## 1NC

### 1NC 1

#### 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.

#### 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.

### 1NC 2

#### The United States federal judiciary should order the release of individuals in military detention who have won their habeas corpus hearing.

#### The CP solves soft power

Sidhu 11

[2011, Dawinder S. Sidhu, J.D., The George Washington University; M.A., Johns Hopkins University; B.A., University of Pennsylvania, Judicial Review as Soft Power: How the Courts Can Help Us Win the Post-9/11 Conflict”, NATIONAL SECURITY LAW BRIEF, Vol. 1, Issue 1 http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1003&context=nslb]

The “Great Wall” The writ of habeas corpus enables an individual to challenge the factual basis and legality of his detention,91 activating the judiciary’s review function in the separation of powers scheme.92 Because the writ acts to secure individual liberty by way of the judicial checking of unlawful executive detentions, the writ has been regarded as a bulwark of liberty. The Supreme Court has observed, for example, that “There is no higher duty of a court, under our constitutional system, than the careful processing and adjudication of petitions for writs of habeas corpus . . . .”93 The writ is seen as a vital aspect of American jurisprudence, and an essential element of the law since the time of the Framers.94 The United States is a conspicuous actor in the world theater, subject to the interests and inclinations of other players, and possessing a similar, natural desire to shape the global community in a manner most favorable to its own objects. The tendency to attempt to inﬂuence others is an inevitable symptom of international heterogeneity and, at present, the United States is mired in an epic battle with fundamentalists bent on using terrorism as a means to repel,95 if not destroy, America.96 American success in foreign policy depends on the internal assets available to and usable by the United States, including its soft power. The law in America is an aspect of its national soft power. In particular, the moderates in the Muslim world—the intended audience of America’s soft power— may ﬁ nd attractive the American constitutional system of governance in which 1) the people are the sovereign and the government consists of merely temporary and recallable agents of the people, 2) federal power is diffused so as to diminish the possibility that any branch of the government, or any of them acting in tandem, can infringe upon the liberty of the people, 3) structural protections notwithstanding, the people are entitled to certain substantive rights including the right to be free of governmental interference with respect to religious exercise, 4) the diversity of interests inherent in its populace is considered a critical safeguard against the ability of a majority group to oppress the minority constituents, 5) the courts are to ensure that the people’s rights to life, liberty, and property are not abridged, according to law, by the government or others, and 6) individuals deprived of liberty have available to them the writ of habeas corpus to invoke the judiciary’s checking function as to executive detention decisions. The Constitution, in the eyes of Judge Learned Hand, is “the best political document ever made.”97 If the aforementioned constitutional principles are part of the closest approximation to a just and reasoned society produced by man, surely they may have some persuasive appeal to the rest of the world, including moderate Muslims who generally live in areas less respectful of minority rights and religious pluralism. Such reverence is to be expected and warranted only if the United States has remained true to these constitutional principles in practice, and in particular, in its behavior in the aftermath of the 9/11 attacks, when national stress is heightened and the option of deviating from such values in favor of an expedient “law of necessity” similarly tempting.98 The extent to which the United States has remained true to itself as a nation of laws—and thus may credibly claim such legal soft power—is the subject of the next section. II. THE COURTS AND SOFT POWER The Judiciary In Wartime The United States has been charged with being unfaithful to its own laws and values in its prosecution of the post-9/11 campaign against transnational terrorism. With respect to its conduct outside of the United States, following 9/11, America has been alleged to have tortured captured individuals in violation of its domestic and international legal obligations,99 and detained individuals indeﬁ nitely without basic legal protections.100 Closer to home, the United States is thought to have proﬁ led Muslims, Arabs, and South Asians in airports and other settings,101 conducted immigration sweeps targeting Muslims,102 and engaged in mass preventative detention of Muslims in the United States,103 among other things. These are serious claims. The mere perception that they bear any resemblance to the truth undoubtedly impairs the way in which the United States is viewed by Muslims around the world, including Muslim-Americans, and thus diminishes the United States’ soft power resources.104 The degree to which they are valid degrades the ability of the United States to argue persuasively that it not only touts the rule of law, but exhibits actual ﬁ delity to the law in times of crisis. These claims relate to conduct of the executive and/or the legislature in the aftermath of the 9/11 attacks. This Article is concerned, however, with the judiciary, that is whether the courts have upheld the rule of law in the post-9/11 context—and thus whether the courts may be a source of soft power today (even if the other branches have engaged, or are alleged to have engaged, in conduct that is illegal or unwise). As to the courts, it is my contention that the judiciary has been faithful to the rule of law after 9/11 and as such should be considered a positive instrument of American soft power. Prior to discussing post-9/11 cases supporting this contention, it is important to provide a historical backdrop to relationship between the courts and wartime situations because judicial decision-making in cases implicating the wars in Afghanistan and Iraq does not take occur on a blank slate, despite the unique and modern circumstances of the post-9/11 conﬂ ict.

#### The plan solves the judicial legitimacy advantage

Vaughn and Williams, Professors of Law, 13

[2013, Katherine L. Vaughns B.A. (Political Science), J.D., University of California at Berkeley. Professor of Law, University of Maryland Francis King Carey School of Law, and Heather L. Williams, B.A. (French), B.A. (Political Science), University of Rochester, J.D., cum laude, University of Maryland Francis King Carey School of Law, “OF CIVIL WRONGS AND RIGHTS: 1 KIYEMBA V. OBAMA AND THE MEANING OF FREEDOM, SEPARATION OF POWERS, AND THE RULE OF LAW TEN YEARS AFTER 9/11”, Asian American Law Journal, Vol. 20, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2148404]

Just as significant as what Boumediene does do, is what it does not. The case does not address the Executive’s authority to detain the Guantanamo Bay detainees, nor does it hold that the writ must issue as to these particular detainees.86 Instead, the case holds only that the detainees are entitled to access to the writ; the contours of when, if at all, the writ must issue, or the appropriate remedy for the writ upon issuance are not addressed. In the Court’s words, “[t]hese and other questions regarding the legality of the detention,” and presumably, the appropriate remedy if the detention is found unlawful, “are to be resolved in the first instance” by the trial court. Thus, in the years immediately following 9/11, the Supreme Court took deliberate, if not measured, steps in the direction of affirmatively asserting its role as a guarantor of individual rights in the context of the War on Terror. However, Boumediene—which was decided more than three years ago—remains the Court’s last word. In 2010, eight petitions for certiorari related to the continued detention of various prisoners at Guantanamo Bay were presented to the Supreme Court.87 Certiorari was denied as to seven of the eight petitions; the eighth petition was rendered moot.88 The Supreme Court’s recent silence in this arena is deafening. As we discuss throughout this article, Kiyemba presented the Court with an opportunity to break its silence—to make clear rulings on specific remedial issues related to the habeas rights of the Guantanamo detainees and to reassert the judiciary’s ongoing role in securing individual rights in the War on Terror. The Supreme Court missed this opportunity, leaving many significant rulings—including the D.C. Circuit’s reinstated ruling in Kiyemba—to stand as governing, if not fully challenged, law. Justice O’Connor’s 2004 plurality opinion in Hamdi offers perhaps one of the strongest assertions of the continued, and undiminished, role of the judiciary in the War on Terror: She rejects “the Government’s assertion that separation of powers principles mandate a heavily circumscribed role for the courts” in this context, stating that such an assertion “serves only to condense power into a single branch of government.”89 Such condensation of power is contrary to established principles, Justice O’Connor states, as the Court has long “made clear that a state of war is not a blank check for the President when it comes to [individual] rights.”90 Indeed, “[w]hatever power the United States Constitution envisions for the Executive in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all three branches when individual liberties are at stake.”91 We couldn’t agree more. And this is precisely why Kiyemba represents a missed opportunity. The case also presents a missed opportunity because, in the wake of Boumediene, the lower federal courts, and particularly the courts located in the District of Columbia, have tended (with some significant exceptions), not to delicately balance the competing interests of national security and civil liberties, but to tip the scales in near-absolute deference to the government’s security agenda. In an important 2005 article, Cass Sunstein termed this phenomenon “National Security Fundamentalism.”

### 1NC 3

#### 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

* Accepting that war is inevitable even without realizing it is problematic

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

* Another impact: freeing ourselves from war = more resources for peace

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

* Democracy itself is the product of searching for peaceful solutions

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.

#### Framing issue – the way we discuss and represent war should come first – the language surrounding violence has direct, concrete effects

**Collins & Glover 2** (John, Assistant Prof. of Global Studies at St. Lawrence University, Ross, Visiting Professor of Sociology at St. Lawrence University, Collateral Language, p. 6-7)

As any university student knows, theories about the “social con­struction” and social effects of language have become a common feature of academic scholarship. Conservative critics often argue that those who use these theories of language (e.g., deconstruc­tion) are “just” talking about language, as opposed to talking about the “real world.” The essays in this book, by contrast, begin from the premise that language matters in the most concrete, im­mediate way possible: its use, by political and military leaders, leads directly to violence in the form of war, mass murder (in­cluding genocide), the physical destruction of human commu­nities, and the devastation of the natural environment. Indeed, if the world ever witnesses a nuclear holocaust, it will probably be because leaders in more than one country have succeeded in convincing their people, through the use of political language, that the use of nuclear weapons and, if necessary, the destruction of the earth itself, is justifiable. From our perspective, then, every act of political violence—from the horrors perpetrated against Native Americans to the murder of political dissidents in the So­viet Union to the destruction of the World Trade Center, and now the bombing of Afghanistan—is intimately linked with the use of language. Partly what we are talking about here, of course, are the processes of “manufacturing consent” and shaping people’s per­ception of the world around them; people are more likely to sup­port acts of violence committed in their name if the recipients of the violence have been defined as “terrorists,” or if the violence is presented as a defense of “freedom.” Media analysts such as Noam Chomsky have written eloquently about the corrosive ef­fects that this kind of process has on the political culture of sup­posedly democratic societies. At the risk of stating the obvious, however, the most fundamental effects of violence are those that are visited upon the objects of violence; the language that shapes public opinion is the same language that burns villages, besieges entire populations, kills and maims human bodies, and leaves the ground scarred with bomb craters and littered with land mines. As George Orwell so famously illustrated in his work, acts of vio­lence can easily be made more palatable through the use of eu­phemisms such as “pacification” or, to use an example discussed in this book, “targets.” It is important to point out, however, that the need for such language derives from the simple fact that the violence itself is abhorrent. Were it not for the abstract language of “vital interests” and “surgical strikes” and the flattering lan­guage of “civilization” and ‘just” wars, we would be less likely to avert our mental gaze from the physical effects of violence.

### 1NC 4

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

Kapur, 9/9 --- TPM’s senior congressional reporter and Supreme Court correspondent

(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 plan will ignite a huge political fight and tradeoff with other administration priorities

Hansen, 13 --- associate editor at *America* (was first published in Italian in the January 2013 issue of Popoli magazine, Luke, “A Permanent Prison? Why Guantánamo might outlast the Obama presidency,” <http://americamagazine.org/issue/article/permanent-prison)>)

Growing Opposition In “The Fall of Greg Craig, Obama’s Top Lawyer” (11/19/2009), Time magazine provides an account of what unfolded inside the White House during those first weeks of the Obama administration as they grappled with closing Guantánamo. Just one day before Mr. Craig pitched his plan to the national security team, President Obama publicly released a series of memos from the U.S. Central Intelligence Agency that detailed the “enhanced interrogation” techniques used by the Bush administration. Michael Hayden, former C.I.A. director, had organized internal opposition to releasing the memos, but Mr. Obama did it anyway—consistent with his promise of greater transparency as well as taking the moral high road in the fight against terrorism. Meanwhile Mr. Craig’s plan of releasing the Uighurs onto U.S. soil became public, and Republican leaders unleashed three weeks of relentless attacks against President Obama’s early foreign policy decisions. They claimed that Mr. Obama had emboldened America’s enemies by releasing the memos, and now he would endanger Americans by transferring prisoners into the United States—for release, further detention or trial. Suddenly it was becoming too costly, politically, to take the moral high road. Time reported that, in late April, “Democratic pollsters charted a disturbing trend: a drop in Obama’s support among independents, driven in part by national-security issues.” Inside the White House, the early optimism and momentum faded. The administration was also concerned that the fight to close Guantánamo might distract from domestic priorities like health care and strengthening the economy.In early May, Mr. Obama decided against releasing the Uighur detainees into the United States. “It was a political decision, to put it bluntly,” an aide told Time. Two weeks later, President Obama sought to address growing public discontent with a major speech on national security. In the speech, he not only announced that he would work with Congress to revamp the Bush-era military commissions, but he also embraced the use of indefinite detention without charges or trials for a group of detainees “who cannot be prosecuted yet who pose a clear danger to the American people.” America’s Prison Problem There are many plausible explanations for why President Obama failed to close the prison in his first term. He did not push hard enough. Conservative leaders successfully played on Americans’ fears. The administration was not prepared—or willing—to respond to the political attacks. Then the Congress, in bipartisan fashion, refused to allocate funds for closing the prison (and still continues to place restrictions on transferring detainees out of Guantánamo). Americans, collectively, are also responsible. If it had been politically popular for Mr. Obama to follow through on his promise to close Guantánamo, he would have.

