, it would hardly signal the start of a landslide. When Israel acquired the bomb in the 1960s, it was at war with many of its neighbors. Its nuclear arms were a much bigger threat to the Arab world than Iran's program is today. If an atomic Israel did not trigger an arms race then, there is no reason a nuclear Iran should now.

#### **Iran won’t strike first – rhetoric is domestic hype.**

Capaccio 12, Writer for Bloomberg

[Tony Capaccio, “Iran Unlikely to Strike First, U.S. Intelligence Official Says,” 2/17/12, http://www.businessweek.com/news/2012-02-17/iran-unlikely-to-strike-first-u-s-intelligence-official-says.html]

Feb. 16 (Bloomberg) -- **The Iranian military is unlikely to intentionally provoke a conflict with the West, the top U.S. military intelligence official said today**. Lieutenant General Ronald Burgess, director of the Defense Intelligence Agency, said **Iran probably has the ability to “temporarily close the Strait of Hormuz with its** naval forces,” as some Iranian officials have threatened to do if attacked or in response to sanctions on its oil exports by the U.S. and European Union. “**Iran has also threatened to launch missiles** against the United States and our allies in the region in response to an attack,” Burgess said in testimony prepared for a hearing today of the Senate Armed Services Committee. “It could also employ its terrorist surrogates worldwide. **However,** **it is unlikely to initiate or intentionally provoke a conflict or launch a preemptive attack**.” Iran’s Vice President Mohammad Reza **Rahimi said** on Dec. 27 that **his nation may close the Strait of Hormuz, the passageway for about one-fifth of globally traded oil, if the U.S. and its allies impose stricter economic sanctions in an effort to halt his country’s nuclear research. U.S. officials, including Pentagon spokesman George Little, have said since that threat that they haven’t seen any Iranian moves to close the waterway. “Our view on this is that it’s not terribly new and it’s not terribly impressive**,” U.S. State Department spokeswoman Victoria Nuland told reporters in Washington yesterday. **The announcement was “hyped” for a domestic audience**, she said.

### Moderate Movements

#### No impact to terror—terrorism is shifting to “homegrown” efforts which have no risk for major escalation

Bergen and Sterman 9/10 [Peter Bergen is CNN's national security analyst and a director at the New America Foundation. David Sterman is a graduate student at Georgetown University's National Security Studies Program, “Jihadist terrorism in America since 9/11”, http://www.cnn.com/2013/09/09/opinion/bergen-terrorism-since-9-11/index.html]

The good news is that the number of "homegrown" jihadist extremists who have been indicted or convicted has steadily declined over the past few years, according to New America Foundation data. Where there were 41 cases in 2009, there have been six so far this year. The number of individuals indicted for plotting actual attacks within the United States -- as opposed to other terrorism-related crimes such as raising money for a terrorist group -- also declined from 12 in 2011 to only three so far in 2013. In recent years, extremists plotting attacks against the United States have also shown little, if any, connection to foreign groups. None of the 21 homegrown extremists involved in plots against the United States from 2011 to so far in 2013 is known to have received training abroad. Of these extremists, only one, Tamerlan Tsarnaev, one of the alleged Boston bombers, is reported to have had contact with foreign militant operatives, but it remains unclear to what extent, if any, those contacts played a role in the Boston attack. This lack of coordination between domestic extremists and overseas groups is likely the result of two factors. First, the ability of terrorist organizations to coordinate with extremists in the United States has been reduced by policing efforts inside the country and counterterrorism operations abroad. Second, Internet use among jihadist extremists enables them to come into contact with extremist communities abroad and be radicalized without face-to-face meetings. Of the 45 "homegrown" jihadist extremists who were indicted, convicted or killed from 2011 to now, 18 are known to have communicated with other extremists over the Internet or posted materials related to their radicalization online. The shift to plotting by individuals who lack ties to foreign groups poses a distinct type of threat -- plots and attacks that are more difficult to detect but are also likely to be of a smaller scale. And because of the measures now in place to prevent the acquisition of precursor chemicals and materials suitable for making conventional explosives, homegrown extremists have also often struggled to produce effective bombs. Before the Boston Marathon bombings, homegrown jihadists in the United States had shown little success at producing explosives. Joseph Jeffrey Brice -- who has professed admiration for Osama bin laden and Oklahoma City bomber Timothy McVeigh -- almost killed himself in April 2010 when a homemade bomb he was constructing exploded prematurely. A month later, Faisal Shahzad's car bomb failed to explode in Times Square, even though he had received explosives training in Pakistan. If the Tsarnaev brothers built the bombs used in the Boston attack without guidance from jihadists abroad, it suggests that the difficulties other "homegrown" militants have had building or detonating explosives may have been overcome. On the other hand, the Tsarnaevs' successful bombmaking could just as easily have been a fluke. While the number of terrorism-related indictments fell between 2009 and 2013, the number of terrorist incidents has stayed about the same -- about one per year -- though not all of them have been lethal: -- In June 2009, Abdulhakim Mujahid Muhammad killed a soldier outside a recruiting station in Little Rock, Arkansas. -- Five months later, Major Nidal Malik Hasan shot and killed 13 people at Fort Hood in Killeen, Texas. -- Shahzad's 2010 attempt to bomb Times Square was foiled when his bomb did not ignite properly. -- Yonathan Melaku's drive-by shooting of military facilities in Northern Virginia in 2011 produced no casualties. -- The Boston Marathon bombers killed four and wounded hundreds of others in April 2013. The incidents carried out by homegrown extremists continue to be limited in their lethality, and major operations such as the 9/11 attacks are well beyond the skills of even the most capable domestic extremists. Additionally, no homegrown jihadist militant in the United States is known to have acquired or used chemical, biological, radiological or nuclear (CBRN) weapons in the past twelve years. This point bears repeating, as there has been considerable overheated commentary on this subject over the past decade. Of the 221 individual cases of jihadist extremism since 9/11, not one case involved an allegation of CBRN acquisition, manufacture or use.

#### **No nuclear terror – surveillance and unpredictability solve.**

Waltz 12, Professor of PoliSci @ Columbia, Research Scholar @ Saltzman Institute of War and Peace Studies

[Kenneth N. Waltz (Senior Research Scholar at the Saltzman Institute of War and Peace Studies, Adjunct Professor of Political Science at Columbia University, winner of James Madison Lifetime Achievement Award in Political Science, has 5 honorary doctorates, had an award named after him for studies on international security and arms control), Foreign Affairs, Vol. 91, Issue 4, “Why Iran Should Get the Bomb”, Jul/Aug 2012, http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=76591794]

As for the risk of a handoff to terrorists, no country could transfer nuclear weapons without running a high risk of being found out. U.S. surveillance capabilities would pose a serious obstacle, as would the United States' impressive and growing ability to identify the source of fissile material. Moreover, countries can never entirely control or even predict the behavior of the terrorist groups they sponsor. Once a country such as Iran acquires a nuclear capability, it will have every reason to maintain full control over its arsenal.¶ After all, building a bomb is costly and dangerous. It would make little sense to transfer the product of that investment to parties that cannot be trusted or managed.

