# 1NC

## Offcase

### T

#### Restriction means prohibition of action – it’s distinct from supervision/oversight

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. ¶ Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; ¶ A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. ¶ In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. ¶ Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Limitations on authority are not prohibitions

Goldsmith 13, Law Prof at Harvard

(9/3, Jack, It is Hard to Write an AUMF, www.lawfareblog.com/2013/09/it-is-hard-to-write-an-aumf/

First, Congress needs to pay attention to the distinction between an authorization and a prohibition. Authorizing strikes for sixty days, and only for sixty days, will not by itself prohibit the President from using force beyond sixty days. The reason: the President thinks he has independent, inherent Article II authority to engage in the strikes. If Congress wants to limit the President, it must do so through authorizations combined with prohibitions. The President can in theory disregard a prohibition as a violation of his Commander in Chief power. But in this context, where the constitutional arguments for inherent power are already weak, the arguments for an exclusive presidential power are much weaker yet (and the political costs of defying a congressional restriction in this context would be enormous). Second, limiting the purposes of the attack to avoid toppling Assad’s government won’t by itself stop the President from acting to topple Assad’s government if he can do so pursuant to some more benign purpose, such as deterring use of WMDs. Recall that the administration had no overt authorization from the Security Council to topple Gaddafi. But ultimately it read the Security Council authorization “to take all necessary measures . . . to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya” as sanction to pursue and attack Gaddafi. Writing an AUMF that adequately empowers and constraints the President is hard.

#### The affirmative increases presidential authorization under the AUMF. The AUMF only authorizes force against those who were involved in 9/11 or groups who aided or harbored those groups at the time of the attack. The plan allows force against current allies of al Qaeda or the Taliban – it changes authorization from past tense to present tense.

AUMF 2001

<http://www.gpo.gov/fdsys/pkg/PLAW-107publ40/pdf/PLAW-107publ40.pdf>

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) IN GENERAL.—That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

#### This is how they solve their first advantage. The AUMF currently only authorizes force against groups with a direct connection to 9/11 –but the affirmative expands the AUMF authorization to include new groups - which means it is an enhancement of presidential authority it is not a restriction

Coronogue 12, JD at duke

(Graham, A NEW AUMF: DEFINING COMBATANTS IN THE WAR ON TERROR, scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil)

The AUMF must be updated. In 2001, the AUMF authorized force to fight against America’s most pressing threat, the architects of 9/11. However, much has changed since 2001. Bin Laden is dead, the Taliban has been deposed, and it is extremist organizations other than al-Qaeda and the Taliban who are launching many of the attacks against Americans and coalition partners. In many ways, the greatest threat is coming from groups not even around in 2001, groups such as AQAP and al Shabaab. Yet these groups do not fall under the AUMF’s authorization of force. These groups are not based in the same country that launched the attacks, have different leaders, and were not involved in planning or coordinating 9/11. Thus, under a strict interpretation of the AUMF, the President is not authorized to use force against these groups. Congress needs to specifically authorize force against groups outside of al-Qaeda and the Taliban. Our security concerns demand that the President can act quickly and decisively when facing threats. The current authorization does not cover many of these threats, yet it is much more difficult to achieve this decisiveness if the President is forced to rely solely on his inherent powers. A clear congressional authorization would clear up much of this problem. Under Justice Jackson’s framework, granting or denying congressional authorization ensures that President does not operate in the “zone of twilight.”126 Therefore, if Congress lays out the exact scope of the President’s power, naming or clearly defining the targeted actors, the constitutionality or unconstitutionality of presidential actions will become much clearer. Removing the 9/11 nexus to reflect the current reality of war without writing a carte blanche is the most important form of congressional guidance regarding target authorization. In order for the President to operate under the current AUMF, he must find a strong nexus between the target and the attacks on September 11. As I have shown in this paper, this nexus is simply non-existent for many groups fighting the United States today. Yet, the President should want to operate pursuant to congressional authorization, Justice Jackson’s strongest zone of presidential authority. In order to achieve this goal, the administration has begun to stretch the statutory language to include groups whose connection to the 9/11 attacks, if any, is extraordinarily limited. The current presidential practice only nominally follows the AUMF, a practice Congress has seemingly consented to by failing to amend the statute for over ten years. This “stretching” is dangerous as Congress is no longer truly behind the authorization and has simply acquiesced to the President’s exercise of broad authority