#### Political capital is finite --- the plan burns up limited leverage with House Republicans

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)>)

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 and collapse trade

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

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

#### The impact is global nuclear war

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

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

### 1NC Supremacy

#### Turn—judiciary strength key to democracy

CJA 3, Center for Justice and Accountability

[OCTOBER 2003, The Center for Justice & Accountability (“CJA”) seeks, by use of the legal systems, to deter torture and other human rights abuses around the world., “BRIEF OF the CENTER FOR JUSTICE AND ACCOUNTABILITY, the INTERNATIONAL LEAGUE FOR HUMAN RIGHTS, and INDIVIDUAL ADVOCATES for the INDEPENDENCE of the JUDICIARY in EMERGING DEMOCRACIES as AMICI CURIAE IN SUPPORT OF PETITIONERS”, http://www.cja.org/downloads/Al-Odah\_Odah\_v\_US\_\_\_Rasul\_v\_Bush\_CJA\_Amicus\_SCOTUS.pdf]

A STRONG, INDEPENDENT JUDICIARY IS ESSENTIAL TO THE PROTECTION OF INDIVIDUAL FREEDOMS AND THE ESTABLISHMENT OF STABLE GOVERNANCE IN EMERGING DEMOCRACIES AROUND THE WORLD. A. Individual Nations Have Accepted and Are Seeking to Implement Judicial Review By A Strong, Independent Judiciary. Many of the newly independent governments that have proliferated over the past five decades have adopted these ideals. They have emerged from a variety of less-than-free contexts, including the end of European colonial rule in the 1950's and 1960's, the end of the Cold War and the breakup of the former Soviet Union in the late 1980's and 1990's, the disintegration of Yugoslavia, and the continuing turmoil in parts of Africa, Latin America and southern Asia. Some countries have successfully transitioned to stable and democratic forms of government that protect individual freedoms and human rights by means of judicial review by a strong and independent judiciary. Others have suffered the rise of tyrannical and oppressive rulers who consolidated their hold on power in part by diminishing or abolishing the role of the judiciary. And still others hang in the balance, struggling against the onslaught of tyrants to establish stable, democratic governments. In their attempts to shed their tyrannical pasts and to ensure the protection of individual rights, emerging democracies have consistently looked to the United States and its Constitution in fashioning frameworks that safeguard the independence of their judiciaries. See Ran Hirschl, The Political Origins of Judicial Empowerment through Constitutionalization: Lessons from Four Constitutional Revolutions, 25 Law & Soc. Inquiry 91, 92 (2000) (stating that of the “[m]any countries . . . [that] have engaged in fundamental constitutional reform over the past three decades,” nearly all adopted “a bill of rights and establishe[d] some form of active judicial review”) Establishing judicial review by a strong and independent judiciary is a critical step in stabilizing and protecting these new democracies. See Christopher M. Larkins, Judicial Independence and Democratization: A Theoretical and Conceptual Analysis, 44 Am. J. Comp. L. 605, 605-06 (1996) (describing the judicial branch as having "a uniquely important role" in transitional countries, not only to "mediate conflicts between political actors but also [to] prevent the arbitrary exercise of government power; see also Daniel C. Prefontaine and Joanne Lee, The Rule of Law and the Independence of the Judiciary, International Centre for Criminal Law Reform and Criminal Justice Policy (1998) ("There is increasing acknowledgment that an independent judiciary is the key to upholding the rule of law in a free society . . . . Most countries in transition from dictatorships and/or statist economies recognize the need to create a more stable system of governance, based on the rule of law."), available at http://www.icclr.law.ubc.ca/Publications/Reports/RuleofLaw. pdf (last visited Jan. 8, 2004). Although the precise form of government differs among countries, “they ultimately constitute variations within, not from, the American model of constitutionalism . . . [a] specific set of fundamental rights and liberties has the status of supreme law, is entrenched against amendment or repeal . . . and is enforced by an independent court . . . .” Stephen Gardbaum, The New Commonwealth Model of Constitutionalism, 49 Am. J. Comp. L. 707, 718 (2001). This phenomenon became most notable worldwide after World War II when certain countries, such as Germany, Italy, and Japan, embraced independent judiciaries following their bitter experiences under totalitarian regimes. See id. at 714- 15; see also United States v. Then, 56 F.3d 464, 469 (2d Cir. 1995) (Calabresi, J., concurring) (“Since World War II, many countries have adopted forms of judicial review, which — though different from ours in many particulars — unmistakably draw their origin and inspiration from American constitutional theory and practice. See generally Mauro Cappelletti, The Judicial Process in Comparative Perspective (Oxford: Clarendon Press, 1989).”). It is a trend that continues to this day. It bears mention that the United States has consistently affirmed and encouraged the establishment of independent judiciaries in emerging democracies. In September 2000, President Clinton observed that "[w]ithout the rule of law, elections simply offer a choice of dictators. . . . America's experience should be put to use to advance the rule of law, where democracy's roots are looking for room and strength to grow." Remarks at Georgetown University Law School, 36 Weekly Comp. Pres. Doc. 2218 (September 26, 2000), available at http://clinton6.nara.gov/2000/09/2000-09-26- remarks-by-president-at-georgetown-international-lawcenter.html. The United States acts on these principles in part through the assistance it provides to developing nations. For example, the United States requires that any country seeking assistance through the Millenium Challenge Account, a development assistance program instituted in 2002, must demonstrate, among other criteria, an "adherence to the rule of law." The White House noted that the rule of law is one of the "essential conditions for successful development" of these countries. See http://www.whitehouse.gov/infocus/developingnations (last visited Jan. 8, 2004).12 A few examples illustrate the influence of the United States model. On November 28, 1998, Albania adopted a new constitution, representing the culmination of eight years of democratic reform after the communist rule collapsed. In addition to protecting fundamental individual rights, the Albanian Constitution provides for an independent judiciary consisting of a Constitutional Court with final authority to determine the constitutional rights of individuals. Albanian Constitution, Article 125, Item 1 and Article 128; see also Darian Pavli, "A Brief 'Constitutional History' of Albania" available at http://www.ipls.org/services/others/chist.html (last visited Janaury 8, 2004); Jean-Marie Henckaerts & Stefaan Van der Jeught, Human Rights Protection Under the New Constitutions of Central Europe, 20 Loy. L.A. Int’l & Comp. L.J. 475 (Mar. 1998). In South Africa, the new constitutional judiciary plays a similarly important role, following generations of an oppressive apartheid regime. South Africa adopted a new constitution in 1996. Constitution of the Republic of South Africa, Explanatory Memorandum. It establishes a Constitutional Court which “makes the final decision whether an Act of Parliament, a provincial Act or conduct of the President is constitutional.” Id. at Chapter 8, Section 167, Item (5), available at http://www.polity.org.za/html/govdocs/constitution/saconst.html?r ebookmark=1 (last visited January 8, 2004); see also Justice Tholakele H. Madala, Rule Under Apartheid and the Fledgling Democracy in Post-Apartheid South Africa: The Role of the Judiciary, 26 N.C. J. Int’l L. & Com. Reg. 743 (Summer 2001). Afghanistan is perhaps the most recent example of a country struggling to develop a more democratic form of government. Adoption by the Loya Jirga of Afghanistan's new constitution on January 4, 2004 has been hailed as a milestone. See http://www.cbsnews.com/stories/2004/01/02/world/main59111 6.shtml (Jan 7, 2004). The proposed constitution creates a judiciary that, at least on paper, is "an independent organ of the state," with a Supreme Court empowered to review the constitutionality of laws at the request of the Government and/or the Courts. Afghan Const. Art. 116, 121 (unofficial English translation), available at http://www.hazara.net/jirga/AfghanConstitution-Final.pdf (last visited January 8, 2004). See also Ron Synowitz, Afghanistan: Constitutional Commission Chairman Presents Karzai with Long-Delayed Draft Constitution (November 3, 2003), available at http://www.rferl.org/nca/features/2003/11/03112003164239.as p (last visited Jan. 8, 2004). B. Other Nations Have Curtailed Judicial Review During Times Of Crisis, Often Citing the United States' Example, And Individual Freedoms Have Diminished As A Result. While much of the world is moving to adopt the institutions necessary to secure individual rights, many still regularly abuse these rights. One of the hallmarks of tyranny is the lack of a strong and independent judiciary. Not surprisingly, where countries make the sad transition to tyranny, one of the first victims is the judiciary. Many of the rulers that go down that road justify their actions on the basis of national security and the fight against terrorism, and, disturbingly, many claim to be modeling their actions on the United States. Again, a few examples illustrate this trend. In Peru, one of former President Alberto Fujimori’s first acts in seizing control was to assume direct executive control of the judiciary, claiming that it was justified by the threat of domestic terrorism. He then imprisoned thousands, refusing the right of the judiciary to intervene. International Commission of Jurists, Attacks on Justice 2000-Peru, August 13, 2001, available at http://www.icj.org/news.php3?id\_article=2587&lang=en (last visited Jan. 8, 2004). In Zimbabwe, President Mugabe’s rise to dictatorship has been punctuated by threats of violence to and the co-opting of the judiciary. He now enjoys virtually total control over Zimbabweans' individual rights and the entire political system. R.W. Johnson, Mugabe’s Agents in Plot to Kill Opposition Chief, Sunday Times (London), June 10, 2001; International Commission of Jurists, Attacks on Justice 2002— Zimbabwe, August 27, 2002, available at http://www.icj.org/news.php3?id\_article=2695&lang=en (last visited Jan. 8, 2004). While Peru and Zimbabwe represent an extreme, the independence of the judiciary is under assault in less brazen ways in a variety of countries today. A highly troubling aspect of this trend is the fact that in many of these instances those perpetuating the assaults on the judiciary have pointed to the United States’ model to justify their actions. Indeed, many have specifically referenced the United States’ actions in detaining persons in Guantánamo Bay. For example, Rais Yatim, Malaysia's "de facto law minister" explicitly relied on the detentions at Guantánamo to justify Malaysia's detention of more than 70 suspected Islamic militants for over two years. Rais stated that Malyasia's detentions were "just like the process in Guantánamo," adding, "I put the equation with Guantánamo just to make it graphic to you that this is not simply a Malaysian style of doing things." Sean Yoong, "Malaysia Slams Criticism of Security Law Allowing Detention Without Trial," Associated Press, September 9, 2003 (available from Westlaw at 9/9/03 APWIRES 09:34:00). Similarly, when responding to a United States Government human rights report that listed rights violations in Namibia, Namibia's Information Permanent Secretary Mocks Shivute cited the Guantánamo Bay detentions, claiming that "the US government was the worst human rights violator in the world." BBC Monitoring, March 8, 2002, available at 2002 WL 15938703. Nor is this disturbing trend limited to these specific examples. At a recent conference held at the Carter Center in Atlanta, President Carter, specifically citing the Guantánamo Bay detentions, noted that the erosion of civil liberties in the United States has "given a blank check to nations who are inclined to violate human rights already." Doug Gross, "Carter: U.S. human rights missteps embolden foreign dictators," Associated Press Newswires, November 12, 2003 (available from Westlaw at 11/12/03 APWIRES 00:30:26). At the same conference, Professor Saad Ibrahim of the American University in Cairo (who was jailed for seven years after exposing fraud in the Egyptian election process) said, "Every dictator in the world is using what the United States has done under the Patriot Act . . . to justify their past violations of human rights and to declare a license to continue to violate human rights." Id. Likewise, Shehu Sani, president of the Kaduna, Nigeriabased Civil Rights Congress, wrote in the International Herald Tribune on September 15, 2003 that "[t]he insistence by the Bush administration on keeping Taliban and Al Quaeda captives in indefinite detention in Guantánamo Bay, Cuba, instead of in jails in the United States — and the White House's preference for military tribunals over regular courts — helps create a free license for tyranny in Africa. It helps justify Egypt's move to detain human rights campaigners as threats to national security, and does the same for similar measures by the governments of Ivory Coast, Cameroon and Burkina Faso." Available at http://www.iht.com/ihtsearch.php?id=109927&owner=(IHT)&dat e=20030121123259. In our uni-polar world, the United States obviously sets an important example on these issues. As reflected in the foundational documents of the United Nations and many other such agreements, the international community has consistently affirmed the value of an independent judiciary to the defense of universally recognized human rights. In the crucible of actual practice within nations, many have looked to the United States model when developing independent judiciaries with the ability to check executive power in the defense of individual rights. Yet others have justified abuses by reference to the conduct of the United States. Far more influential than the words of Montesquieu and Madison are the actions of the United States. This case starkly presents the question of which model this Court will set for the world. CONCLUSION Much of the world models itself after this country’s two hundred year old traditions — and still more on its day to day implementation and expression of those traditions. To say that a refusal to exercise jurisdiction in this case will have global implications is not mere rhetoric. Resting on this Court’s decision is not only the necessary role this Court has historically played in this country. Also at stake are the freedoms that many in emerging democracies around the globe seek to ensure for their peoples.