#### **Deterrence checks nuclear terror.**

Carpenter 7, VP of Defense and Foreign Policy Studies @ Cato

[Ted Galen Carpenter (Vice President for Defense and Foreign Policy Studies at the Cato Institute) “Toward a Grand Bargain with Iran” Mediterranean Quarterly 18:1, 2007, p. 12-27]

**The concern that Iran might pass along nuclear weapons to terrorist groups has slightly greater plausibility**. Tehran does have a cozy relationship with a number of terrorist organizations in the Middle East, most notably Hezbollah. The pervasive assumption among American hawks is that if Iran [End Page 19] obtains nuclear weapons, sooner or later it would pass along one to a terrorist ally. But **how likely is it that Iran would make such a transfer? At the very least, it would be an incredibly high-risk strategy**. Even **the most fanatical mullahs in Tehran realize that the U**nited **S**tates **would attack the probable supplier of such a weapon—and Iran would be at the top of Washington's list of suspects.** It is significant that Ir**an has possessed chemical weapons for decades, yet there is no indication that it has passed on any of those weapons to Hezbollah or to Palestinian groups that Tehran supports politically. Why should one assume that the mullahs would be more reckless with nuclear weapons when the prospect of devastating retaliation for an attack would be even more likely? The** more **logical conclusion is that Iran**, like other nuclear powers, **would jealously guard its arsenal.**

### SOP

#### 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.

#### This is particularly true with the plan because…..

#### Rapid response is key to warfighting – only unfettered executive deployment of armed forces can keep up

Royal 11 – fellow @ Institute of World Politics

(John Paul, “War Powers and the Age of Terrorism,” http://www.thepresidency.org/storage/Fellows2011/Royal-\_Final\_Paper.pdf)

The international system itself and national security challenges to the United States in particular, underwent rapid and significant change in the first decade of the twenty-first century. War can no longer be thought about strictly in the terms of the system and tradition created by the Treaty of Westphalia over three and a half centuries ago. Non-state actors now possess a level of destructiveness formerly enjoyed only by nation states. Global terrorism, coupled with the threat of weapons of mass destruction developed organically or obtained from rogue regimes, presents new challenges to U.S. national security and place innovative demands on the Constitution’s system of making war. In the past, as summarized in the 9/11 Commission Report, threats emerged due to hostile actions taken by enemy states and their ability to muster large enough forces to wage war: “Threats emerged slowly, often visibly, as weapons were forged, armies conscripted, and units trained and moved into place. Because large states were more powerful, they also had more to lose. They could be deterred" (National Commission 2004, 362). This mindset assumed that peace was the default state for American national security. Today however, we know that threats can emerge quickly. Terrorist organizations half-way around the world are able to wield weapons of unparalleled destructive power. These attacks are more difficult to detect and deter due to their unconventional and asymmetrical nature. In light of these new asymmetric threats and the resultant changes to the international system, peace can no longer be considered the default state of American national security. Many have argued that the Constitution permits the president to use unilateral action only in response to an imminent direct attack on the United States. In the emerging security environment described above, pre-emptive action taken by the executive branch may be needed more often than when nation-states were the principal threat to American national interests. Here again, the 9/11 Commission Report is instructive as it considers the possibility of pre-emptive force utilized over large geographic areas due to the diffuse nature of terrorist networks: In this sense, 9/11 has taught us that terrorism against American interests “over there” should be regarded just as we regard terrorism against America “over here.” In this sense, the American homeland is the planet (National Commission 2004, 362). Furthermore, the report explicitly describes the global nature of the threat and the global mission that must take place to address it. Its first strategic policy recommendation against terrorism states that the: U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power (National Commission 2004, 367). Thus, fighting continues against terrorists in Afghanistan, Yemen, Iraq, Pakistan, the Philippines, and beyond, as we approach the tenth anniversary of the September 11, 2001 attacks. Proliferation of weapons of mass destruction (WMD), especially nuclear weapons, into the hands of these terrorists is the most dangerous threat to the United States. We know from the 9/11 Commission Report that Al Qaeda has attempted to make and obtain nuclear weapons for at least the past fifteen years. Al Qaeda considers the acquisition of weapons of mass destruction to be a religious obligation while “more than two dozen other terrorist groups are pursing CBRN [chemical, biological, radiological, and nuclear] materials” (National Commission 2004, 397). Considering these statements, rogue regimes that are openly hostile to the United States and have or seek to develop nuclear weapons capability such as North Korea and Iran, or extremely unstable nuclear countries such as Pakistan, pose a special threat to American national security interests. These nations were not necessarily a direct threat to the United States in the past. Now, however, due to proliferation of nuclear weapons and missile technology, they can inflict damage at considerably higher levels and magnitudes than in the past. In addition, these regimes may pursue proliferation of nuclear weapons and missile technology to other nations and to allied terrorist organizations. The United States must pursue condign punishment and appropriate, rapid action against hostile terrorist organizations, rogue nation states, and nuclear weapons proliferation threats in order to protect American interests both at home and abroad. Combating these threats are the “top national security priority for the United States...with the full support of Congress, both major political parties, the media, and the American people” (National Commission 2004, 361). Operations may take the form of pre-emptive and sustained action against those who have expressed hostility or declared war on the United States. Only the executive branch can effectively execute this mission, authorized by the 2001 AUMF. If the national consensus or the nature of the threat changes, Congress possesses the intrinsic power to rescind and limit these powers.

#### 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.

## 2NC

#### Perm still links to ---

#### Politics --- congress still passes restrictions that undermine Obama politically

#### (Losers Lose Link) The inclusion of the plan is seen as a power move by Congress to lock in restrictions on the president and strip Obama from controlling the process.

#### (Spend Capital to Pass Legislation ) Inclusion of the plan forces Obama to spend capital to create legislative majorities in Congress.

#### Perm still requires Obama to assemble a legislative coalition

Howell, 5 – Associate Professor of Government at Harvard

(William G., Presidential Studies Quarterly, “Unilateral Powers: A Brief Overview,” September 2005, v35n3, p.417, proquest)

Third, it can be just as difficult to convince bureaucrats to execute laws as unilateral directives. If anything, laws may prove more difficult, if only because their mandates tend to be broader and their contents more ambiguous. In order to placate the required supermajorities within Congress, members often fill laws with loopholes and compromises, granting bureaucrats ample opportunities to substitute their own policy preferences for those of their political superiors. As presidents need not assemble a legislative coalition in order to issue a unilateral directive, their orders can be more direct. And as others have effectively argued, possibilities for shirking decline in direct proportion to clarity with which directions are handed down (Huber and Shipan 2002).

#### Executive Flexibility --- restraint needs to be on the President’s own terms --- the permutation includes the overbroad restriction of the plan which guts flexibility. That’s Michaels.

#### The permutation ruins the fine balancing act and allows Congress to enact overbroad restrictions on presidential authority

Nelson, 9/5 (Colleen, 9/5/2013, “Obama's Curbs on Executive Power Draw Fire,” <http://online.wsj.com/article/SB10001424127887323893004579057463262293446.html>))

President Barack Obama, who pledged to push his second-term domestic agenda through executive actions when Congress wouldn’t cooperate, has moved in the opposite direction on international affairs in recent months as he created new checks on executive authority.

By asking Congress to authorize military action against Syria, proposing some constraints on National Security Agency surveillance programs and placing limits on drone strikes, the president voluntarily has ceded some authority in foreign policy and national security, legal experts say.

The president’s moves on national-security issues reflect a mix of political pragmatism as well as personal principles, and exactly how much power Mr. Obama actually has given up is the subject of debate. He has walked a fine line on Syria, for example, saying he wasn’t required to seek sign-off from lawmakers for a military strike but asking for their approval anyway.

A senior administration official said that while the new drone-strike policy does rein in executive authority, the NSA and Syria proposals weren’t intended to limit power but to increase transparency and build public confidence.

Still, the president, who was criticized for seizing too much power through recess appointments and other steps that some said circumvented Congress, now is being criticized by veterans of past Republican administrations for weakening the presidency

John Yoo, a Justice Department official in the George W. Bush administration, said Mr. Obama had unnecessarily limited his own authority. He noted that it is rare to see a president restrict his powers.