#### Vote Neg

#### Limits – Their aff justifies any aff that has the judiciary or Congress clarify in ways that expand war powers - 1000s of ways to do that

#### Ground – Increasing restrictions is key to stable neg link and cp ground – clarifications to authority make all DA links non-unique – bidirectional affs are especially bad because they are reading neg ground on the aff

### K

#### 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.

#### That causes extinction 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.

### DA

**Obama will prevail in the debt ceiling battle by maintaining a focused message and strong political image**

**Dovere and Epstein, 10/1** (EDWARD-ISAAC DOVERE and REID J. EPSTEIN, 10/1/2013, “Government shutdown: President Obama holds the line,” <http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack **Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency.**

**All it took was a government shutdown.**

This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, **Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no**.

For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal.

After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress.

Instead, **over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court** — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk.

“If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?”

The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding.

This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.”

Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.”

**“The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said** Jim **Manley, a Democratic strategist** and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics.

Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations.

“They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.”

While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu.

White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything.

“It’s busy, but it’s always busy here,” **Carney said**. “It’s busy for most of you covering this White House, any White House. **We’re very much focused on making sure that the implementation of the Affordable Care Act continues.”**

Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing.

Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend.

“He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.”

The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans.

The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is.

**If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama**, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

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

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

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This **defeat would be totally unprecedented as a President has never lost a military authorization vote** in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability.

I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four.

While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there, which would be limited in nature. Rather, **investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over spending and the debt ceiling**.

Currently, the government loses spending authority on September 30 while it hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe. Failure in the Syrian vote could change this. **For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues.**

Until now, consensus has been that the two sides would compromise to fund the government at sequester levels while passing a $1 trillion stand-alone debt ceiling increase. However, the right wing of Boehner's caucus has been pushing for more, including another $1 trillion in spending cuts, defunding of Obamacare, and a one year delay of the individual mandate. **Already, Conservative PACs** have begun airing advertisements, **urging a debt ceiling fight over Obamacare. With the President rendered hapless on Syria, they will become even more vocal about their hardline resolution, setting us up for a showdown that will rival 2011's debt ceiling fight.**

I currently believe the two sides will pass a short-term continuing resolution to keep the government open, and then the GOP will wage a massive fight over the debt ceiling. While Obama will be weakened, he will be unwilling to undermine his major achievement, his healthcare law. In all likelihood, both sides will dig in their respective trenches, unwilling to strike a deal, essentially in a game of chicken. If the House blocks Syrian action, it will take America as close to a default as it did in 2011. Based on the market action then, we can expect massive volatility in the final days of the showdown with the Dow falling 500 points in one session in 2011.

As markets panicked over the potential for a U.S. default, we saw a massive risk-off trade, moving from equities into Treasuries. I think there is a significant chance we see something similar this late September into October. **The Syrian vote has major implications on the power of Obama and the far-right when it comes to their willingness to fight over the debt ceiling. If the Syrian resolution fails, the debt ceiling fight will be even worse, which will send equities lower by upwards of 10%. Investors must be prepared for this "black swan" event.**

Looking back to August 2011, stocks that performed the best were dividend paying, less-cyclical companies like Verizon (VZ), Wal-Mart (WMT), Coca-Cola (KO) and McDonald's (MCD) while high beta names like Netflix (NFLX) and Boeing (BA) were crushed. Investors also flocked into treasuries despite default risk while dumping lower quality bonds as spreads widened. The flight to safety helped treasuries despite U.S. government issues. I think we are likely to see a similar move this time.