#### West’s view of progressivism is authoritarian, coercive, and not actually progressive at all.

#### Sherry, Stanford Law Review, ’95

(Suzanna Sherry, University of Stanford Law Review, “Review Essay: ‘Progressive Constitutionalism: Reconstructing the 14th Amendment’ by Robin West,” May 1995)

It is distressing to see how progressives, having lost the political and judicial battle for the hearts of Americans, have adopted these erstwhile conservative strategies. I have suggested elsewhere that Bruce Ackerman has turned to originalism as a last-gasp defense of liberal principles. [**n104**](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.687894.767097274&target=results_DocumentContent&reloadEntirePage=true&rand=1249936532271&returnToKey=20_T7120623934&parent=docview#n104) Now comes Robin West (and she is not alone), calling for the removal of constitutional interpretation from the hands of the courts, and supporting both restrictions on unpopular speech and allocation of benefits on the basis of race rather than merit. Urging a return to older, rejected principles, West mimics earlier generations of conservatives in both her overall approach and her specific doctrinal proposals. But there is more at stake here than simply that past and present losers in the political arena adopt common strategies despite their disparate goals. Many of the new progressive strategies - especially the suppression of free speech and the insistence that a radical vision is superior to that which the populace has developed over the year - are based on a profoundly antidemocratic mistrust of the people's choices. And while this kind of authoritarian elitism is understandable in political conservatives, it is inconsistent with everything progressives have always stood for. Thus in the end, West is neither a pragmatist nor a progressive. She is ultimately an authoritarian in the deepest sense of the word, adopting traditional conservative tools to impose her outdated personal views on a public that has already soundly rejected them.

### 1NC Soft Power

#### Restricting detention policies means we kill and extradite prisoners

Jack Goldsmith 09, a professor at Harvard Law School and a member of the Hoover Institution Task Force on National Security and Law, assistant attorney general in the Bush administration, 5/31/09, “The Shell Game on Detainees and Interrogation,” <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/29/AR2009052902989.html>

The cat-and-mouse game does not end there. As detentions at Bagram and traditional renditions have come under increasing legal and political scrutiny, the Bush and Obama administrations have relied more on other tactics. They have secured foreign intelligence services to do all the work -- capture, incarceration and interrogation -- for all but the highest-level detainees. And they have increasingly employed targeted killings, a tactic that eliminates the need to interrogate or incarcerate terrorists but at the cost of killing or maiming suspected terrorists and innocent civilians alike without notice or due process.¶ There are at least two problems with this general approach to incapacitating terrorists. First, it is not ideal for security. Sometimes it would be more useful for the United States to capture and interrogate a terrorist (if possible) than to kill him with a Predator drone. Often the United States could get better information if it, rather than another country, detained and interrogated a terrorist suspect. Detentions at Guantanamo are more secure than detentions in Bagram or in third countries.¶ The second problem is that terrorist suspects often end up in less favorable places. Detainees in Bagram have fewer rights than prisoners at Guantanamo, and many in Middle East and South Asian prisons have fewer yet. Likewise, most detainees would rather be in one of these detention facilities than be killed by a Predator drone. We congratulate ourselves when we raise legal standards for detainees, but in many respects all we are really doing is driving the terrorist incapacitation problem out of sight, to a place where terrorist suspects are treated worse.¶ It is tempting to say that we should end this pattern and raise standards everywhere. Perhaps we should extend habeas corpus globally, eliminate targeted killing and cease cooperating with intelligence services from countries that have poor human rights records. This sentiment, however, is unrealistic. The imperative to stop the terrorists is not going away. The government will find and exploit legal loopholes to ensure it can keep up our defenses.¶ This approach to detention policy reflects a sharp disjunction between the public's view of the terrorist threat and the government's. After nearly eight years without a follow-up attack, the public (or at least an influential sliver) is growing doubtful about the threat of terrorism and skeptical about using the lower-than-normal standards of wartime justice.¶ The government, however, sees the terrorist threat every day and is under enormous pressure to keep the country safe. When one of its approaches to terrorist incapacitation becomes too costly legally or politically, it shifts to others that raise fewer legal and political problems. This doesn't increase our safety or help the terrorists. But it does make us feel better about ourselves.

#### Turns credibility

IHCRC 12 [September 2012, INTERNATIONAL HUMAN RIGHTS AND CONFLICT RESOLUTION CLINIC AT STANFORD LAW SCHOOL AND GLOBAL JUSTICE CLINIC AT NYU SCHOOL OF LAW, LIVING UNDER DRONES: DEATH, INJURY, AND TRAUMA TO CIVILIANS FROM USDRONE PRACTICES IN PAKISTAN (2012)., http://livingunderdrones.org/wp-content/uploads/2012/10/Stanford-NYU-LIVING-UNDER-DRONES.pdf

The significant global opposition to drone strikes also erodes US credibility in the international community. In 17 of the 20 countries polled by the Pew Global Attitudes Project, the majority of those surveyed disapproved of US drone attacks in countries like Pakistan, Somalia, and Yemen.769 Widespread opposition spans the globe, from traditional European allies such as France (63% disapproval) and Germany (59% disapproval) to key Middle East states such as Egypt (89% disapproval) and Turkey (81% disapproval).770 As with other unpopular American foreign policy engagements, including the invasion of Iraq and the practice of torture at Abu Ghraib and elsewhere, drone strikes weaken the standing of the US in the world, straining its relationships with allies, and making it more difficult for it to build multilateral alliances to tackle pressing global challenges.

#### Libya and Iran prove soft power fails — Chinese counterbalancing also moots effectiveness — our evidence assumes a best case scenario

**Ungar, Political Studies Professor 11**, Dr Ariel Ungar is a Professor at the Department of Political Studies, Judea and Samaria College, PhD from Columbia University, The limits of soft power, <http://www.haaretz.com/opinion/the-limits-of-soft-power-1.361425>

Even under the best conditions, in which it is administered effectively, soft power is a slow-acting treatment. Muammar Gadhafi has scoffed at economic sanctions by first camouflaging, then reclaiming most of his assets, and spiriting them back to Tripoli to finance the civil war. The Iranians have successfully evaded sanctions, particularly as major flouters of those sanctions − China, Turkey, etc. − can continue trading, investing and arming without penalty.

Soft power appeared effective when its levers were concentrated financially and intellectually in the hands of the relative good guys. But it has been increasingly dispersed and is skillfully employed by countries that either do not subscribe to the agenda of human freedom or actively seek to subvert it.

The murmurings in Congress about cutting off aid to Pakistan are toothless because the United States and the Western Europeans no longer control the purse strings. China, with its trillions in reserves, can easily step in as an “all-weather friend” to Pakistan both to spite the United States and to maintain a valuable counterweight against its regional rival India. China also exercises soft power against Europe − rather than the reverse − when it dangles offers to purchase European debt and alleviate the financial crisis in the eurozone in return for silence on Chinese protectionist trade practices and human rights violations.

#### There’s no correlation between hegemony and stability

Fettweis, ’10

[Christopher J. Fettweis, Assistant Professor of Political Science at Tulane University, “Threat and Anxiety in US Foreign Policy,” Survival, 52:2, 59-82, March 25th 2010, <http://dx.doi.org/10.1080/00396331003764603>]

One potential explanation for the growth of global peace can be dismissed fairly quickly: US actions do not seem to have contributed much. The limited evidence suggests that there is little reason to believe in the stabilising power of the US hegemon, and that there is no relation between the relative level of American activism and international stability. During the 1990s, the United States cut back on its defence spending fairly substantially. By 1998, the United States was spending $100 billion less on defence in real terms than it had in 1990, a 25% reduction.29 To internationalists, defence hawks and other believers in hegemonic stability, this irresponsible ‘peace dividend’ endangered both national and global security. ‘No serious analyst of American military capabilities’, argued neo-conservatives William Kristol and Robert Kagan in 1996, ‘doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace’.30 And yet the verdict from the 1990s is fairly plain: the world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable US military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums; no security dilemmas drove insecurity or arms races; no regional balancing occurred once the stabilising presence of the US military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in US military capabilities. Most of all, the United States was no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Bill Clinton, and kept declining as the George W. Bush administration ramped the spending back up. Complex statistical analysis is unnecessary to reach the conclusion that world peace and US military expenditure are unrelated.

## 2NC

### Soft Power

#### The plan only bans indefinite detention – Obama will say that he still has authority for “prolonged detention”

NYT 09

(President’s Detention Plan Tests American Legal Tradition, www.nytimes.com/2009/05/23/us/politics/23detain.html?\_r=0

President Obama’s proposal for a new legal system in which terrorism suspects could be held in “prolonged detention” inside the United States without trial would be a departure from the way this country sees itself, as a place where people in the grip of the government either face criminal charges or walk free. There are, to be sure, already some legal tools that allow for the detention of those who pose danger: quarantine laws as well as court precedents permitting the confinement of sexual predators and the dangerous mentally ill. Every day in America, people are denied bail and locked up because they are found to be a hazard to their communities, though they have yet to be convicted of anything. Still, the concept of preventive detention is at the very boundary of American law, and legal experts say any new plan for the imprisonment of terrorism suspects without trial would seem inevitably bound for the Supreme Court. Mr. Obama has so far provided few details of his proposed system beyond saying it would be subject to oversight by Congress and the courts. Whether it would be constitutional, several of the legal experts said in interviews, would most likely depend on the fairness of any such review procedures. Ultimately, they suggested, the question of constitutionality would involve a national look in the mirror: Is this what America does? “We have these limited exceptions to the principle that we only hold people after conviction,” said Michael C. Dorf, a constitutional law professor at Cornell. “But they are narrow exceptions, and we don’t want to expand them because they make us uncomfortable.” In his speech on antiterrorism policy Thursday, Mr. Obama, emphasizing that he wanted fair procedures, sought to distance himself from what critics of the Bush administration saw as its system of arbitrary detention. “In our constitutional system,” Mr. Obama said, “prolonged detention should not be the decision of any one man.” But Mr. Obama’s critics say his proposal is Bush redux. Closing the prison at Guantánamo Bay, Cuba, and holding detainees domestically under a new system of preventive detention would simply “move Guantánamo to a new location and give it a new name,” said Michael Ratner, president of the Center for Constitutional Rights. Defense Secretary Robert M. Gates suggested this month that as many as 100 detainees might be held in the United States under such a system.