Mr. Obama "has been trying to reduce the discretion of the president when it comes to national security and foreign affairs," said Mr. Yoo, now a law professor at the University of California at Berkeley. "These proposals that President Obama is making really run counter to why we have a president and a constitution."

Others, though, said the president had given up a modicum of authority in an effort to protect presidential power and guard against congressional action.

The question of the extent of executive power has been long debated in Washington.President Lyndon Johnson was accused of using a narrow congressional resolution to vastly and illegally expand the Vietnam War, for example, and President Richard Nixon was accused of creating an "imperial presidency" before his resignation.

More recently, Mr. Obama's predecessor, Mr. Bush, was accused by Democrats of having inappropriately expanded executive powers in combating terrorism.

Jack Quinn, who served as White House counsel for President Bill Clinton, said Mr. Obama's recent moves amount to threading a needle to reach agreements and avoid larger setbacks for executive power. "Sometimes, it's important to show tolerance for others in order to preserve the power that you have," he said. "I don't think anyone can say that he is a shrinking violet when it comes to his use of power as president."

A.B. Culvahouse, White House counsel under Ronald Reagan, agreed that the president imposing constraints on executive authority is the preferable course if it helps dissuade Congress from stepping in to impose the same or more onerous limitations. Lawmakers retain the power of the purse, he noted, and also could codify restrictions in statute.

This summer, Mr. Obama faced intensifying criticism of NSA surveillance programs and a growing chorus urging him to consult with Congress on Syria. Still, Mr. Culvahouse questioned the president's decision to voluntarily impose new rules limiting drone strikes, saying he thought that was a mistake. "These self-imposed limitations hang around, and it's hard to undo some of these things," he said.

Mr. Obama had faced criticism for expanding the drone program launched by Mr. Bush. In May, he imposed new restrictions on drone strikes, establishing that Americans must be directly threatened and saying there must be near-certainty that no civilians would be killed. Last month, he proposed several NSA reforms, calling for a revamp of part of the Patriot Act and changes to the secret Federal Intelligence Surveillance Court.

While conventional wisdom suggests that second-term presidents are emboldened to exercise their power, in part because they will not run again for re-election, Mr. Obama has shown an inclination to compromise on some issues. He has spoken about his willingness to act without Congress on domestic issues—particularly gun control and climate change—even as he has sought lawmakers' approval on national-security questions.

The president's allies say this is a principled stand, consistent with his campaign promises to be transparent and uphold the Constitution.

Andrew Rudalevige, a professor of government at Bowdoin College, said a mix of factors, including political pressure and consideration of the presidential legacy, likely factored into the administration's thinking on such issues.

"Everything presidents do is political," he said. "Presidents really do care about their legacy. He does not want to be seen as someone who overrode the Constitution as someone who taught constitutional law."

In public comments, the president has underscored his belief that he doesn't need Congress's authorization to act against Syria. A senior administration official said working with lawmakers was meant to send a stronger message to the world, not to limit presidential power.

The new drone policy, though, reflected the administration's view that the threat of terrorism could be confronted without using executive authority as aggressively as in the past—a message the president delivered in a speech in May.

#### Solvency deficits:

**Extend Posner – self-binding mechanisms solve effective constraints and executive credibility – says executive orders can shape future legal authority – transparency serves as an effective check.**

#### Obama can renounce unilateral military action

Lobel, 9 --- Professor of Law at the University of Pittsburgh School of Law (Jules, Journal of National Security Law & Policy, “Preventive Detention and Preventive Warfare: U.S. National Security Policies Obama Should Abandon,” 3 J. Nat'l Security L. & Pol'y 341))

Obama's position on the use of preventive military force is unclear. He clearly opposed the Iraq War from the outset. During the 2008 Presidential election campaign, however, Obama stated that he would never take the military option off the table to prevent Iranian acquisition of nuclear weapons. n27 This position was reaffirmed by White House Press Secretary Robert Gibbs. n28 Some important Obama and State Department advisors firmly believe that the Administration must retain the option of a U.S. or Israeli military action against Iran to persuade Iran to forgo its nuclear program. For example, a recent report drafted by neoconservatives and sponsored by the Bipartisan Policy Center n29 argued that the new President should make clear from his first day in office that he was prepared to use preemptive military force if Iran refused to give up enriching uranium in the face of increasing U.S. and international diplomatic efforts. The report was signed by former Ambassador Dennis Ross, a key Obama administration foreign policy advisor and Middle East diplomat under Bill Clinton. n30¶ [\*346] At the risk of being labeled naive, I would advise Obama to take the unilateral military option off the table. The Administration should make clear that it is not considering a preemptive military attack against Iran and that it renounces such an option as illegal and counterproductive. The present turmoil in Iran reinforces the need for a clear U.S. position against such a unilateral military option to counter Iranian claims of unlawful U.S. interference with Iranian sovereignty. The Administration should also remove the references to preemptive military attacks that appeared in the 2002 and 2006 National Security Strategies when it prepares a new strategy in 2010. It should promise the world that, henceforth, the United States will use military force only in accordance with the prescriptions contained in the U.N. Charter and customary international law and not in response to potential gathering threats.¶There are two basic reasons that the new Administration should forswear a unilateral preemptive military strike against Iran or North Korea. First, virtually all experts agree that such a military strike would accomplish little and undoubtedly prove to be counterproductive. Second, it would also violate international law and undermine Obama's determination to restore American credibility, legitimacy, and leadership in the world community.

#### External checks on president empirically fail --- only the counterplan is a realistic mechanism

Tichenor, 8 --- Department of Political Science at Rutgers University-New Brunswick

(Last modified 4/30/2008, Daniel J., “The Forgotten Virtues of Executive Restraint: Liberal Democracy, Prerogative Power, and Unfettered Presidentialism,”

[http://www.wcfia.harvard.edu/sites/default/files/The%20Forgotten%20Virtues%20of%20Executive%20Restraint%20Tichenor.pdf)](http://www.wcfia.harvard.edu/sites/default/files/The%20Forgotten%20Virtues%20of%20Executive%20Restraint%20Tichenor.pdf%29))

“The Constitution has not greatly bothered any wartime president,” Roosevelt’s Attorney General Francis Biddle memorably remarked.43 The same may be said of political forces outside the government. Indeed, none of our five potential checks – the judiciary, Congress, the media, advocacy groups, or the general public – posed significant veto-points. Lincoln encountered fierce press criticism, Roger Taney was a nettlesome critic of the habeas suspension, and mass publics were hardly unified behind the war cause, but none kept him from asserting unprecedented prerogative power. Wilson faced some challenges with advocacy groups, but the most obstreperous were easily repressed.

If we wanted to play blithe optimists, we could highlight the extent to which each of our potential sources of resistance to presidential actions that restrict civil liberties have grown over time. The national network of citizen groups championing civil liberties has clearly thickened; public opinion after 2002 has wavered on executive actions; media coverage has expanded dramatically in volume (but my own content analysis is in progress); Congress has not greatly bothered the administration’s prosecution of the War on Terror but its oversight of possible military tribunals and sunset provisions of the Patriot Act illustrate a level legislative reluctance even shortly after the 9/11 attacks; and the federal judiciary of late has been more assertive than earlier wartime courts (see Table 2 for a first-cut evaluation). In the final analysis, however, none of these external checks seriously encumbered Lincoln, Wilson and FDR – or George W. Bush in the immediate aftermath of September 11th – in their exercise of prerogative power. In the absence of dependable external checks on presidential prerogative, internal checks assume special importance.