Assuming there is a Syrian "no" vote, I would begin to roll back my long exposure in the stock market and reallocate funds into treasuries as I believe yields could drop back towards 2.50%. Within the stock market, I think the less-cyclical names should outperform, making utilities and consumer staples more attractive. For more tactical traders, I would consider buying puts against the S&P 500 and look toward shorting higher-beta and defense stocks like Boeing and Lockheed Martin (LMT). I also think lower quality bonds would suffer as spreads widen, making funds like JNK vulnerable. Conversely, gold (GLD) should benefit from the fear trade.

I would also like to address the potential that Congress does not vote down the Syrian resolution. First, news has broken that **Russia has proposed Syria turn over its chemical stockpile. If Syria were to agree** (Syria said it was willing to consider), **the U.S. would not have to strike, canceling the congressional vote.** The proposal can be found here. I strongly believe this is a delaying tactic rather than a serious effort. In 2005, Libya began to turn over chemical weapons; it has yet to complete the hand-off. Removing and destroying chemical weapons is an exceptionally challenging and dangerous task that would take years, not weeks, making this deal seem unrealistic, especially because a cease-fire would be required around all chemical facilities. The idea that a cease-fire could be maintained for months, essentially allowing Assad to stay in office, is hard to take seriously. I believe this is a delaying tactic, and Congress will have to vote within the next two weeks.

The final possibility is that Democrats back their President and barely ram the Syria resolution through. I think the extreme risk of a full-blown debt stand-off to dissipate. However, Boehner has promised a strong fight over the debt limit that the market has largely ignored. I do believe the fight would still be worse than the market anticipates but not outright disastrous. As such, I would not initiate short positions, but I would trim some longs and move into less cyclical stocks as the risk would still be the debt ceiling fight leading to some drama not no drama.

Remember, **in politics everything is connected. Syria is not a stand-alone issue. Its resolution will impact the power structure in Washington. A failed vote in Congress is likely to make the debt ceiling fight even worse, spooking markets, and threatening default on U.S. obligations unless another last minute deal can be struck.**

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

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

Ready for more debt-ceiling drama?

The Treasury Department said Monday it would hit its borrowing limit in mid-October, which means that Congress will need to raise its $16.7 trillion debt ceiling to pay the nation's bills.

The sooner-than-expected deadline comes at an inconvenient moment, because Congress is already facing a budget deadline for the stopgap "continuing resolution" that finances the federal government, which is set to run out September 30. Failure to come to an agreement would trigger a government shutdown.

Having two big deadlines fall two weeks apart could be a recipe for disaster. Republicans, led by Speaker John **Boehner** (R-Ohio), **have been musing about the possibility of using the debt ceiling, instead of a government shutdown, as leverage to delay the implementation of ObamaCare**.

But as Ezra Klein put it in The Washington Post, "Trading a government shutdown for a debt-ceiling breach is like trading the flu for septic shock":

**Anything Republicans might fear about a government shutdown is far more terrifying amidst a debt-ceiling breach. The former is an inconvenience. The latter is a global financial crisis.** It’s the difference between what happened in 1995, when the government did shutdown, and what happened in 2008, when global markets realized a bedrock investment they thought was safe (housing in that case, U.S. treasuries in this one) was full of risk. [The Washington Post]

Indeed, **a debt ceiling debate in 2011 that went on to the last possible minute had real economic consequences, leading Standard & Poor's to downgrade the United States' credit rating. The move "left a clear and deep dent in US economic and market data," said** Matt **Phillips at Quartz**.