#### This means the govt gets to claim they aren’t doing any “indefinite” detention

Hitchon 13

(3/14, Joe, US Claims No Indefinite Detention at Guantánamo, https://www.commondreams.org/headline/2013/03/14-0)

In unusual public testimony, the U.S. government has publicly stated that no “indefinite detention” is taking place among detainees at the military prison in Guantánamo “The United States only detains individuals when that detention is lawful and does not intend to hold any individual longer than is necessary,” Michael Williams, a senior legal advisor for the State Department, told a hearing at the Inter-American Commission on Human Rights. The hearing, at the Organisation of American States headquarters here in Washington, marked the first time since President Barack Obama’s re-election that the U.S. government has had to publicly answer questions concerning Guantánamo Bay. Legal representatives for the detainees also presented disturbing eyewitness accounts of prisoner despair at the facility, brought on by prolonged indefinite detention and harsh conditions that has led to a sustained hunger strike involving more than 100 prisoners at the U.S. base in Cuba. Established in 2002, the Guantánamo Bay military prison held, at its height, more than 700 suspects of terrorism. The facility currently holds 166 prisoners, of whom 90 – most of them Yemenis – have reportedly been cleared for repatriation, while another 36 are due to be prosecuted in federal courts, although those trials have yet to take place. The remaining are being held indefinitely without trial because evidence of their past ties to terrorist groups is unlikely to be admissible in court. In some cases, this is reportedly due to its acquisition by torture, while in other cases because the U.S. government believes that the suspects would return to extremist activities if they were to be released. The IACHR has repeatedly called for the closure of the Guantánamo Bay detention centre, and has requested permission to meet with the men detained there. The U.S. government has failed to allow the hemispheric rights body permission to make such a visit, however. The IACHR held Tuesday’s hearing to learn more about the unfolding humanitarian crisis at the Guantánamo prison. It also focused on new components to the National Defense Authorization Act (NDAA), signed earlier this year, which has been criticised for authorising indefinite detention and restricts the transfer of Guantánamo detainees. Tuesday’s hearing saw testimony from experts in law, health and international policy, covering the psychological impact of indefinite detention, deaths of some suspects at Guantánamo, the lack of access to fair trials, and U.S. policies that have restricted the prison’s closure. On taking office four years ago, President Obama famously promised to close the prison and ordered an end to certain interrogation tactics that rights groups called “torture”, including “extraordinary rendition” to third countries known to use torture. Yet he has since relied to a much greater extent on drone strikes against “high value” suspected terrorists from Afghanistan, Pakistan, Yemen and Somalia, while failing to close the prison. “In the 2008 campaign, both [presidential candidate John] McCain and Obama were squarely opposed to Guantánamo and agreed that this ugly hangover from the Bush/Cheney era had to be abandoned,” Omar Farah, staff attorney at the Center for Constitutional Rights (CCR), told IPS. “But four years later, the political whims have completely reversed and there is almost unanimity that Guantánamo needs to remain open aside from occasional platitudes from the president.” Yet Farah is clear in his view that reversing this trend is still well within President Obama’s power. “This is something that really calls for leadership from the president – he needs to decide if he wants Guantánamo to be part of his legacy,” Farah says. “If the U.S. isn’t willing to charge someone in a fair process and can’t produce proper evidence of their crimes, then those prisoners have to be released. There is just no other way to have a democratic system. We’ve never had this kind of an alternative system of justice, and yet that’s what we have in Guantánamo.”

### Supremacy

#### Judiciary good for democracy – independently solves war

Kersch 6, Assistant Professor of Politics

[2006, Ken I. Kersch, Assistant Professor of Politics, Princeton University. B.A., Williams; J.D., Northwestern; Ph.D., Cornell. Thanks to the Social Philosophy and Policy Center at Bowling Green State University, where I was a visiting research scholar in the fall of 2005, and to the organizers of, and my fellow participants in, the Albany Law School Symposium, Albany Law School, “The Supreme Court and international relations theory.”, http://www.thefreelibrary.com/The+Supreme+Court+and+international+relations+theory.-a0151714294]

Liberal theories of international relations hold that international peace and prosperity are advanced to the degree that the world’s sovereign states converge on the model of government anchored in the twin commitment to democracy and the rule of law.52 Liberal “democratic peace” theorists hold that liberal democratic states anchored in rule of law commitments are less aggressive and more transparent than other types of states.53 When compared with non-liberal states, they are thus much better at cooperating with one another in the international arena.54 Because they share a market-oriented economic model, moreover, international relations liberals believe that liberal states hewing to the rule of law will become increasingly interdependent economically.55 As they do so, they will come to share a common set of interests and ideas, which also enhances the likelihood of cooperation.56 Many foreign policy liberals—sometimes referred to as “liberal internationalists”—emphasize the role that effective multilateral institutions, designed by a club or community of liberal-democratic states, play in facilitating that cooperation and in anchoring a peaceful and prosperous liberal world order.57 The liberal foreign policy outlook is moralized, evolutionary, and progressive. Unlike realists, who make no real distinctions between democratic and non-democratic states in their analysis of international affairs, liberals take a clear normative position in favor of democracy and the rule of law.58 Liberals envisage the spread of liberal democracy around the world, and they seek to advance the world down that path.59 Part of advancing the cause of liberal peace and prosperity involves encouraging the spread of liberal democratic institutions within nations where they are currently absent or weak.60 Furthermore, although not all liberals are institutionalists, most liberals believe that effective multilateral institutions play an important role in encouraging those developments.61 To be sure, problems of inequities in power between stronger and weaker states will exist, inevitably, within a liberal framework.62 “But international institutions can nonetheless help coordinate outcomes that are in the long-term mutual interest of both the hegemon and the weaker states.”63 Many foreign policy liberals have emphasized the importance of the judiciary in helping to bring about an increasingly liberal world order. To be sure, the importance of an independent judiciary to the establishment of the rule of law within sovereign states has long been at the core of liberal theory.64 Foreign policy liberalism, however, commonly emphasizes the role that judicial globalization can play in promoting democratic rule of law values throughout the world.65 Post-communist and post-colonial developing states commonly have weak commitments to and little experience with liberal democracy, and with living according to the rule of law, as enforced by a (relatively) apolitical, independent judiciary.66 In these emerging liberal democracies, judges are often subjected to intense political pressures.67 International and transnational support can be a life-line for these judges. It can encourage their professionalization, enhance their prestige and reputations, and draw unfavorable attention to efforts to challenge their independence.68 In some cases, support from foreign and international sources may represent the most important hope that these judges can maintain any sort of institutional power—a power essential to the establishment within the developing sovereign state of a liberal democratic regime, the establishment of which liberal theorists assume to be in the best interests of both that state and the wider world community.69 Looked at from this liberal international relations perspective, judicial globalization seems an unalloyed good. To many, it will appear to be an imperative.70 When judges from well-established, advanced western democracies enter into conversations with their counterparts in emerging liberal democracies, they help enhance the status and prestige of judges from these countries. This is not, from the perspective of either side, an affront to the sovereignty of the developing nation, or to the independence of its judiciary. It is a win-win situation which actually strengthens the authority of the judiciary in the developing state.71 In doing so, it works to strengthen the authority of the liberal constitutional state itself. Viewed in this way, judicial globalization is a way of strengthening national sovereignty, not limiting it: it is part of a state-building initiative in a broader, liberal international order.72 A liberal foreign policy outlook will look favorably on travel by domestic judges to conferences abroad (and here in the United States) where judges from around the world can meet and talk.73 It will not view these conferences as “junkets” or pointless “hobnobbing.” These meetings may very well encourage judges from around the world to increasingly cite foreign precedent in arriving at their decisions. Judges in emerging democracies will use these foreign precedents to help shore up their domestic status and independence. They will also avail themselves of these precedents to lend authority to basic, liberal rule-of-law values for which, given their relative youth, there is little useful history to appeal to within their domestic constitutional systems. Judges in established democracies, on the other hand, can do their part to enhance the status and authority of independent judiciaries in these emerging liberal democratic states by showing, in their own rulings, that they read and respect the rulings of these fledgling foreign judges and their courts (even if they do not follow those rulings as binding precedent).74 They can do so by according these judges and courts some form of co-equal status in transnational “court to court” conversations.75 It is worth noting that mainstream liberal international relations scholars are increasingly referring to the liberal democratic international order (both as it is moving today, and indeed, as read backward to the post-War order embodied in the international institutions and arrangements of NATO, Bretton Woods, the International Monetary Fund, the World Bank, and others) as a “constitutional order,” and, in some cases, as a “world constitution.”76 No less a figure than Justice Breyer—in a classic articulation of a liberal foreign policy vision—has suggested that one of the primary questions for American judges in the future will involve precisely the question of how to integrate the domestic constitutional order with the emerging international one.77 If they look at judicial globalization from within a liberal foreign policy framework (whether or not they have read any actual academic articles on liberal theories of foreign policy), criticisms of “foreign influences” on these judges, and of their “globe-trotting” will fall on deaf ears. They will be heard as empty ranting by those who don’t really understand the role of the judge in the post-1989 world. These judges will not understand themselves to be undermining American sovereignty domestically by alluding to foreign practices and precedents. And they will not understand themselves as (in other than a relatively small-time and benign way) as undermining the sovereignty of other nations. They will see the pay-off-to-benefit ratio of simply talking to other judges across borders, and to citing and alluding to foreign preferences (when appropriate, and in non-binding ways) as high. They will, moreover, see themselves as making a small and modest contribution to progress around the world, with progress defined in a way that is thoroughly consistent with the core commitments of American values and American constitutionalism. And they will be spurred on by a sense that the progress they are witnessing (and, they hope, participating in) will prove of epochal historical significance. Even if they are criticized for it in the short-term, these liberal internationalist judges will have a vision of the future which suggests that, ultimately, their actions will be vindicated by history. The liberal foreign policy outlook will thus fortify them against contemporary criticism.

### Courts

#### Court shields and plan pacifies the base

Stimson 9

[09/25/09, Cully Stimson is a senior legal fellow at the Heritage Foundation and an instructor at the Naval Justice School former American career appointee at the Pentagon. Stimson was the Deputy Assistant Secretary of Defense for Detainee Affairs., “Punting National Security To The Judiciary”, http://blog.heritage.org/2009/09/25/punting-national-security-to-the-judiciary/]

So what is really going on here? To those of us who have either served in senior policy posts and dealt with these issues on a daily basis, or followed them closely from the outside, it is becoming increasingly clear that this administration is trying to create the appearance of a tough national-security policy regarding the detention of terrorists at Guantanamo, yet allow the courts to make the tough calls on releasing the bad guys. Letting the courts do the dirty work would give the administration plausible cover and distance from the decision-making process. The numbers speak for themselves. Of the 38 detainees whose cases have been adjudicated through the habeas process in federal court in Washington, 30 have been ordered released by civilian judges. That is close to an 80 percent loss rate for the government, which argued for continued detention. Yet, how many of these decisions has this administration appealed, knowing full well that many of those 30 detainees should not in good conscience be let go? The answer: one. Letting the courts do it for him gives the president distance from the unsavory release decisions. It also allows him to state with a straight face, as he did at the Archives speech, “We are not going to release anyone if it would endanger our national security, nor will we release detainees within the United States who endanger the American people.” No, the president won’t release detainees; he’ll sit back and let the courts to do it for him. And the president won’t seek congressional authorization for prolonged detention of the enemy, as he promised, because it will anger his political base on the Left. The ultra-liberals aren’t about to relinquish their “try them or set them free” mantra, even though such a policy threatens to put terrorists back on the battlefield. Moreover, the president would have to spend political capital to win congressional authorization for a prolonged detention policy. Obviously, he would rather spend that capital on other policy priorities. Politically speaking, it is easier to maintain the status quo and let the detainees seek release from federal judges. The passive approach also helps the administration close Gitmo without taking the heat for actually releasing detainees themselves.

#### The aff saves Obama political capital and generates base support

Goldsmith and Wittes 9, Prof at Law School ex-assistant attorney general and senior fellow at Brookings

[12/22/09, Jack Goldsmith teaches at Harvard Law School and served as an assistant attorney general in the Bush administration. Benjamin Wittes, a former Post editorial writer, is a senior fellow at the Brookings Institution and the editor of "Legislating the War on Terror: An Agenda for Reform." Both are members of the Hoover Institution's Task Force on National Security and Law, “A role judges should not have to play”, http://articles.washingtonpost.com/2009-12-22/opinions/36890191\_1\_detention-policy-judges-judicial-system]

Congress has avoided these issues for a number of reasons. Initially, it was a combination of the Bush administration's failure to seek congressional help and lawmakers' natural inclination to avoid taking responsibility for hard decisions for which they might later be held accountable. More recently, the Obama administration has been loath to spend any more political capital than necessary in cleaning up what it views as its predecessor's messes. Instead of dealing with detention policy proactively, it has largely adopted the Bush approach of grinding out detention policy in the courts. Ironically, the president's political base seems to prefer his adoption of the Bush approach -- an approach liberals previously decried -- to any effort to write detention rules and limitations into statutory law.