#### Self-restraint is a more effective check than other branches

Posner & Vermeule, 6 --- \*Prof of Law at U Chicago, AND \*\* Prof of Law at Harvard (9/19/2006, Eric A. Posner & Adrian Vermeule, “The Credible Executive,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=931501)>)

As we noted earlier, legal scholars rarely note the problem of executive credibility, preferring to dwell on the problem of aggrandizement by ill-motivated presidents. Ironically, this assumption that presidents seek to maximize power has obscured one of the greatest constraints on aggrandizement, namely, the president’s own interest in maintaining his credibility. Neither a well-motivated nor ill-motivated president can accomplish his goals if the public does not trust him.33 This concern with reputation may put a far greater check on the president’s actions than do the reactions of the other branches of the government.

#### Politics NB:

#### Executive order allows President to avoid spending political capital

Kassop, 2 --- Chair of the Political Science Department @ State University of New York

[Nancy, The Presidency and the Law: The Clinton Legacy, ed. Alder, p. 6]

As a president facing an opposition party in Congress, it is not surprising that President Clinton made bold use of executive orders as a means of circumventing the uncertainties of a legislature that was unlikely to be friendly to his initiatives.  Here, too, as in war powers, Clinton followed in the paths of his Republican predecessors, who also operated under conditions of divided government.  Thus, Clinton may not have blazed new trails for his successors by his use of executive orders to accomplish indirectly what he was unwilling to spend political capital on to accomplish directly.

#### Congress will support executive orders

Covington, 12 --- School of Engineering, Vanderbilt University

(Spring 2012, Megan, Vanderbilt Undergraduate Research Journal, “Executive Legislation and the Expansion of Presidential Power,” http://ejournals.library.vanderbuilt.edu))

In actuality, however, Congress is generally unwilling or unable to respond to the president’s use of executive legislation. Congress can override a presidential veto but does not do it very often; of 2,564 presidential vetoes in our nation’s history, only 110 have ever been overridden. 44 The 2/3 vote of both houses needed to override a veto basically means that unless the president’s executive order is grossly unconstitutional – and thus capable of earning bipartisan opposition - one party needs to have a supermajority of both houses. Even passing legislation to nullify an executive order can be difficult to accomplish, especially with Congress as polarized and bitterly divided along party lines as it is today. Congress could pass legislation designed to limit the power of the president, but such a bill would be difficult to pass and any veto on it – which would be guaranteed – would be hard to override. In addition, if such legislation was passed over a veto, there is no guarantee that the bill would successfully limit the president’s actions; the War Powers Act does little to restrain the president’s ability to wage war.45 Impeachment is always an option, but the gravity of such a charge would prevent many from supporting it unless the president was very unpopular and truly abused his power. 46 Congress’s best weapon against executive legislation is its appropriations power, but this only gives it power over orders that require funding. Members of Congress may even support a president’s use of executive legislation to establish policy when gridlock occurs on the floor. Congressmen can include policy changes made through executive legislation as part of their party’s recent accomplishments for the next election cycle, giving them more incentive to support executive legislation.47 These factors combined mean that Congress has only modified or challenged 3.8% of all executive orders, of which there have been over 13,000 total, leaving them an ineffective check on the president’s legislative power.48 Essentially the only times Congress can and will challenge an executive order are when the president has extremely low support, when in a divided government the party in power of Congress has a supermajority of both houses, or when a president seriously and obviously abuses his power in such a way as to earner opposition from both parties.

#### Overturn:

#### The fiat of the counterplan is durable ---

#### A. Reciprocal --- the aff also fiats that the agent of the plan does not roll it back.

#### B. Facilitates better debates --- ensures aff doesn’t lose on backlash arguments and ensures sustainable neg link ground.

#### Won’t be overturned by future presidents

Branum, 02 --- Associate, Fulbright & Jaworski L.L.P., Houston, Texas. J.D. University of Texas; Austin (Tara L., Journal of Legislation, “PRESIDENT OR KING? THE USE AND ABUSE OF EXECUTIVE ORDERS IN MODERN-DAY AMERICA,” 28 J. Legis. 1)

Congressmen and private citizens besiege the President with demands [\*58] that action be taken on various issues. n273 To make matters worse, once a president has signed an executive order, he often makes it impossible for a subsequent administration to undo his action without enduring the political fallout of such a reversal. For instance, President Clinton issued a slew of executive orders on environmental issues in the weeks before he left office. n274 Many were controversial and the need for the policies he instituted was debatable. n275 Nevertheless, President Bush found himself unable to reverse the orders without invoking the ire of environmentalists across the country. n276 A policy became law by the action of one man without the healthy debate and discussion in Congress intended by the Framers. Subsequent presidents undo this policy and send the matter to Congress for such debate only at their own peril. This is not the way it is supposed to be.

#### Executive self-restraint is hard to undo

Nelson, 9/5 (Colleen, 9/5/2013, “Obama's Curbs on Executive Power Draw Fire,” <http://online.wsj.com/article/SB10001424127887323893004579057463262293446.html>))

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#### Object fiat:

#### Counter interpretation – only counterplans that fiat USFG action are legit.

#### Reasons to prefer:

#### 1) War powers education – The central controversy of the rez is based on agents – specification of statutory and judicial restriction proves. Comparison of external restriction vs self-restraint is key to determine the right focus for advocating war powers reform. Robust lit base around the type of restraint ensures the aff can generate agent-based offense from precedent, perception, and permanence.

#### 2) Organizational decision making - The debates initiated by the XO CP give us training to determine how to set checks and balances within organizations. Organizational decision making is important because working with others is necessary to create positive change in the world.

#### 3) Neg CP Ground – their interp is too restrictive – ANY CP would be considered object fiat because government inaction is responsible for squo harms. For example, they could have a politics advantage and the neg wouldn’t be able to counterplan to pass their agenda item. CPs are key – only way for the neg to test the necessity of plan action to solve.

#### 4) No infinite regression – our interp only includes USFG action – doesn’t allow international CPs that solve advantage impacts like “CP India won’t go to war with Pakistan.”

#### 5) Key to limit the topic – Topicality doesn’t cut it because “restrict” and “authority” are too broad and vague – XO CP is the best check. Focused debate is better – allows deep discussion of core controversies.

**Solvency:**

Congress should pass a joint resolution requiring the President to fully consult with Congress about any national security threat that may be posed to the United States from Iran and demand that no military action be initiated by the United States against Iran without a full, constitutionally mandated declaration of war

Prolif:

#### **The Supreme Leader’s fatwa bans nuclear weapons – outweighs all other reasons.**

AP 13

[Associated Press, CBSNews, “Iran: Religious decree against nuclear weapons is binding”, 1/15/13, http://www.cbsnews.com/8301-202\_162-57564199/iran-religious-decree-against-nuclear-weapons-is-binding/]

Iran sought Tuesday to spell out in its clearest terms yet that it is not seeking nuclear weapons, highlighting a religious decree issued by Supreme Leader Ayatollah Ali Khamenei that bans nuclear weapons.¶ The latest reference to Khamenei's declaration is seen as a bid to close the door on debates that Iran may have carried out atomic bomb trigger tests as inspectors from the U.N. atomic watchdog were on their way to Tehran for a new round of discussions.¶ Iran authorities have often cited Khamenei's religious edict, made more than seven years ago, in attempts to counter Western suspicion that Iran could be moving toward nuclear arms. But Iranian leaders now appear increasingly desperate to reopen talks with world powers as a possible way to ease sanctions. Ministry spokesman Ramin Mehmanparast touched on a cultural rift between the Islamic Republic and the West, saying the United States and its allies don't understand the significance of the edict.¶ "There is nothing higher than the exalted supreme leader's fatwa to define the framework for our activities in the nuclear field," he told a press conference.¶ Mehmanparast could not be more definitive in dispelling suspicions that Iran may ultimately develop a nuclear weapon.¶ "We are the first country to call for a Middle East free of nuclear weapons," he said. When the highest jurist and authority in the country's leadership issues a fatwa, this will be binding for all of us to follow. So, this fatwa will be our top agenda."¶ Mehmanparast said Westerners "don't have an accurate understanding of Islamic beliefs and fatwas issued by great scholars," suggesting that the U.S. and its allies must take Khamenei's edict seriously.¶ To highlight its seriousness, he said Iran is willing to "register the fatwa as an international document."