Investors pulled huge amounts of cash from the stock market, and consumer confidence was hurt as well. When the same problem cropped up again in May 2012, because Congress failed to reach a long-term deal, Betsey Stevenson and Justin Wolfers in Bloomberg explained how confidence plummeted the first time around:

[Confidence] went into freefall as the political stalemate worsened through July. Over the entire episode, confidence declined more than it did following the collapse of Lehman Brothers Holdings Inc. in 2008. After July 31, when the deal to break the impasse was announced, consumer confidence stabilized and began a long, slow climb that brought it back to its starting point almost a year later. [Bloomberg]

This morning, Wolfers had this to say:

Treasury Secretary Jack Lew visited CNBC Tuesday morning to reiterate President Obama's promise not to go down he same road. **"The president has made it clear: We're not going to negotiate over the debt limit,"** Lew said.

He also explained why in a letter to Boehner Monday morning. "Protecting the full faith and credit of the United States is the responsibility of Congress, because only Congress can extend the nation's borrowing authority," he wrote. "Failure to meet that responsibility would cause irreparable harm to the American economy."

**Turns the economy and collapses 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.

**Nuclear war**

**Pazner 8**, Michael, Panzner 2008 faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase Financial Armageddon: Protect Your Future from Economic Collapse, Revised and Updated Edition, p. 136-138, googlebooks

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster, But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange, foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the (heap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause **spasms to ripple across economies** and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to **full-scale military encounters**, often **with minimal provocation**. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more healed sense of urgency. China will likely assume an **increasingly belligerent posture** toward Taiwan, while Iran may embark on **overt colonization** of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into **a growing number of conflicts**. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an "intense confrontation" between the United States and China is "inevitable" at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies **as the beginnings of a new world war.**

### CP

#### Text: The United States federal government should contribute Arabic-speaking diplomats with experience in Yemen to cooperation with Saudi Arabia, establish a joint center for public awareness, and establish a special fund to stabilize Yemen’s economy and provide humanitarian assistance.

#### Diplomacy solves

Johenson 2011 - Near East Studies Scholar, Princeton University (September, Gregory, “Near East Studies Scholar, Princeton University” <http://www.cfr.org/yemen/resetting-us-policy-toward-yemen/p26026>)

Attacking AQAP's Roots An al-Qaeda franchise has never been defeated by force alone. The only time an affiliate has been successfully dismantled was in Saudi Arabia, from 2003 to 2006, when the population turned on the terrorist group. To replicate that success in Yemen, the United States needs to partner with the governments of both Yemen and Saudi Arabia to counter AQAP's propaganda. Washington and Riyadh must attempt to spark a public debate about AQAP and its methods, drawing public attention to the fact that the group kills civilians and consistently violates Islamic norms. Riyadh's experience using soft power to undermine al-Qaeda in Saudi Arabia and Yemeni officials' knowledge of the local scene will be vital in ensuring that militants are not replaced as quickly as they are killed. For its part, the United States should contribute a small team of Arabic-speaking diplomats with experience in Yemen. Together with their Saudi and Yemeni colleagues, U.S. policymakers should establish a joint center for public awareness. The center would seek to deprive AQAP of one of its main assets: unchallenged public assertions. At the moment, no entity in Yemen is speaking up in Arabic against AQAP, which means that the organization is able to shape its public message uncontested. The joint center would work to make al-Qaeda as synonymous with terrorism in Yemen as it is in the United States. Special Fund The United States should also partner with the GCC to establish a special fund to help stabilize Yemen's economy and provide humanitarian assistance in the aftermath of Saleh's departure. The initial capital for the fund, which is contingent on Saleh's leaving office, should come from the more than $2 billion GCC countries pledged at the 2006 London conference but have yet to deliver due to concerns about corruption. The fund should be chaired by the director of the Arab Fund, with all donor countries and institutions represented on the board. This would do much to eliminate donor competition and coordination failures, which have often hampered efforts in the past. Once the economy is stabilized, the focus of the fund should shift to longer-term investment designed to create jobs and technical training. None of these recommendations will miraculously turn Yemen into a model democracy overnight, but together they will arrest the country's rapid downward descent and deny AQAP and other militants the opportunity to exploit the turmoil in ways that threaten U.S. security and interests in the region. However, as Yemen slips further into chaos, the opportunity to implement these measures is fast diminishing.