#### Structural factors mean shield

#### Legislators can shift blame

Keith E. Whittington- Prof of Politics @ Princeton- Nov., 2005, "Interpose Your Friendly Hand": Political Supports for the Exercise of Judicial Review by theUnited States Supreme Court, The American Political Science Review, Vol. 99, No. 4

There are some issues that politicians cannot easily handle. For individual legislators, their constituents may be sharply divided on a given issue or over- whelmingly hostile to a policy that the legislator would nonetheless like to see adopted. Party leaders, includ- ing presidents and legislative leaders, must similarly sometimes manage deeply divided or cross-pressured coalitions. When faced with such issues, elected officials may actively seek to turn over controversial political questions to the courts so as to circumvent a paralyzed legislature and avoid the political fallout that would come with taking direct action themselves. As Mark Graber (1993) has detailed in cases such as slavery and abortion, elected officials may prefer judicial resolution of disruptive political issues to direct legislative action, especially when the courts are believed to be sympa- thetic to the politician's own substantive preferences but even when the attitude of the courts is uncertain or unfavorable (see also, Lovell 2003). Even when politi- cians do not invite judicial intervention, strategically minded courts will take into account not only the policy preferences of well-positioned policymakers but also the willingness of those potential policymakers to act if doing so means that they must assume responsibil- ity for policy outcomes. For cross-pressured politicians and coalition leaders, shifting blame for controversial decisions to the Court and obscuring their own re- lationship to those decisions may preserve electoral support and coalition unity without threatening active judicial review (Arnold 1990; Fiorina 1986; Weaver 1986). The conditions for the exercise of judicial re- view may be relatively favorable when judicial inval- idations of legislative policy can be managed to the electoral benefit of most legislators. In the cases con- sidered previously, fractious coalitions produced legis- lation that presidents and party leaders deplored but were unwilling to block. Divisions within the governing coalition can also prevent legislative action that polit- ical leaders want taken, as illustrated in the following case.

## 1NR

### 2NC O/V

Economic decline crushes relations with all countries

Sanders, ’90 [Jerry W. Sanders 90, Prof. Peace and Conflict Studies, UC, Berkeley [“Global Ecology and World Economy: Collision Course or Sustainable Future”, Bulletin of Peace Proposals Vol. 21 (4) p. 395-401]

Circumstances of looming catastrophe like these call for a maximum of world order and international cooperation. Historically, however, it is in just such times that the political will for global governance is in shortest supply. In a period of economic stagnation and trade competition, a declining hegemonic power will think less about maintaining world order than about shoring up its position relative to new challengers and upstarts. Multilateral cooperation will run up against similar constraints, due to suspicions that others may gain at one’s own expense by ‘free riding’ on the ‘public goods’ provided by environmental protection, trade regulation, or collective security regimes. The tendency will be for states to withhold the resources and the legitimacy required for supranational structures to work. And left to fend for themselves in a climate of economic stagnation, individual nations will be little able and even less inclined to end their destabilizing environ mental practices. Thus the groundwork will be laid for a chain reaction of conflicts across a spectrum of relations, with one nation after another forced into escalating confrontation along several fronts.

Economic collapse kills soft power

Nye, Gov Professor at Harvard, ‘6 (Joseph, “Think again: soft power” Yale Global)

No. In a recent article on options for dealing with Iran, Peter Brookes of the Heritage Foundation refers to “soft power options such as economic sanctions.” But there is nothing soft about sanctions if you are on the receiving end. They are clearly intended to coerce and are thus a form of hard power. Economic strength can be converted into hard or soft power: You can coerce countries with sanctions or woo them with wealth. As Walter Russell Mead has argued, “economic power is sticky power; it seduces as much as it compels.” There’s no doubt that a successful economy is an important source of attraction. Sometimes in real-world situations, it is difficult to distinguish what part of an economic relationship is comprised of hard and soft power. European leaders describe other countries’ desire to accede to the European Union (EU) as a sign of Europe’s soft power. Turkey today is making changes in its human rights policies and domestic law to adjust to EU standards. How much of this change is driven by the economic inducement of market access, and how much by the attractiveness of Europe’s successful economic and political system? It’s clear that some Turks are replying more to the hard power of inducement, whereas others are attracted to the European model of human rights and economic freedom.

Decline in globalization turns the case –

Seita, Law Professor at Albany, ’97 (Alex, “Globalization and the Convergence of Values” Cornell International Law Journal, lexis)