#### **Iran can’t nuclearize – IAEA inspectors.**

Slavin 13, Senior Fellow @ Atlantic Council

[Barbara Slavin, (Washington correspondent for Al-Monitor and a senior fellow at the Atlantic Council, where she focuses on Iran) Al-Monitor, “Tight IAEA Inspection Regime

Hampers Iran's Nuclear Breakout”, 7/22/13, http://www.al-monitor.com/pulse/originals/2013/07/iran-nuclear-capacity-iaea-inspections-centrifuges-enriched.html]

However, Iran’s ability to break out or sneak out of its non-proliferation obligations is hampered by an inspection regime that keeps extremely close track of Iranian uranium enrichment facilities.¶ Herman Nackaerts, the deputy director of the International Atomic Energy Agency (IAEA) and head of its Department of Safeguards, told Al-Monitor during a visit to Washington that “we would know within a week” whether Iran was diverting uranium from declared sites and seeking to enrich it to weapons’ grade level.¶ There are two to six IAEA inspectors on the ground in Iran every day, Nackaerts said, covering 16 Iranian facilities. On average, he said, that means that an inspector visits Iran’s enrichment plants at Natanz and Fordow once a week. If there are suspicions about any improper activities, they can go more often, he added.¶ It is always possible that Iran is secretly enriching uranium somewhere not known to the IAEA. But most experts believe that if Iran were to decide to make weapons, it would use its declared facilities and known stockpile of partly enriched uranium.

#### **Iran is rational and won’t provoke a conflict, even with nukes.**

Waltz 12, Professor of PoliSci @ Columbia, Research Scholar @ Saltzman Institute of War and Peace Studies

[Kenneth N. Waltz (Senior Research Scholar at the Saltzman Institute of War and Peace Studies, Adjunct Professor of Political Science at Columbia University, winner of James Madison Lifetime Achievement Award in Political Science, has 5 honorary doctorates, had an award named after him for studies on international security and arms control), Foreign Affairs, Vol. 91, Issue 4, “Why Iran Should Get the Bomb”, Jul/Aug 2012, http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=76591794]

One reason the danger of a nuclear Iran has been grossly exaggerated is that the debate surrounding it has been distorted by misplaced worries and fundamental misunderstandings of how states generally behave in the international system. The first prominent concern, which undergirds many others, is that the Iranian regime is innately irrational. Despite a widespread belief to the contrary, Iranian policy is made not by "mad mullahs" but by perfectly sane ayatollahs who want to survive just like any other leaders. Although Iran's leaders indulge in inflammatory and hateful rhetoric, they show no propensity for self-destruction. It would be a grave error for policymakers in the United States and Israel to assume otherwise.¶ Yet that is precisely what many U.S. and Israeli officials and analysts have done. Portraying Iran as irrational has allowed them to argue that the logic of nuclear deterrence does not apply to the Islamic Republic. If Iran acquired a nuclear weapon, they warn, it would not hesitate to use it in a first strike against Israel, even though doing so would invite massive retaliation and risk destroying everything the Iranian regime holds dear.¶ Although it is impossible to be certain of Iranian intentions, it is far more likely that if Iran desires nuclear weapons, it is for the purpose of providing for its own security, not to improve its offensive capabilities (or destroy itself). Iran may be intransigent at the negotiating table and defiant in the face of sanctions, but it still acts to secure its own preservation. Iran's leaders did not, for example, attempt to close the Strait of Hormuz despite issuing blustery warnings that they might do so after the EU announced its planned oil embargo in January. The Iranian regime clearly concluded that it did not want to provoke what would surely have been a swift and devastating American response to such a move.¶ Nevertheless, even some observers and policymakers who accept that the Iranian regime is rational still worry that a nuclear weapon would embolden it, providing Tehran with a shield that would allow it to act more aggressively and increase its support for terrorism. Some analysts even fear that Iran would directly provide terrorists with nuclear arms. The problem with these concerns is that they contradict the record of every other nuclear weapons state going back to 1945. History shows that when countries acquire the bomb, they feel increasingly vulnerable and become acutely aware that their nuclear weapons make them a potential target in the eyes of major powers. This awareness discourages nuclear states from bold and aggressive action. Maoist China, for example, became much less bellicose after acquiring nuclear weapons in 1964, and India and Pakistan have both become more cautious since going nuclear. There is little reason to believe Iran would break this mold.

#### **Deterrence applies – Iran is rational actor.**

Sadjadpour 12, Policy analyst @ Carnegie Endowment

[Karim Sadjadpour (Policy analyst at the Carnegie Endowment. Prior to that he was "chief Iran analyst" at the International Crisis Group )“Iran is ‘Years Away’ from a Nuclear Weapon” March 9, 2012 <http://carnegieendowment.org/2012/03/09/iran-is-years-away-from-nuclear-weapon/a268>]

Speaking on MSNBC's Morning Joe, Carnegie's Karim Sadjadpour stated that, as tensions between the Obama administration and Israel over Iran’s nuclear program continue, much discussion has focused on whether or not Iran can be counted on as a rational actor in international politics. Sadjadpour explained that “Iran is a rational actor in the sense that staying in power is paramount. The regime is homicidal but it is not suicidal.” However, it will ultimately prove extremely difficult to reach a modus vivendi with a regime that relies on anti-Americanism as an inextricable component of its ideology, Sadjadpour added. One of the chief points of contention between the Obama administration and the Israelis centers on how far away Iran is from developing the capacity to weaponize its nuclear program. Sadjadpour said that the Iranians are at a minimum of two years before they will be able to have the bomb. “The reality is we often talk ourselves into hyperventilation on this issue, but there is still a significant amount of time to engage in diplomacy,” he concluded.

SkyNews 9/13/13 (“Iran Seeks Solution To Nuclear Stand-Off”, http://news.sky.com/story/1141317/iran-seeks-solution-to-nuclear-stand-off)

Iran wants to end the international stand-off over its nuclear programme but will not sacrifice its interests for the sake of a solution, President Hassan Rouhani has said.¶ In a meeting with Russian President Vladimir Putin on the sidelines of a regional security summit, Mr Rouhani said it was time to take new steps to resolve the dispute.¶ "Regarding the Iranian nuclear issue, we want the swiftest solution to it within international norms," Mr Rouhani said in Kyrgyzstan's capital Bishkek, where leaders are gathering for the Shanghai Cooperation Organisation summit.¶ "Russia in the past has taken important steps in this sphere and now is the best opportunity for new steps from your side," he added.¶ Western states believe Iran's nuclear programme is aimed at developing weapons.¶ Iran has been in talks for years with six global powers seeking to ensure it does not develop a nuclear weapons capability.¶ A solution to the stand-off has been elusive and the most recent talks, in April, ended without a breakthrough.¶ Mr Rouhani, who was elected in June, has said Iran will be more transparent and less confrontational in talks with the six powers - the United States, Russia, China, Britain, France and Germany.¶ But he made clear he is only ready to go so far, indicating Iran would not give up its right to enrich uranium.¶ "I declare that only if there is political will, if there is mutual respect and mutual interest, and only if the rights of Iran's people are ensured, can we guarantee the peaceful character of Iran's nuclear programme," he said.¶ Western diplomats say Iran has continued to expand its uranium enrichment capacity in recent months, potentially shortening the time it would need to produce sufficient highly-refined material for a bomb.¶ Mr Rouhani said a date could be set for the next round of talks later this month during the UN General Assembly in New York, where meetings between Iran and some of the powers are expected.