## Case

## Advantage One

### Top Level

#### Drone strikes effective – taking out AQAP leadership and disrupting plots

The Economist – 8/10/13, Taking no chances, <http://www.economist.com/news/united-states/21583256-administration-claims-al-qaeda-brink-strategic-defeat-so-why-all>

In recent years, as al-Qaeda’s central leadership in North Waziristan has been relentlessly reduced by American drone strikes, AQAP has been by far the most active branch of the network in plotting attacks on targets in the West. Those who have been briefed on what passed between the two men say that Mr Zawahiri had ordered a series of attacks to coincide with the Muslim holiday of Laylat al-Qadr, which marks the 27th night of Ramadan and fell last weekend. If successful, they would have been among the most deadly since September 11th 2001. Yemen itself and Western interests there were probably the main target, but not necessarily the only one. On August 6th America and Britain evacuated their diplomats from Yemen’s capital, Sana’a, and advised their other nationals to leave the country. In the past two weeks at least five American drone strikes have been launched to disrupt what the government in Sana’a has described as an ambitious al-Qaeda plot to blow up oil pipelines and seize some of the country’s ports. Around 25 terrorist suspects have been killed so far, according to local reports. It is not known whether senior figures were among them. Drones operated by the CIA fly from a base in Saudi Arabia, while others, under the Joint Special Operations Command, take off from Djibouti. After a record 54 strikes last year, there had been a lull in activity after Mr Obama announced a tightening of the rules of engagement in May. American special forces, who already train Yemeni counter-terrorist units, are said to be preparing for more direct action against al-Qaeda.

#### Yemen solving drones

CNN – 8/8/13, More suspected al Qaeda militants killed as drone strikes intensify in Yemen, <http://www.cnn.com/2013/08/08/world/meast/yemen-drone-strike/index.html>

AQAP appears to have lost some of its effectiveness in the past year, while Yemen's military has made gains.

Yemen's government foiled an al Qaeda plot to capture oil and gas facilities and to seize two key southern ports early this week, a spokesman for the prime minister said. An official downplayed the terror organization's ability to carry out such an attack.

"AQAP has neither the manpower nor the capabilities to capture ports or seize pipelines," the official said. Government forces can handle any assault they may attempt, he said.

AQAP has not mounted a large-scale suicide attack on Yemen's security forces since May 2012, when more than 100 soldiers were killed by a suicide bomber as they trained for a parade in Sanaa, the capital.

In July, a bomb killed several soldiers there.

Many of AQAP's operatives, including its leadership, have retreated into remote areas to regroup after a Yemeni military offensive last year.

Yemeni security forces have over the past 18 months recaptured swaths of territory that were briefly held by AQAP, particularly in the south.

#### The risk of terror is very low and they need to secure fissile material to solve — your author

**Allison, IR Director @ Harvard, 12** [Graham, Director, Belfer Center for Science and International Affairs; Douglas Dillon Professor of Government, Harvard Kennedy School, "Living in the Era of Megaterror", Sept 7, <http://belfercenter.ksg.harvard.edu/publication/22302/living_in_the_era_of_megaterror.html>. BJM]

Fortunately, it is more difficult for a terrorist to acquire the “means” to cause mass casualties. Producing highly enriched uranium or plutonium requires expensive industrial-scale investments that only states will make. If all fissile material can be secured to a gold standard beyond the reach of thieves or terrorists, aspirations to become the world’s first nuclear terrorist can be thwarted.

Capabilities for producing bioterrorist agents are not so easily secured or policed. While more has been done, and much more could be done to further raise the technological barrier, as knowledge advances and technological capabilities to make pathogens become more accessible, the means for bioterrorism will come within the reach of terrorists.