Law has been important in managing economic globalization and may become as important with respect to political globalization. 7 The ideology of globalization can be broadly divided into substantive and procedural components. The most important procedural element is the rule of law - the idea that disputes will be settled and agreements negotiated through the observance of established principles rather than the use of force or the intimidation of power. 8 In turn, the substantive principles, what the rule of law seeks to enforce, are those that nations have selected to settle disputes and negotiate agreements. The rule of law can be a way of resolving conflicts effectively, peacefully, and cooperatively. Furthermore, globalization enhances the perceived importance of distant international problems relative to local problems. Thus, protection of the environment beyond national borders has attracted strong international support, and the conflict between environment protection and economic development created the global issue of sustainable development. 9 [\*431] On the downside, technology together with economic and political globalization can facilitate the movement of criminal and terrorist activities across national boundaries and help criminals and terrorists to operate like efficient international businesses. 10 Most significantly for this Article, however, globalization is an important source of common economic and political values for humanity. Globalization is simultaneously a cause and a consequence of the convergence of basic economic and political systems among nations. As the activities of globalization help to converge economic and political systems, their existence reciprocally facilitates the expansion of globalization. Momentously, the convergence of these systems is leading to the convergence of fundamental values - deeply held beliefs about what is right and wrong. 11 There is a widespread, though not universal, acceptance among nations of the basic values of liberal democracy: a market economy (or free markets), a democratic government, and the protection of human rights. Although particular details may differ from country to country, the general nature of these values is the same. The convergence of basic economic and political values among nations is a pivotal event because it is a necessary, though not sufficient, condition for the eventual emergence of a consensus among human beings that there is but one human race. 12 This Article argues that the United States and the other industrialized democracies (e.g., the members of the European Union, Japan, and Canada), collectively referred to as the "West," 13 should vigorously support and substantially guide the process of globalization. As it is currently emerging, globalization fosters desirable common national values by advancing general forms of market economies, democracy, and human rights. 14 It is precisely those general characteristics of liberal democracy that constitute the foundational pillars and shared values of the United States and the other industrialized democracies. 15 Because the exact form of globalization is not a fixed certainty, the United States and the other industrialized democracies should aggressively configure globalization to be consistent with and to promote the values of liberal democracy. The industrialized democracies must also ensure that the path of globalization fairly balances the values of free market economics, democracy, and human rights, while accommodating such vital concerns as the protection of the environment, concerns that do not yet generate as strong a global consensus as the three convergent values. 16 The mechanism for configuring globalization to conform to and to balance the values of liberal democracy consists of events and policies that, while difficult to achieve, are not unrealistic and have, to a degree, already been occurring. 17 A particularly useful event might be a catharsis that would place the world into the next millennium without the baggage of the past. Perhaps by the year 2001, the representatives of oppressors, victims, victors, losers, and adversaries could assemble on a world stage in a therapeutic ceremony to put the past behind. 18 Given their economic preeminence in the world, by acting in unison the industrialized democracies should be able to determine the specific content of globalization. Action from the industrialized democracies is needed because a humane globalization will increase human wealth and reduce human suffering. 19 Morally, the promotion of liberal democratic values and the perspective of a single human race would serve to repay the historic debts that the industrialized countries have incurred over the past centuries. 20 At the same time, the industrialized democracies must be careful to use their influence responsibly and sensitively, for the wisest ideas pursued for the best motives may be rejected when unilaterally imposed upon the rest of the world. Perceived economic and political "imperialism," though much less malevolent than military imperialism, will not be warmly greeted. The primary vehicle for the industrialized democracies should be the "rule of law" - assuming that they have a substantial, if not commanding voice in determining its underlying principles. An enlightened globalization will not lead to the establishment of a world government. It could, however, create a new attitude among human beings and serve the interests of the United States. 21 More profoundly, advancing globalization will facilitate an event barely begun that holds the great potential of constructing, in the distant future, the perspective that the human race matters more than its component divisions along race, religion, or ethnicity. The vision of a common humanity is reason enough to embrace globalization. I. The Background of Globalization Today, more than ever, the events of foreign lands have important economic and political consequences for local inhabitants. To be sure, foreign events have had significant ramifications in the past. Centuries ago, seminal inventions in China revolutionized the culture, science, and warfare of Europeans; the opening of American borders to European immigrants from the 19th through the mid-20th centuries gave millions a new home; and the conflicts in Europe during WorldWarI eventually brought the United States onto the European battleground. 23 But these events were of sporadic importance. For example, after World War I ended, the United States isolated itself in a number of respects from international politics and trade; America declined membership in the League of Nations and enacted the Smoot-Hawley tariffs in 1931 which drastically reduced imports. 24 By contrast, transnational activities and affairs now have continuous importance, repeatedly affecting not just distant countries, but also the entire global community at times. The continuous importance of international events is a defining characteristic of globalization. Another feature of globalization with potentially profound implications is the convergence of basic economic and political values among nations towards the liberal democratic values of the industrialized democracies, the "West." 25 For the West, the liberal, democratic values of market [\*434] economies, democracy, and human rights are fundamental. 26 Given the arguably shallow roots of liberal democratic values in a number of countries and the absence of democracy and human rights in many others, this process may perhaps be too incomplete to be described as a convergence of [\*435] fundamental values. Nevertheless, today there are greater similarities between the economic and political systems of nations than at any other time in the short history of globalization. 27 With careful and generous support from the West, this similarity of systems may evolve into a similarity of fundamental values. A. Globalization's Beginning Identifying the birth of globalization is an elusive task, but one possible date is the year 1945, when the United States led the Allied powers in creating the United Nations and its companion international organizations, the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (World Bank). 28 Later in 1948, the United States and its democratic allies established the General Agreement on Tar- [\*436] iffs and Trade (GATT), another important economic institution for globalization along with the IMF and the World Bank. 29 The motivations for creating these international institutions were at once noble and selfish. After the devastating experience of World War II, the victorious Allies were determined to prevent any reoccurrence of similar world wars. Their motivating hope was that a collegial body of nations would ensure the peaceful resolution of conflicts and provide a collective defense against wrongful aggression. 30 Thus, the United Nations was the focus of political attempts to prevent future acts of aggression. Further, unlike the League of Nations, the United Nations made the promotion of human rights one of its basic purposes. 31 Toward that end, the United Nations created various human rights institutions and generated human rights conventions and [\*437] declarations. 32 At the same time, the Allies thought it critical to lay the foundations for the economic prosperity of the international community. 33 Prosperous countries, it was thought, would be less inclined to wage wars. Thus, the Allies promoted activities that would raise the standard of living among peaceful countries. For example, the Allies established international economic institutions which were in part created to promote international monetary cooperation (the IMF), to foster economic development in less developed countries (the World Bank), and to increase international trade (the GATT). 34 [\*438] The creation of the United Nations, the IMF, the World Bank, and the GATT were key moments in globalization. These institutions signaled the start of an era of cooperative behavior, however imperfect, among nations. While the number of nations involved was limited, their cooperation required the development and formal recognition of common interests. The GATT and the United Nations, in particular, were critical components in the genesis of globalization. 35 In seeking to reduce barriers to trade of goods, the GATT contained free market principles that favored lower tariffs, banned quotas, and prohibited discrimination against foreign goods. 36 The United Nations, at least on paper, championed the principles of human rights and democratic forms of government. 37 As these principles [\*439] gained international acceptance, economic and political norms developed. That is, common values emerged. B. Economic Globalization In current usage, the term globalization refers primarily to economic globalization. As barriers to trade, investment, financial flows, and technology transfers have fallen, there has been an expansion of markets for goods, services, financial capital, and intellectual property to transnational, regional, and even global dimensions. 38 There are several hallmarks of economic globalization. First, it increases opportunities for sellers as well as buyers. Second, economic globalization simultaneously creates new competition. Third, it develops interdependency among nations. Finally, economic globalization spreads the ideology of the free market economy model because the industrialized nations, the major promoters of globalization, advocate free market policies. The enlargement of markets beyond national boundaries means that both sellers and buyers have greater choices. More firms issue equity [\*440] securities in, or obtain financing from, international markets. 39 They also find it profitable to sell their goods and services in, or buy their raw materials or components from, international markets. Worldwide trade now amounts to an astonishingly large figure, six trillion dollars in 1995, more than 80% the size of the gross domestic product of the United States, the world's largest economy. 40 The existence of greater choice also extends to investment opportunities. Companies are investing in foreign countries, buying assets such as securities, businesses, facilities, and land, and have shifted production to [\*441] foreign factories. 41 Concurrently, sellers of such domestic assets now have [\*442] more buyers to choose from. The liberalization of investment opportunities - the removal of barriers - contributes to the liberalization of trade, and vice versa. 42 Expanding markets simultaneously generates more competition along with more opportunities; 43 domestic firms must compete not only with domestic but also foreign rivals. While benefiting domestic consumers, foreign competition may threaten domestic businesses and employees. 44 Whether the foreign competition comes from imports or the local subsidiaries of foreign corporations, employees of domestic firms may lose their jobs as these firms lay off surplus employees in order to become more competitive. 45 Where local subsidiaries of foreign corporations provide competition, however, these subsidiaries will create new jobs that replace, in [\*443] part, jobs lost at domestic firms. 46 One of the major consequences of increased foreign competition and the domestic drive for efficiency is that countries have become more willing to privatize and deregulate. 47 By making foreign countries important sources of consumers, investors, and suppliers, globalization creates interdependence. When domestic businesses buy from and sell to foreign markets, their financial welfare becomes linked to those markets. More domestic companies have evolved into multinational corporations, firms that have economic interests in several countries. Businesses set up partnerships with foreign firms, to share technology and risk, in order to create new products. 48 Because customers as well as suppliers are foreign, firms in one country become economically dependent upon firms in other countries. When foreign firms likewise become dependent upon domestic markets, interdependence is established as the economic prosperity of one nation becomes connected to that of other countries. For virtually all countries, transnational trade is important, if not vital, to their economic prosperity. 49 As economic globalization integrates various national markets into regional or world-wide markets, it also promotes general free market prin- [\*444] ciples, such as the quintessential concept of the market mechanism to allocate resources, 50 reduce protectionism in international trade, 51 and [\*445] privatize and deregulate. 52 Well before the collapse of the Soviet Union or even the end of the Cold War, the market economy (free market) paradigm of the West emerged as the decisive winner in the economic contest with the command (or planned) economy paradigm of the Soviet bloc. 53 Since globalization is being led by the corporations and governments in the capitalist economies of the industrialized democracies, it naturally advocates the ideology of the winners rather than the losers. Thus, the rules underlying globalization seek to expand markets among market economy rather than command economy principles. 54 For example, the WTO espouses the implementation of free-market ground rules to cover international trade and trade-related aspects of [\*446] investment and intellectual property. 55 n55. The IMF and the World Bank, too, have promoted market economy principles. See, e.g., James supra note 28, at 323 (IMF conditionality, the terms on which it will lend, has often required budgetary and domestic credit restraints, as well as trade liberalization); World Bank, The East Asian Miracle: Economic Growth and Public Policy 10 (1993) [hereinafter East Asian Miracle] (advocating a "market friendly" strategy in which "the appropriate role of government is to ensure adequate investments in people, provide a competitive climate for private enterprise, keep the economy open to international trade, and maintain a stable macroeconomy"); Barend A. de Vries, Remaking the World Bank 6, 56-58 (1987) (describing how the World Bank has encouraged decentralized planning rather than command-type central planning, and has made substantial loans to help borrowing nations increase their economies' efficiency and competitiveness, such as by liberalizing trade); cf. John Williamson, Introduction, in IMF Conditionality, supra note 34, at xiii (stating that one complaint of borrowing countries is that the IMF is "ideologically biased in favor of free markets and against socialism"). At this time, however, the WTO is the most important of the international economic institutions in carrying out the implementation of free market principles, primarily the idea of opening markets (liberalizing trade) among countries. The WTO agreements have gone beyond the GATT in covering trade in services as well as trade-related aspects of intellectual property and trade-related investment measures. See General Agreement on Trade in Services, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1B, 33 I.L.M. 44 (1994); Agreement on The Trade-Related Aspects of Intellectual Property, Including Trade in Counterfeit Goods, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 33 I.L.M. 81 (1994); Agreement on Trade-Related Investment Measures, Agreements on Trade in Goods, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, available in <http://itl.irv.uit.no/trade law/documents/freetrade> (visited Mar. 29, 1997). Further, the WTO agreements address more meaningfully the subjects of agriculture, textiles, and apparel. See Agreement on Agriculture, Agreements on Trade in Goods, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, available in <http://itl.irv.uit.no/trade law/documents/freetrade> (visited Mar. 29, 1997); Agreement on Textiles and Clothing, Agreements on Trade in Goods, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, available in <http://itl.irv.uit.no/trade law/documents/freetrade> (visited Mar. 29, 1997). Its rules go further than those of the GATT, its predecessor in carrying out the free market principle of comparative advantage by stamping out protectionism among nations. 56 When tools of protectionism - such as tariffs, quotas, or domestic subsidies - are reduced, foreign imports can better enter a domestic market, creating more competition for local firms. n56. For instance, the WTO makes a member's subsidy to its domestic industry actionable by another member if its effect "is to displace or impede the imports of a like product of another Member into the market of the subsidizing Member." Agreement on Subsidies and Countervailing Measures, Agreements on Trade in Goods, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, art. 6.3(a), available in <http://itl.irv.uit.no/trade law/documents/freetrade> (visited Mar. 29, 1997). The presence of increased competition contributes to the development of more efficient local firms as only the fittest firms will survive in a competitive marketplace. The use of a market and consumer choice, rather than a bureaucracy, to determine the survival of firms and products is the essence of a free market. 57 Not surprisingly, the various WTO agreements are expected to substantially [\*447] increase global income. 58 C. Political Globalization As economic globalization expands, it has been accompanied by a somewhat lesser degree of political globalization in that there are now substantial numbers of elected governments. 59 Also, the rhetoric of human rights has gained universal acceptance, and more nations than ever before have pledged to protect human rights. 60 With political globalization, there is [\*448] more than just the existence of elected governments and the recognition of human rights by governments. Political globalization has also tended to cause a convergence in political values, with the genuine acceptance of democracy and human rights in a greater number of countries. Compared to the convergence in economic values, the convergence of political values has had a more difficult path. The growth of economic globalization was championed by countries that realized they would gain economically by increased foreign trade. Even the command-economy communist nations sought trade with the capitalist economies of the West. 61 Well before the end of the Cold War, some communist nations even embraced capitalism to an extent. As events in China have clearly shown, dictatorship and a dismal human rights record have not been incompatible with free market policies. 62 Unlike economic globalization, the support for political globalization historically has been weak, perhaps because its benefits were not as obvious or immediate. Despite their long history predating free market principles, the political values of democracy and human rights have been more dishonored by breach than honored by observance. 63 Most countries did [\*449] not espouse them, and those that did applied these concepts selectively. 64 For decades after the end of World WarII, the spread of humanitarian political values had to contend with severe obstacles. 65 For much of the [\*450] existence of the United Nations, the most important international organization devoted to the promotion of democracy and human rights, many of its leading members either did not observe democratic values or human rights domestically, or subordinated these values to other priorities in foreign affairs. 66 Despite initial obstacles, however, these political values slowly developed roots in non-western countries. Even before the end of the Cold War, the past two decades saw the emergence of a greater number of countries with democratic governments and protective of human rights. 67 These countries offer political rights and [\*451] civil liberties that make them different in kind from past authoritarian regimes. With the end of the Cold War, many of the former Soviet-allied countries established popularly elected governments. Earlier, elected governments emerged from dictatorships in Latin America, Asia, and Africa. 68 As the transformation of South Africa - the former bastion of apartheid - into a democratic country shows, the unbelievable can happen. The outlook today is promising for the values of democracy and, to a lesser extent, human rights. First, with the triumph of liberal democracy over communism in the Cold War, 69 the United States and its allies can now more vigorously pursue humanitarian rather than security objectives. Second, the commonality of democracy and human rights in nations has provided more reason for these nations to cooperate among themselves in trade, humanitarian, and security matters, as well as in trying to nurture the qualities of democracy and human rights in authoritarian countries. The remaining authoritarian strongholds face pressures to democratize, and to recognize some level of human rights. 