Israel won’t strike first – low confidence in damage capabilities and reduced U.S. support.

The Economist 13

[“Iran’s nuclear programme: Breakout beckons”, 6/22/13, http://www.economist.com/news/briefing/21579815-neither-irans-election-nor-sanctions-nor-military-threats-are-likely-divert-it-path]

A while ago, Israel wanted it to be thought that Iran would face attack if it gained the capability to build a nuclear weapon. That point was probably passed some years ago. Making a bomb depends on Iran’s ability to convert HEU into a metal sphere for the weapon’s core, to make a reliable detonator and then to create a warhead small enough to put on a ballistic missile, a process known as “weaponisation”. Mastery of the techniques required is not beyond Iran’s engineering capacity.¶ Western intelligence agencies used to reckon that Iran had suspended work on weaponisation in 2004. But after the IAEA published a report in November 2011, since when Iran has refused to allow the agency’s inspectors into the Parchin military research complex facility, that assumption has been challenged. In December 2011 Mr Jones estimated that Iran could produce an implosion-type device within two to six months, thanks in part to the help it is thought to have received from Vyacheslav Danilenko, a former Soviet nuclear weapons designer. North Korea is also believed to have given substantial technical help.¶ Israel subsequently came up with another red line that its then-defence minister, Ehud Barak, called the “zone of immunity”. This referred to the moment when Iran had enough centrifuges in the Fordow facility, which is impregnable to Israeli conventional weapons, to continue enrichment even after an attack. That line was probably crossed a year or more ago.¶ As Iran’s nuclear programme has advanced, Israel has become less confident of its ability, acting alone, to do more than temporary damage to it. Michael O’Hanlon of the Brookings Institution says that Israel might have attacked three or four years ago, but that it is less likely to do so now. Until last year Mr Netanyahu appeared to hope that if Israel struck first, America would be forced, whatever its initial reservations, to step in and use its greater military resources to finish the job. After being warned unmistakably by Mr Obama that he could not count on any such thing and that America would not be “complicit” in such an attack, Mr Netanyahu came perilously close to trying to influence the presidential election in favour of his friend, the more hawkish Mitt Romney.

Nukes won’t spread – impact is exaggerated.

Carpenter 7, VP of Defense and Foreign Policy Studies @ Cato

 [Ted Galen Carpenter (Vice President for Defense and Foreign Policy Studies at the Cato Institute) “Toward a Grand Bargain with Iran” Mediterranean Quarterly 18:1, 2007, p. 12-27]

Finally, **those who favor** a more **confrontational policy** toward Iran **warn that if Tehran succeeds in its quest** for nuclear weapons, o**ther nations in the region will quickly do the same, creating an especially dangerous security environment**. As in the case of concerns about possible blackmail, this fear has some validity. Because of the uncertain reliability of the protection afforded by the US umbrella for some US allies and client states in the Middle East, there is a very real prospect that if Iran develops a nuclear arsenal, sooner or later such countries as Saudi Arabia, Egypt, and Turkey might follow suit. Indeed, Egypt may already be thinking along those lines. In late September, Gamal Mubarak, President Hosni Mubarak's son and political heir apparent, stated that his country needed to develop a nuclear program for power generation.19 Although he stressed that the program would be entirely peaceful, his proposal had all the earmarks of a hedging strategy. As we have seen with India, Pakistan, North Korea, and Iran, "peaceful" nuclear programs can easily become the foundation for a nuclear weapons program. **Whether additional proliferation would reach epidemic proportions and create the nightmare scenarios forecast by some analysts is uncertain**. It is important to recall that **pundits and even international relations experts have tended to overestimate both the probability and the extent of proliferation in the past. The conventional wisdom in the** 19**60s was that there would be as many as two dozen nuclear weapons powers within a generation**.20 Similar predictions took place in the late 1970s and early 1980s.21 [End Page 22]

## 1NR

### Overview

**We control proximate cause of escalation of global conflict – economic collapse means leaders use diversionary theory means to cause conflict – those guarantee escalation because of lack of economic ties and hotter tensions – growth means war is structurally impossible**

### UQ

**Obama’s pivot away from Syria preserves his political capital for debt ceiling resolution**

**[\*\*\* Also Answers Syria Thumper]**

**Bohan, 9/11** (Caren, 9/11/2013, “Delay in Syria vote frees Obama to shift to hefty domestic agenda,” <http://www.reuters.com/article/2013/09/11/usa-obama-agenda-idUSL2N0H716N20130911>))

WASHINGTON, Sept 11 (Reuters) - **Putting off** a decision on military strikes on **Syria** allows President Barack **Obama to shift his attention back to a weighty domestic agenda** for the fall **that includes budget fights**, immigration and selecting a new chairman of the Federal Reserve.

Obama and his aides have immersed themselves for a week and a half in an intensive effort to win support in Congress for U.S. military action in Syria after a suspected chemical weapons attack last month killed more than 1,400 people.

But the effort, which included meetings by Obama on Capitol Hill on Tuesday followed by his televised speech to Americans, seemed headed for an embarrassing defeat, with large numbers of both Democrats and Republicans expressing opposition.

**The push** for a vote **on Syria** - which has now been delayed - **had threatened to crowd out the busy legislative agenda for the final three months of 2013 and drain Obama's political clout, making it harder for him to press his priorities.**

But analysts said **a proposal floated by Russia**, which the Obama administration is now exploring, to place Syria's weapons under international control **may allow Obama to emerge from a difficult dilemma with minimal political damage.**

**"He dodges a tough political situation this way," said** John **Pitney, professor of politics at Claremont** McKenna College in California.

Pitney said the delay in the Syria vote removes a big burden for Obama, given that Americans, who overwhelmingly opposed military intervention in Syria, will now be able to shift their attention to other matters.

He said Obama could suffer some weakening of his leverage with Congress. The administration's "full court press" to try to persuade lawmakers to approve military force on Syria was heavily criticized and did not yield much success.

"He probably has suffered some damage in Congress because there are probably many people on (Capitol Hill) who have increasing doubts about the basic competence of the administration and that's a disadvantage in any kind of negotiation," Pitney said.

BUDGET BATTLES

**Among Obama's most immediate challenges are two looming budget fights**. By Sept. 30, Congress and the president must agree on legislation to keep federal agencies funded or face a government shutdown.

Two weeks later, **Congress must raise the limit on the country's ability to borrow or risk a possible debt default that could cause chaos in financial markets.**

On the first budget showdown, Obama may be at a strategic advantage because of divisions among opposition Republicans about whether to use the spending bill to provoke a fight over Obama's signature health care law, known as Obamacare.

House Republican leaders are trying to rally the party around a temporary spending measure that would keep the government funded until Dec. 15 but are facing resistance within their own caucus from some conservatives who want to cut off funding for Obamacare, even if it means a government shutdown.

**The debt limit fight could end up going down to the wire and unnerving financial markets. Republicans want to use that standoff to extract concessions from the Democratic president, such as spending cuts and a delay in the health law. But Obama has said he has no intention of negotiating over the borrowing limit.**

Another challenge for Obama will be reviving momentum for immigration reform. Sweeping legislation that would grant a path to citizenship for 11 million undocumented immigrants has passed the Democratic-led Senate but has been stalled in the Republican-controlled House of Representatives.