### 1NC AQAP

**AQAP is weak**

**Shephard 8/8/13** (Michelle, Toronto Star National Security reporter, “Yemeni Al Qaeda expert casts doubt on terror threat claims”, TheStar, http://www.thestar.com/news/world/2013/08/08/yemeni\_al\_qaeda\_expert\_casts\_doubt\_on\_terror\_threat\_claims.html)

Yemen’s foremost Al Qaeda researcher says recent U.S. drone strikes have failed to kill senior leaders of the organization, and he dismisses claims that a plot to bomb a Canadian-owned oil facility was foiled by Yemeni authorities.¶ Abdulrazzaq al**-Jamal, a journalist and researcher who has been given exclusive access to** the terrorist group’s Yemen branch, Al Qaeda in the Arabian Peninsula (**AQAP), said the series of drone strikes in the past 12 days have killed** 32 people, including **low-level foot soldiers and civilians.¶** “Among **those killed are the ones who are largely . . . on the periphery of the organization,”** Jamal said from Yemen’s capital, Sanaa, in a wide-ranging phone interview with the Toronto Star on Thursday.¶ It is not uncommon to have conflicting reports about those killed in drone attacks — AQAP leaders have been reported dead, only to release statements weeks later.¶ The Associated Press reported that 34 suspected Al Qaeda militants were killed in recent strikes, including 12 deaths in three strikes on Thursday. Reuters put Thursday’s death toll at eight, for a two-week total of 25 suspected militants.¶ **The contradictory claims add to confusion about why the U.S. has dramatically increased its drone strikes in Yemen**, and what prompted it to issue a worldwide travel warning last Friday and keep 19 embassies throughout Africa and the Middle East closed this week.¶ **Jamal says he is skeptical of many of the recent reports on the matter, including a claim that the unprecedented security measures are due to an intercepted direct communication between AQAP leader** Nasser al-Wahishi **and** Ayman al-Zawahiri, who became **Al Qaeda’s leader** in 2011 after Osama bin Laden was killed. U.S. officials have stated that Wahishi was recently appointed to Al Qaeda’s No. 2 position.¶ “I did not hear any of this through the usual channels,” Jamal said. But he noted that “whether Wahishi is No. 2 or 10 or 20, it’s irrelevant. Al Qaeda’s activities continue as usual.” In addition, AQAP operates independently and would not need direction from Zawahiri, he said.¶ **Jamal is considered among journalists to have the best access to AQAP’s inner circle,** although he said he has not personally met Wahishi or the group’s elusive bomb-maker, Ibrahim al-Asiri.¶ In 2011, Jamal spent weeks with AQAP members when the group had control of the town of Zinjibar, leading some critics to accuse him of writing sympathetic portrayals of the organization. Jamal also interviewed a top Al Qaeda leader, Fahd al-Quso, before he was killed in a drone strike in Yemen last year. Quso was the alleged planner of the bombing of the USS Cole in 2000, which killed 17 American sailors. ¶ Two of Thursday’s drone strikes reportedly hit Yemen’s eastern province of Hadramaut, where Yemeni authorities claimed AQAP was poised to take over the provincial capital Mukalla, a key sea port, and attack the Canadian-owned Mina al-Dhaba oil terminal nearby.¶ **“It’s not true at all,” Jamal said. “Al Qaeda does not attack places of public interest**.” **He accused the Yemeni government of “spreading this talk to justify the drone attacks by the U.S.”**¶ Jamal is not the only one doubting claims by Yemeni government officials.¶ “Along with many, **I’m skeptical of the reports that AQAP was about to seize ports** in Yemen,” Gregory Johnsen, a Princeton scholar and expert on Yemen, wrote on Twitter Wednesday.¶ “I second that,” responded Mohammed Albasha, a spokesman for the Yemeni embassy in Washington, contradicting the claims of the government he represents.¶ Earlier in the day Albasha wrote: “For the record: AQAP doesn’t have the manpower nor the capabilities to capture a city the size of Mukalla.”¶ Foreign-owned oil facilities and Western embassies have always been considered “legitimate” targets by AQAP, **Jamal** said, but he **questioned whether the threat was high enough now to prompt the current terror alert.¶** The U.S., Britain and other European governments evacuated non-essential personnel from Yemen earlier this week and the U.S. embassies in the region were shut due to an unspecified threat “emanating from the Arabian Peninsula.” Some U.S. officials have warned that it’s the greatest risk since the Sept. 11 attacks.¶ **“I don’t think Al Qaeda will do anything in the coming weeks because their military activities had been reduced** in Sanaa,” Jamal said. “A military operation would distract them from expanding into other areas, where it wants to increase its presence.” ¶ So **what is behind the threat?¶** “**Yemenis are asking the very same question and they can’t find an answer,”** Jamal said. “**Most of them don’t think it has anything to do with Al Qaeda,**” he said, echoing a popular theory in Sanaa that the U.S. has evacuated its citizens in advance of a planned military operation.