70 Democracy has been easier to achieve than the protection of human rights, perhaps because the implementation of democracy is technically more easily accomplished (e.g., a popularly elected government), while there may be disagreement over which rights are basic human rights and how these basic rights are to be protected. 71 Furthermore, elected governments need not necessarily protect human rights, especially in nascent [\*452] democracies which may have problems of illiteracy, corruption, authoritarian traditions, ethnic or religious conflicts, and a winner-takes-all political system. 72 The value of democratic governments is that their actions reflect the desires of a majority of the people rather than the wishes of a tyrant or a select few. Democracy is arguably the most basic human right because it recognizes the sovereignty of the people in that a government pursues policies which the majority of the people support through their freely elected representatives. The preferences of at least a majority of its population, rather than the desires of a select few, influence democratic governments. Democratic governments are much more likely to respect human rights, at least those of the majority, than authoritarian regimes which are unaccountable to an electorate. Of course, democracy is not itself a sufficient condition for a humane society, since a majority may persecute or subjugate a minority in a democratic society. 73 A practical benefit of mature democracies, those having democratic governments for a long period of time, is that they substantially protect a wide variety of human rights and are much less likely to use military force to resolve conflicts. 74 [\*453] Despite disagreement over the extent to which human rights should be protected, some level of human rights protection exists for a substantial percentage, if not the majority, of the world's population. 75 For an increasing number of countries, there seems to be a real, as opposed to a rhetorical, acceptance of some form of human rights. While inadequate and imperfect, this is an enormous improvement over the past. While outrageous examples of inhumanity still occur, such as in Rwanda, they are universally condemned. In an indirect way, the cultural impact of economic globalization stimulates political globalization. Economic globalization has long introduced aspects of foreign cultures - especially American culture - either directly by the sale of merchandise such as movies and musical recordings, or indirectly through exposure to foreigners. 77 More than in the past, the opening of new markets through economic globalization has brought a flood of people and companies into foreign lands. Personal contact, always so important in understanding other human beings, has made foreigners less inscrutable. More business personnel are assigned to overseas offices, more consumers travel abroad as tourists, and more students study in foreign countries. 78 Local residents are more likely than ever before to work for, do business with, or personally know foreigners. In some cases, this transnational encounter may lead to a personal affinity with or an in-depth understanding of foreign cultures. 79 [\*455] Further, economic globalization has generated an interest in learning foreign languages, primarily English. Perhaps irreversibly, English has become the international language of business and science, with a broader usage than any other language. 80 At the same time, the ability to speak a foreign language other than English gives one a competitive advantage in doing business in nonEnglish-speaking countries. 81 Doing business with foreigners, in their country or in one's own, requires that one communicate with them, cooperate with them, and be exposed to their political and business values. 82 The political values of democracy and human rights, as well as aspects of foreign cultures, are often inseparable (though secondary) components of economic globalization. Thus, countries that seek to benefit from economic globalization must frequently tolerate political globalization and exposure to foreign cultures. As people know more about foreign cultures, some familiarity with foreign political values is bound to arise. II. Technology's Vital Role in Converging Values The advanced communication technology that links much of the world together continues to be crucial to the convergence of economic and political values. This technology is utilized primarily by business entities to facilitate economic globalization. 83 Modern technology has also tended to promote democracy and human rights by making it easier and cheaper for [\*456] people to communicate without censorship across national boundaries. Communication technology not only exposes a national population to foreign ideas, but also concurrently exposes domestic conditions to a global audience. qThis has occurred because economic globalization involves communication technologies with multiple uses. The same technology that transmits a business proposal may also communicate politically embarrassing or other non-business information. These multiple uses of advanced technology cannot easily be separated from each other, making it difficult to restrict the technology to purely business purposes. A country that wishes to participate in international business cannot isolate itself from all uses of communication technologies unrelated to business dealings. 84 The internet 85 is a recent communication medium with tremendous potential for linking people across national boundaries, furthering mutual interests of the international community, and a myriad of other uses. 86 The internet will become, or may already be, an important or even critical technological medium for business, as well as for scientific research and consumer enjoyment. 87 The internet is the essential part of the "informa- [\*457] tion superhighway," a source of information that promises to change fundamentally human lives. 88 E-mail and computer file transmission on the internet can potentially provide a more powerful (e.g., faster, cheaper, more convenient) business tool than such conventional devices as the postal service, telephones, and faxes. Internet users can transmit and download data, articles, images, movies, speeches, sound recordings, and other information. 89 By providing a forum for the transfer of such information, the internet will help protect the freedoms of expression and choice for followers of any ideological persuasion. 90 Unfortunately, however, it may shield criminal, obscene, [\*458] racist, and terrorist activities as well. 91 A government might attempt to control the content of information transfers. It could screen large numbers of telephone calls, faxes, or computer data; it could restrict access to or intercept messages on the internet. Total censorship, however, would bring a halt to international business. 92 Firms might object if government surveillance is too pervasive. For example, companies might not want government officials to be privy to proprietary information. 93 A certain amount of freedom of communication is therefore assured if a country wishes to be part of a global economy: international firms will leave a nation if censorship prohibitively increases the cost of doing business. This will remain true even if governments attempt to censor communications using the most advanced and cost-effective surveillance technology available. 94 [\*459] Communication technologies not essential to international business transactions also serve to bolster humanitarian political values. International news reporting utilizes communication technologies to broadcast major domestic events of all types on a worldwide screen. There are numerous journalists, broadcasters, and commentators whose professional livelihood depends upon bringing newsworthy stories to a foreign, if not international, audience. While most publicized stories may not involve political events, many do. The competitive members of the news media are unlikely to let stories of outrageous acts completely escape the attention of the international public. Furthermore, these news articles may be read by anyone in the world who has access to the internet. 95 At the same time, news stories alone would not generate international repercussions against repressive governments if purely theoretical political values were involved. There must be influential constituencies that place high priority on the existence of democracy and human rights, that seek to spread those values, and that are galvanized into action upon news of deplorable political conditions. Neither value would flourish unless there were constituencies, either domestic or abroad, that strongly supported it. The presence of democratic governments and strong protections for human rights in the industrialized countries means that these values are expressed to some degree in their business transactions with other countries. 96 Sizable populations in the industrialized countries also attempt to support democracy and human rights abroad through private means. 97 Moreover, as the living standards of developing countries improve, the citizenry of these countries seem to expect more democratization (first) and [\*460] human rights (later). 98 III. The Importance of Globalization Because globalization promotes common values across nations and can make foreign problems, conditions, issues, and debates as vivid and captivating as national, state, and local ones, it contributes to a sense of world community. 99 It develops a feeling of empathy for the conditions of people abroad, enlarging the group of human beings that an individual will identify with. Globalization thus helps to bring alive persons in foreign lands, making them fellow human beings who simply live in different parts of the world rather than abstract statistics of deaths, poverty, and suffering. The convergence of basic political and economic values is thus fundamentally important because it helps to establish a common bond among people in different countries, facilitating understanding and encouraging cooperation. All other things being equal, the commonality among countries - whether in the form of basic values, culture, or language - enhances their attractiveness to each other. 100 In addition, convergence increases the possibility that a transformation of attitude will take place for those who participate in transnational activities. People will begin to regard foreigners in distant lands with the same concern that they have for their fellow citizens. 101 They will endeavor to help these foreigners obtain basic political rights even though the status of political rights in other countries will have no tangible beneficial impact at home. 102 Convergence does not mean that there is a single model of a market economy, a single type of democracy, or a single platform of human rights. They exist in different forms, and nations may have different combinations of these forms. 103 [\*462] A. The Perspective of One Human Race The convergence of fundamental values through globalization has profound consequences because it increases the chance that a new perspective will develop, one which views membership in the human race as the most significant societal relationship, except for nationality. 104 A person owes his or her strongest collective loyalties to the various societies with which he or she most intensely identifies. Today, this societal identification can be based on numerous factors, including nationality, race, religion, and ethnic group. 105 While it is unlikely that nationality will be surpassed as the most significant societal relationship, globalization and the convergence of values may eventually convince people in different countries that the second most important social group is the human race, and not a person's racial, religious, or ethnic group. 106 One of the first steps in the formation of a society is the recognition by prospective members that they have common interests and bonds. An essential commonality is that they share some fundamental values. A second is that they identify themselves as members belonging to the same community on the basis of a number of common ties, including shared fundamental values. A third commonality is the universality of rights - the active application of the "golden rule" - by which members expect that all must be entitled to the same rights as well as charged with the same responsibilities to ensure that these rights are protected. Globalization promotes these three types of commonalities. Globalization establishes common ground by facilitating the almost universal acceptance of market economies, the widespread emergence of democratic governments, and the extensive approval of human rights. The most visible example is economic. With the end of the Cold War, the free market economy has clearly triumphed over the command economy in the battle of the [\*463] economic paradigms. Because some variant of a market economy has taken root in virtually all countries, there has been a convergence of sorts in economic systems. 107 Further, because it often requires exposure to and pervasive interaction with foreigners - many of whom share the same fundamental values - globalization can enlarge the group that one normally identifies with. Globalization makes many of its participants empathize with the conditions and problems of people who in earlier years would have been ignored as unknown residents of remote locations. This empathy often leads to sympathy and support when these people suffer unfairly. Finally, the combination of shared values and identification produce the third commonality, universality of rights. 108 Citizens of one country will often expect, and work actively to achieve, the same basic values in other countries. They will treat nationals of other nations as they would wish to be treated. The effects of shared values, identification, and universality of rights in globalization could have a pivotal long-term effect - the possibility that a majority of human beings will begin to believe that they are truly part of a single global society - the human race. This is not to say that people disbelieve the idea that the human race encompasses all human beings. Of course, they realize that there is only one human species. Rather, the human race does not usually rank high on the hierarchy of societies for most people. Smaller societies, especially those based on nationality, race, religion, or ethnicity, command more loyalty. 109 The idea of the human race, the broadest and all-inclusive category of the human species, is abstract and has little, if any, impact on the lives of human beings. To believe in the singular importance of the human race requires an attitudinal shift in which a person views the human race seriously. [\*464] This may occur because the convergence of values does not only mean that the people of different countries will share the same basic values. It may also lead to the greater promotion of these values for the people of other countries. Historically and certainly today, America and the other industrial democracies have attempted to foster democracy and human rights in other countries. 110 While some part of this effort has been attributable to "self interest," it has also been due to the empathy that the industrialized democracies have had for other countries. 111 The magnitude of these efforts in the future, as in the past, will depend not solely upon the available financial and human resources of the industrialized democracies. It will also depend upon their national will - a factor undoubtedly influenced by the intensity with which the people of the industrialized democracies identify with people in foreign lands. The perspective that the human race matters more than its component divisions would accelerate cooperative efforts among nations to attack global problems that adversely affect human rights and the quality of human life. 112 Obviously, there is no shortage of such problems. Great suffering still occurs in so many parts of the world, not just from internal armed conflicts, 113 but also from conditions of poverty. 114 There are severe health problems in much of the world which can be mitigated with relatively little cost. 115 There are the lives lost to the AIDS epidemic, and [\*465] the deaths and disabilities caused by land mines. 116 Russia, a nuclear superpower that could end life on this planet, has severe social, economic, and political problems. 117 Making the human race important would not just promote liberal democratic values but would also reduce human suffering and perhaps eliminate completely the risk of nuclear war.. B. General Convergence of Values Assuming that the formation of a single human society is a possible outcome, two broad questions should be answered: what kind of human society is being created, and is this society desirable. The answer to the latter question will depend on an evaluator's subjective judgment of the society that is being formed. Undoubtedly, the great majority of human beings would abhor a world society that was being created by the conquests of a totalitarian government. Presumably, most Americans (and many citizens of other countries) would reject even a benevolent, democratic global society in which a world government dominated by other countries dictated laws that governed the lives of all human beings. If either outcome were present, many would call for a halt to globalization. Thus the direction that globalization follows is critical for assessing its appeal. What globalization has brought is a general convergence of fundamental economic and political systems among many nations. These systems are not identical. There are still innumerable differences among countries with market economies, democratic governments, and respectful of human rights. n118 The practices of one country may be intolerable to another coun- [\*466] try. n119 Furthermore, it is unlikely and probably undesirable that economic and political systems will ever exactly converge. Nor is it foreseeable that the nations of the world will coalesce into one. Even among the industrialized democracies, there are enough dissimilarities in market economies, democratic governments, and attitudes towards human rights that make some believe that the differences between these nations outweigh the similarities. For example, Japan is frequently characterized as having a producer-oriented market economy, as compared with the consumer-oriented market economy of the United States. n120 In general, the members of the European Union more extensively regulate their economies than the United States, engaging at times in social engineering that seems contrary to market principles as interpreted by Americans. n121 In the area of criminal justice, the United States is virtually alone in permitting the death penalty and imprisons a much higher percentage [\*467] of its population than other industrialized democracies. n122 Nonetheless, the basic economic and political systems of different countries clearly share more similarities than ever before. When asked to characterize their existing economic and political systems, more people in more countries than ever before will respond that they have a "market" economy, that their government is "democratic," and that they protect "human rights." Importantly, the convergence of values seems to be accompanying the convergence of systems. Certainly, most people in the industrialized democracies would view their existing economic and political systems as expressing the foundational values of their societies - the values that define their society. n123 The convergence of values along liberal demo- [\*468] cratic lines means that nations are better situated to negotiate wealth-maximizing trade agreements and to resolve political disputes peacefully. But in countries in transition from authoritarian to liberal democracy, many people may not yet fully accept their newly established economic and political systems as reflecting fundamental values of what is correct, proper, or right. Whether these transitional countries continue to establish or possess liberal democracies will depend upon how well the systems of liberal democracy work, an outcome that the industrialized democracies should strive vigorously to achieve. Workable systems can evolve into entrenched values. Obviously, the implantation of the values of liberal democracy in Russia is of paramount concern. n124 Nurturing a democratic Russia is in the vital national interest of the United States (and the rest of the world) for very practical reasons - only Russia and the United States possess sufficient nuclear weapons to end human civilization. n125 Whether by unilateral or multilateral extensions of financial assistance or political inclusion, the industrialized democracies should do their utmost to make Russia a strong liberal democracy. Economic aid should be generous, and Russia should be incorporated into the activities of the industrialized democracies as much as possible. n126 Not all basic values are converging and nor, perhaps, should they. Religious values are not converging in the sense that the same general religion, such as Christianity, is taking root in a preponderance of countries. n127 Nevertheless, the convergence of economic and political values means that there is a greater basis for cooperation. For that reason, the [\*469] "West" n128 - that is, the United States and the other industrialized democracies - should support the process of value convergence. Sharing the same values creates similar expectations and a common ground for understanding. The more prevalent reliance upon market forces to direct production and consumption means that nations are more likely to trade with and invest in each other. The relative sameness of political values, for example, the prevelant use of negotiation rather than military force in settling disputes, means that nations can have greater trust in and less to fear from each other.The similarity of basic values also means that the different peoples of humanity are one step closer to viewing themselves primarily as part of one human society - the human race - though represented by different governments.