Over the past week and half, lobbyists and other supporters of immigration reform have become worried that the Syria issue could doom the legislation in the House by limiting the amount of time lawmakers have to consider it.

But lobbyists are not ready to give up and have continued meeting with lawmakers to press the issue.

Some activists believe Obama could create pressure on Republicans to act by making greater use of the bully pulpit. The White House has sought to strike a balance between calling for action and giving Congress space to consider the issue.

Another pressing domestic matter will be picking a candidate to succeed Fed Chairman Ben Bernanke, whose term expires in January. Obama has been leaning toward Lawrence Summers, a former top White House aide and Treasury secretary, who is controversial within his own Democratic Party.

Any candidate for Fed chairman will require confirmation by the U.S. Senate.

**On issues like the budget battles in which Obama will go toe-to-toe with Republicans, the Syria push will have little fallout for Obama, predicted** Matt **Bennett, senior vice president at Third Way**, a center-left think tank.

Republicans showed a huge resistance to Obama's agenda well before the administration's effort to win congressional backing on Syria began to falter, Bennett noted. He said the time focused on Syria over the last week and half did nothing to change that dynamic.

"I certainly don't think the situation he's in today is markedly different from the one he faced a

few weeks ago," Bennett said.

**Obama has leverage to increase debt ceiling now --- his capital is key**

**Khunhenn, 9/8** (Jim, The Associated Press, “Issues test Obama's persuasion, mobilizing skills,” Lexis))

**The tasks stacking up before** President Barack **Obama over the coming weeks will test his persuasion powers and his mobilizing skills more than any other time in his presidency.**

How well Obama handles the challenges in the concentrated amount of time before him could determine whether he leads the nation from a position of strength or whether he becomes a lame duck one year into his second term.

Between now and the end of October, **Obama must** convince wary lawmakers that they should grant him authority to take military action against Syria; **take on Congress in an economy-rattling debate over spending and the nation's borrowing limit**; and oversee a crucial step in the putting in place his prized health care law.

The Syria vote looms as his first, biggest and perhaps most defining challenge. His mission is persuading Congress and bringing the public along to approve armed action against the Syrian government in response to a chemical attack that Obama blames on President Bashar Assad's government.

"It's conceivable that, at the end of the day, I don't persuade a majority of the American people that it's the right thing to do," Obama acknowledged in a news conference Friday.

His chief of staff, Denis McDonough, was asked on "Fox News Sunday" whether a congressional rejection might endanger Obama's presidency, and he responded: "Politics is somebody else's concern. The president is not interested in the politics of this."

Presidents tend to have an advantage on issues of national security, a tradition demonstrated by the support Obama has won for action in Syria from the bipartisan leadership of the House. But that has not translated so far into firm support among the rank and file.

"Congress can look presidents in the eye on a level gaze regarding the budget," the presidential historian H.W. Brands said. "But on war and peace they have to look up to the president, he's the commander in chief.

"If he does lose, even if the loss comes about partly as a result from negative Democratic votes, the Republicans are going to get the bit in their teeth and say `We're not going to give this guy anything,'" said Brands, a professor at the University of Texas at Austin, said.

By that reasoning, success on Syria could give Obama some momentum.

"If he gets the authority it shows that he's not a lame duck, that he still has some power," said John Feehery, a Republican strategist and former House GOP leadership aide. "If he doesn't get the authority, it's devastating. People see him as the lamest of lame ducks."

The Syria vote, however, is unusual and probably will not break along traditional partisan or ideological lines. Democrats and Republicans have voiced support and opposition to a military intervention. As a result, some White House officials believe their ability to influence issues that split along party lines is limited.

"It becomes more of a stand-alone," said Republican pollster David Winston, who advises House Republican leaders. "This is a decision distinct from internal domestic politics."

At the White House, Syria for now has eclipsed all other matters.

Obama spent the last two days in St. Petersburg, Russia, trying to build a coalition of support from among the members of the Group of 20 largest economies. Back home, Defense Secretary Chuck Hagel and Secretary of State John Kerry made their case to lawmakers in public and in private while Obama lobbied individual members by telephone.

On Tuesday, Obama will speak to the nation during an evening address from the White House, a rare forum reserved for the weightiest of issues. The speech will come a day before the Senate holds its first showdown vote over a resolution authorizing the "limited and specified use" of U.S. armed forces against Syria. The resolution bars the use of U.S. combat troops. A final Senate vote could come at the end of the week. The House would likely take the measure up the following week.

Win or lose, **Obama and lawmakers** then would **run headlong into a debate over the budget**.

Congress will have a limited window to continue government operations before the new budget year begins Oct. 1.

**Congressional leaders probably will agree to hold spending at current budget levels for about two months or three months. That would delay a confrontation with the White House and pair a debate over 2014 spending levels with the government's need to raise its current $16.7 trillion borrowing limit.** The Treasury says the government will hit that ceiling in mid-October.

**Obama has been adamant that he will not negotiate over the debt limit**. He says a similar faceoff in 2011 hurt the economy and caused Standard & Poors to lower its rating of the nation's debt, which made it more expensive to borrow.

**White House officials say they ultimately have leverage because they believe Republicans would be punished politically** for playing brinkmanship and threatening the nation with a default.

**The White House is counting on pressure from traditional Republican allies**, particularly in the business sector. "It is insane not to raise the debt ceiling," U.S. Chamber of Commerce President Thomas Donohue said last week on C-SPAN. Donohue pledged to find primary challengers against lawmakers who threaten a default.

### PC

**Obama will have to spend capital on debt ceiling**

**Bull & Younglai, 9/5** (Alister Bull and Rachelle Younglai, 9/5/2013, “Analysis: Battle over Fed - Summers' opponents seek to sway Obama,” [http://www.reuters.com/article/2013/09/05/us-usa-fed-summers-analysis-idUSBRE98414R20130905)](http://www.reuters.com/article/2013/09/05/us-usa-fed-summers-analysis-idUSBRE98414R20130905%29))

Still, some Washington veterans are perplexed that Obama is apparently willing to bypass Yellen, who is also viewed as well qualified, and are concerned that Obama risks an unnecessary congressional fight at a time when he could spend his political capital more wisely.

As well as battling for authorization to punish the use of chemical weapons by Syrian President Bashar al-Assad, **the White House must** currently also **persuade lawmakers to raise the U.S. debt ceiling and forge an agreement to fund the federal government for the fiscal year beginning in October.**

**"Does** Barack **Obama want to play political football with the Congress on everything all fall?" asked** David **Rothkopf, a former Clinton administration official** who is now president of Garten Rothkopf, an international advisory firm.

**( ) Syria proves our link --- a fight on another issue like it would have sucked capital away from debt ceiling**

**Frenzel, 9/6** --- Guest Scholar in Economic Studies at the Brookings Institution (9/6/2013, Bill, “By Dropping Syria In Congress' Lap, Obama Creates The Worst Of The Bad Old Days,” [http://www.forbes.com/sites/billfrenzel/2013/09/06/by-dropping-syria-in-congress-lap-obama-creates-the-worst-of-the-bad-old-days/)](http://www.forbes.com/sites/billfrenzel/2013/09/06/by-dropping-syria-in-congress-lap-obama-creates-the-worst-of-the-bad-old-days/%29))

Unfortunately, there is much more to this vote than a President forcing the Congress to ratify his decision. **The Syria question is** also **consuming the President’s political capital at a time when he may be running a bit short anyway**. He’s not a lame duck yet, but in a year he will be. **Capital spent on Syria is capital not available for looming domestic problems.**

Worse, the decision comes at a time when Congressional energies ought to be focused on the FY14 CR, the sequester repair, and the Debt Ceiling extension. Congress is already a polarized battleground. **Syria**, because it is different, may relieve tensions. More **likely**, it **will crank up animosities and resentments between parties, branches and houses. Surely, it will burn valuable negotiating time.**

Syria is an important foreign policy/national security issue. But it’s a mouse compared to the elephantine domestic fiscal problem. It now seems probable that **the Syria vote may delay and confuse settlement of the budget question, and exacerbate existing budget tensions.**

If those conditions lead to a smaller budget agreement, and another year or two of kicking that same old can down the road, those unintended consequences would dwarf whatever happens in Syria as a result of well-intentioned U.S. anti-poison-gas efforts.