### 2NC AT Impact Defense

Broad studies prove our argument

Royal, ‘10 [2010, Jedediah Royal is the Director of Cooperative Threat Reduction at the U.S. Department of Defense, “Economic Integration, Economic Signaling and the Problem of Economic Crises, Economics of War and Peace: Economic, Legal and Political Perspectives”, ed. By Goldsmith and Brauer, p. 213-215]

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write: The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. “Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention. This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider the occurrence of and conditions created by economic crises. As such, the view presented here should be considered ancillary to those views.

### 2NC UQ WAll

#### 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.

#### Obama sticking to his guns now to not negotiate over the debt limit

AP, 9/10 (“US could default on its debt obligations by mid-October, thinktank warns,” 9/10/2013, <http://www.theguardian.com/business/2013/sep/10/us-default-debt-obligations-october-thinktank>))

The United States could default on its obligations as early as October 18 if Washington fails to agree on legislation to raise the government's borrowing cap, a new study predicted Tuesday.

The Bipartisan Policy Center analysis says the default date would come no later than November 5, and that the government would quickly fall behind on its payments, including social security benefits and military pensions.

The thinktank's estimate is in line with a warning last month by Treasury Secretary Jacob Lew that the government would exhaust its borrowing authority by mid-October and be left with just $50bn cash on hand.

The government has never defaulted on its obligations. Raising the $16.7tn borrowing cap promises to be a major struggle for House Republicans and President Obama.

Two years ago Obama agreed to pair a $2.1tn increase in the debt limit with an equivalent amount in spending cuts spread over 10 years. But the president now says that he won't negotiate over the debt limit and is asking Congress to send him a straightforward increase that would ensure the government can pay its bills.

In January, House Republicans permitted an increase in the debt ceiling without demanding offsetting spending cuts.

### 2nc Trade Off / Political Capital Key

#### Obama’s capital is key to raise 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)>)

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.

### AT: Thumpers

#### The issue of \_\_\_\_\_\_\_\_\_\_ has already been priced in to Obama’s political calculations but the plan hasn’t --- making it a unique link.

#### Economic issues are now Obama’s top priority

Sink, 9/12 (Justin, “Obama signals shift back to economic focus,” <http://thehill.com/blogs/on-the-money/economy/321793-obama-signals-shift-back-to-focus-on-the-economy>))

The White House is signaling it wants to shift back to the economy after two weeks in which the Syrian crisis has dominated President Obama’s schedule and workload.

Obama will be “focusing” on issues related to the economy in the coming weeks, White House press secretary Jay Carney said Wednesday at his daily briefing.

He said the president wants to push forward with economic policies that the White House believes will grow the middle class.

Obama himself in his prime-time address to the nation Tuesday on Syria said voters wanted him focused on the economy and not on Syria. Public support for a military intervention in Syria is low.

“I know Americans want all of us in Washington — especially me — to concentrate on the task of building our nation here at home: putting people back to work, educating our kids, growing our middle class,” Obama said.

The president had wanted to use the beginning of September to press forward on his economic policies ahead of fights with Congress on government spending and debt.

Lawmakers must agree on a continuing resolution to fund the federal government by the end of September, which also marks the end of the fiscal year. If they fail to do so, the government would shut down, except for essential services.

The nation is also rapidly approaching the drop-dead date for hitting the debt ceiling, which restricts Washington’s ability to loan money and cover its payment obligations. An analysis released Tuesday by the Bipartisan Policy Center estimated the country would hit the debt ceiling sometime between Oct. 18 and Nov. 5.

Obama had hoped to enter those battles with momentum from a mid-August campaign-style tour that included a college bus trip through the Northeast, a visit to an Amazon shipping facility in Tennessee and a discussion of mortgage reform in Arizona.

The president had planned to continue that push this week, but that plan was knocked aside by the alleged use of chemical weapons by Syria’s government on Aug. 21.

Obama’s scheduled travel to Los Angeles, where he was slated to speak before union members at the AFL-CIO convention, was canceled so he could make his case for military strikes on Syria.

Vice President Biden pressed the administration’s economic message with a Monday trip to Baltimore that highlighted a new $10 million federal grant to widen the city’s port and better connect the shipping center to nearby rail lines.

But that trip was overshadowed by a dinner he hosted the previous night at the Naval Observatory, where he and Obama lobbied a group of Republican senators to back air strikes against Syria.

Carney acknowledged Wednesday that “there is no question that Syria has consumed a lot of attention here in Washington, around the country, around the world.”

But the White House spokesman refused to make a “political assessment” about whether the situation in Syria had affected Obama’s domestic policy hand.

The administration and its allies seem ready to return to the economy.

On Monday, Organizing for Action, the political advocacy group born from the president’s reelection campaign, asked supporters to sign a petition demanding that Congress avert a government shutdown.

Rep. Gene Green (D-Texas) emerged Tuesday from a Syria briefing with White House chief of staff Denis McDonough predicting that Congress would now “go back to our typical things, like the debt limit,” according to Reuters.

Indeed, attention on Capitol Hill seemed to have already shifted to the looming budget battle on Wednesday. House Republican leaders announced they would delay a vote on a continuing resolution that would have kept the government funded through Dec. 15, a move that highlighted the danger of a shutdown.

GOP leaders are struggling to win support for their plan to keep the government funded at current levels while forcing the Senate to vote on a measure defunding ObamaCare.

### 2NC AT LT

#### Plan will require tremendous political capital

Waxman, 13 --- law professor at Columbia

(7/30/2013, Matthew, “Closing Guantanamo Would Still Leave Some Toughest Decisions for the Next President,” <http://www.lawfareblog.com/2013/07/closing-guantanamo-would-still-leave-some-toughest-decisions-for-the-next-president/)>)

At last week’s Senate Judiciary subcommittee hearing, advocates of closing Guantanamo, such as chairman Dick Durbin and Human Rights First president Elisa Massimino, talked about how to close Guantanamo: in particular, by transferring or releasing most detainees to other countries and then moving the remainder into the United States. Of those moved into the United States, many would be prosecuted (whether in civilian or military courts), but an undetermined number of very dangerous detainees would continue to be held without criminal trial under law-of-war authority until cessation of hostilities – that is, until the end of the ongoing war against al Qaida and its close allies. Some version of this seems to me to be the only realistic approach to closing Guantanamo.

Although pulling this off will require that President Obama spend tremendous political capital, it would actually push some very difficult decisions onto his successor’s shoulders, too.

Even if it closes Guantanamo along the lines laid out above, it’s very unlikely that the Obama administration will have prosecuted or found alternative security solutions abroad for some number of the most dangerous detainees (by most credible estimates, at least a few dozen). It’s also very unlikely that they’ll simply release them – especially because whatever political deal Obama strikes to close Guantanamo will probably include assurances that he won’t do that.

#### Despite abstract support the plan will still empirically spur a backlash

Corcoran, 11 --- Professor of Law and Director at University of New Hampshire School of Law (March 2011, Erin M., University of New Hampshire Law Review, “Obama's Failed Attempt to Close Gitmo: Why Executive Orders Can't Bring About Systemic Change,” 9 U.N.H. L. Rev. 207))

With the public backing its shutdown, prominent Republicans and Democrats alike calling for its closure, and the President's executive orders creating the framework and timeline for implementation, the end of U.S. detentions at Guantanamo Bay seemed a fait accompli. Yet, in 2011, Guantanamo Bay continues to operate and currently houses approximately 180 post-9/11 detainees who have [\*209] not been tried for any crimes. n10 This essay asks: Why, what happened?

The world watched in January 2009 as Obama delivered his promise to close Guantanamo Bay. However, by May 20, 2009, the U.S. Senate, controlled by Democrats, voted ninety to six to prohibit the use of federal funds "to transfer, release, or incarcerate detainees detained at Guantanamo Bay, Cuba, to or within the United States." n11 More recently, Congress, in approving the 2010 Defense Authorization Bill, banned the transfer of detainees held at Guantanamo Bay to the United States, even for criminal prosecution, and required that the Secretary of Defense sign off on the transfer of any detainee to a third country. n12 Despite overwhelming support in the abstract for its closure, congressional pushback on implementation has stalled efforts to bring the U.S. practice of detaining individuals at Guantanamo Bay to an end. In particular, the U.S. Senate balked at providing the President the necessary funds to begin phasing out the Guantanamo Bay detention facility. n13 What caused this disconnect between the newly-elected President and his Democrat-controlled Congress? What did the Obama Administration fail to calculate or understand about the legislature that resulted in the President failing to deliver on a key campaign promise?

#### Obama will get drawn into an escalation over the NDAA

National Journal 11

(11/17, Obama Threatens Veto of Defense Authorization Bill, www.nationaljournal.com/nationalsecurity/obama-threatens-veto-of-defense-authorization-bill-20111117)

The debate over terrorism suspects on Thursday divided Democrats, with Senate Armed Services Committee Chairman Carl Levin, D-Mich., squaring off over the language with Senate Judiciary Chairman Patrick Leahy, D-Vt., Senate Intelligence Chairwoman Dianne Feinstein, D-Calif., and Senate Majority Whip Dick Durbin, D-Ill. Democratic opponents of the provisions, who offered a series of amendments to strike or water down the language, appear to face an uphill effort to find the votes to amend the detainee language as almost all Republicans and most Armed Services Committee Democrats support it. By moving ahead with the bill without a deal—the White House threatened to veto the bill earlier Thursday—Senate Majority Leader Harry Reid, D-Nev., reduced the leverage and ability of opponents to force changes. Feinstein said she isn't confident the bill can be amended, saying only that she strongly opposes the provisions. She declined to comment on Reid’s decision to press ahead with the bill but several Democratic aides said his move caught Democratic opponents of the provision by surprise. The aides said Reid told Democrats he is eager to move ahead with the bill in the face of pressure from Republicans and his own desire to clear “must pass” bills that are ready for the floor. The Obama administration threatened to veto the major defense authorization bill because of language paving the way for many terror suspects to be put under military custody, a sharp escalation of its battle with Congress over the future course of the war on terror.

### Political Capital Key to Agenda

#### Loss of capital prevents president from successfully passing legislation

Anderson, 5 --- Phd candidate in Philosophy at Ohio State (William David, THE PRESIDENT’S AGENDA: POSITION-TAKING, LEGISLATIVE SUPPORT, AND THE PERSISTENCE OF TIME, DISSERTATION, Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of The Ohio State University, <http://etd.ohiolink.edu/view.cgi/Anderson%20William%20David.pdf?osu1123169358>)

Summary: The Importance of Political Time

Presidential capital wavers over time and is difficult to maintain after the honeymoon period subsides. External events, shifts in public opinion, and legislative losses or victories by the president—and any momentum resulting from those wins and losses—affect the president’s bank account with Congress and the public. Presidents with more capital are able to accept more risks, legislate more frequently, and more easily absorb losses in Congress than are presidents that lack such capital. The loss of political capital over time suggests that presidents later in their terms will take positions on votes and succeed in that activity less frequently.

#### Insiders believe political capital is true --- should be treated as such

Schier, 11 --- Professor of Political Science at Carleton College (December 2011, Steven E., Presidential Studies Quarterly, “The Contemporary Presidency: The Presidential Authority Problem and the Political Power Trap,” vol. 41, no. 4, Wiley Online Library)

The concept of political capital captures many of the aspects of a president's political authority. Paul Light defines several components of political capital: party support of the president in Congress, public approval of the president's conduct of his job, the president's electoral margin, and patronage appointments (Light 1999, 15). Light derived this list from the observations of 126 White House staff members he interviewed (1999, 14). His indicators have two central uses. First, Light's research reveals that they are central to the “players' perspective” in Washington. That is, those “in the game” view these items as crucial for presidential effectiveness. Second, they relate to many central aspects of political authority as defined by Skowronek. So on both theoretical and practical levels, the components of political capital are central to the fate of presidencies. The data here will reveal that presidents over the last 70 years have suffered from a trend of declining levels of political capital, a trend that is at the heart of their political authority problem.

## 2NR

### AT: Syria Thumper

#### Syria won’t hurt Obama on other issues

Lerer, 9/12 (Lisa, “Obama Syria Reversal Sets Stage for Fights With Congress,” <http://www.bloomberg.com/news/2013-09-12/obama-syria-reversal-sets-stage-for-fights-with-congress.html>))

No Effect

The White House and its allies argue that the debate over Syria won’t hurt Obama on other issues, simply because the fight didn’t break along traditional party lines and is unlikely to resonate in the 2014 congressional elections. A coalition of small-government Republicans wary of U.S. involvement overseas and Democrats who warned of the risk of entering another Middle Eastern war lined up against Obama’s Syria plan, likely killing its chances of passage if there had been a vote in the House.

Those Democrats, Obama supporters say, will stick with the president on economic issues, while many of those Republicans will always be lined up against him.

#### Obama is pivoting back to domestic issues

Epstein, 9/12 (Reid J., “After Syria crisis, Obama seeks pivot to domestic issues,” <http://www.politico.com/politico44/2013/09/after-syria-crisis-obama-seeks-pivot-to-domestic-issues-172494.html>))

After three weeks of focusing on Syria, President Barack Obama still has a domestic agenda, he reminded a White House meeting of his Cabinet secretaries Thursday.

With Syria no longer consuming all of the White House energy, Obama said that “it is still important to recognize that we have a lot of things left to do here in this government.”