### Link

#### Perception of losing decks the president

Ornstein, 1 (Norman, American Enterprise Institute, September 10, Lexis)

The compromise accomplished two ends. First, it changed the agenda base of the issue. Patients' rights went from an issue where the only viable proposal was from Democrats (with GOP co-sponsors), which the President vowed to veto - to one where both Democrats and Bush are for patients' rights and merely differ on the details. Two, it gave the President a victory on the House floor when all the pundits predicted defeat - a major momentum builder. In a system where a President has limited formal power, perception matters. The reputation for success - the belief by other political actors that even when he looks down, a president will find a way to pull out a victory - is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not.

### 1nc Link --- Fight to Defend Link

#### Fighting to defend his war power will sap Obama’s capital, trading off with rest of agenda

Kriner, 10 --- assistant professor of political science at Boston University

(Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69)

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60

In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61

When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### President has to spend political capital defending war powers

Samples, 11 --- director of the Center for Representative Government at CATO

(10/27/2011, John, “Congress Surrenders the War Powers: Libya, the United Nations, and the Constitution,” <http://www.cato.org/sites/cato.org/files/pubs/pdf/pa687.pdf>))

But political representation has other fac-ets. It has given voice to public dissatisfaction about wars proper and limited wars. Con-gress “has historically been actively engaged in debates over the proper conduct of major military initiatives. It has proposed, publicly debated, and voted on various legislative initiatives to authorize or curtail the use of force.” Congress has also held hearings about the conduct of limited and proper wars. 215 Many believe that such legislative actions have little effect on the president. Yet such ac-tions can affect the cost-benefit calculations of the president in pursuing or failing to pur-sue a limited war. Congress can raise the costs of a policy by shaping and mobilizing public opinion against a war, thereby increasing the cost in political capital a president must pay to sustain a policy. Congressional actions also signal disunity (or unity) to foreign actors, who in turn act on their expectations, thereby raising the costs of a limited war. Congres-sional actions also affect presidential expec-tations about how the conduct of a war will be received in the legislature; Congress can thus influence presidential policies without directly overturning them. 216 Systematic evi-dence indicates that since 1945 Congress has been able to influence presidential policies through these means. 217 Although short of constitutional propriety, congressional voice can matter in war-making.

#### Defending presidential powers costs capital

Pushaw, 04 --- Prof at Pepperdine Law (Fall 2004, Robert J., Missouri Law Review, “SYMPOSIUM: Defending Deference: A Response to Professors Epstein and Wells,” 69 Mo. L. Rev. 959))

More recently, the Court denied President Truman's claim of implied Article II power to unilaterally seize and operate domestic steel mills to ensure production of arms for the Korean War n51 and invalidated President Bush's indefinite detention of suspected terrorists. n52 The Court apparently concluded that the wars against Korea and terrorism posed less immediate and serious threats, and that in any event both Presidents had gone constitutionally overboard in their responses without specific congressional authorization. Left unsaid was that Truman in 1952 and Bush in 2004 lacked the popularity and political capital to disregard the Court's orders. n53

### Intrinsicness

**Disad is intrinsic—our links prove why it is an opportunity cost: plan costs time, resources, lobbying, et cetera**

**C/I Judge is a citizen of a democracy with limited resources --- although it might not be an opportunity cost, it’s an artificial one which is the backbone of democracy**

**This is real world and predictable --- the federal government isn’t a unitary actor so their interp is utopian and doesn’t train us to make good decisions --- choosing which congress-people to advocate for and understanding the political consequences is critical to a complex understanding of the government**

**Infinitely regressive --- they could always make permutations of the status quo to solve our disad impacts**

**Neg ground and current events education --- politics DAs are critical to checking back against new affirmatives and providing us education on current events**

### Fiat solves the link

**a. Counterinterpretation: FIAT is used solely to evaluate the consequences of the plan, not for congressional action**

**b. Even if they win their interpretation, Obama will still have to use political capital to pass the plan. This means that he will have no polcap to push for debt ceiling, giving us our link if the plan passes.**

**c. Their interpretation of FIAT is bad because it allows them to spike out all politics links**

**Neg ground and current events education --- politics DAs are critical to checking back against new affirmatives and providing us education on current events**

## SOP

### Defense

**Multiple other instances – Bush’s actions, ignoring Guantanamo court rulings**

**The internal link in their Ikenberry evidence is democracy promotion – alt causes**

#### WOT policies undermine demo cred

Thomas Carothers – VP Carnegie – Jan 2012, Democracy Policy Under Obama: Revitalization or Retreat?, http://carnegieendowment.org/files/democracy\_under\_obama.pdf

Another key element of Obama’s attempted revitalization of U.S. democracy support— the restoration of America’s standing as a symbol of democracy and human rights in the world—has encountered choppier waters. The administration has taken some corrective actions with regard to U.S. respect for law and rights in its counterterrorism policies, and Obama enjoys a better reputation generally in the world on human rights than did Bush. But the president has not accomplished his signature goal of closing Guantánamo. In addition, bowing to congressional pressure, the administration reversed its earlier decision to hold civilian trials in New York for detainees accused of planning the September 11 attacks.37 The administration has also been criticized by human rights advocates for failing to hold any current or former U.S. officials accountable for past abuses and instead adopting many of the Bush administration’s legal positions in order to block lawsuits by former detainees seeking redress for illegal detention, rendition, and torture.38

#### Too many alt causes – Bahrain, Yemen, Syria, Libya

Lloyd Gardner – author of The Road to Tahrir Square, Prof. Emeritus of History @ Rutgers – 1/6/12, America can no longer rely on military aid to influence the Middle East, http://www.guardian.co.uk/commentisfree/2012/jan/06/america-military-aid-influence-middle-east

In any event, it is clear Washington's influence over the course of events in Egypt and elsewhere has diminished as a result of the Arab spring. Over the past year the US simply stood by as Saudi Arabia put down protests in Bahrain, whose ruling family hosts a key American naval base, and exhibited a studied ambiguity toward events in Yemen as the country struggled to end the Saleh dictatorship. While the US did eventually join in demands for Syria's president, Bashar al-Assad, to step down, and steered events to depose the long-time Libyan dictator, Muammar Gaddafi, the general picture American policy conveyed was of an ageing stand-pat power, fearful of losing its grip.

**Can’t concede this defense to get out of the DA**

**Direct effect of the plan is to harm warfighting capabilities**

### Warfighting DA

**Plan destroys warfighting capabilities –**

**Outweighs**

1. **Magnitude filter – escalation of all scenarios, no ability to constrain**
2. **Perception – other countries react instantly**
3. **Probability - small scale disputes all the time, they will escalate**

**Solves the aff – can deploy if Iran has war**

**Conceded the Yoo evidence means they link – plan constrains ability to deploy to Iran**

**Means that terror hotspot there**

**Other countries will know, take advantage**

#### 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.