### 1NC Alt Cause

#### Lack of ANSF training is an alt cause — their article

**Kagan, 7/18**/2013 [Frederick W., Christopher DeMuth Chair and Director, Critical Threats Project, American Enterprise Institute, “The Continued Expansion of Al Qaeda Affiliates and their Capabilities”, Statement before the House Committee on Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade On “Global al-Qaeda: Affiliates, Objectives, and Future Challenges”, <http://www.criticalthreats.org/al-qaeda/kagan-continued-expansion-al-qaeda-affiliates-capabilities-july-18-2013>, BJM]

The war against al Qaeda is not going well. Afghanistan has seen the most success, since Coalition and Afghan National Security Forces (ANSF) have been able to prevent al Qaeda from re-establishing effective sanctuary in the places from which the 9/11 attacks were planned and launched. The killing of Osama bin Laden has not been followed-up in Pakistan with disruption to the leadership group there on the scale of operations that preceded the Abbottabad raid. Al Qaeda affiliates in Iraq, Syria, Yemen, and West Africa have dramatically expanded their operating areas and capabilities since 2009 and appear poised to continue that expansion. Progress against al Shabaab, the al Qaeda affiliate in Somalia, is extremely fragile and shows signs of beginning to unravel. New groups with al Qaeda leanings, although not affiliations, are emerging in Egypt, and old groups that had not previously been affiliated with al Qaeda, such as Boko Haram in Nigeria, appear to be moving closer to it. Current trends point to continued expansion of al Qaeda affiliates and their capabilities, and it is difficult to see how current or proposed American and international policies are likely to contain that expansion, let alone reduce it to 2009 levels or below. Americans must seriously consider the possibility that we are, in fact, starting to lose the war against al Qaeda. The policy debate about al Qaeda has been bedeviled by competing definitions of the group and, consequently, evaluations of the threat it poses to the United States, as Katherine Zimmerman shows in a major paper that will be forthcoming from the Critical Threats Project at the American Enterprise Institute (AEI) in September. Whereas the Bush Administration saw the group as a global network of cells, the Obama Administration has focused narrowly on the "core group" in Pakistan around bin Laden and, after his death, around his successor, Ayman al Zawahiri. The current administration has also labored to distinguish al Qaeda franchises that have the intent and capability to attack the United States homeland from those that do not, implying (or sometimes stating) that the U.S. should act only against the former while observing the latter to ensure that they do not change course.

**\*Stanford Stops Here\***

American airpower supporting local Afghan militias drove al Qaeda from its training bases near the major Afghan cities of Kandahar and Jalalabad in 2001, but the group retreated to mountain fastnesses near (but not over) the Pakistan border.  Since there is now some debate about the wisdom of introducing American ground forces into Afghanistan in the first place, it is worth remembering that only the operations of those (very limited) ground forces we deployed in 2002 actually drove al Qaeda out of Afghanistan almost entirely.  Although limited al Qaeda cells and individual (generally low-ranking) leaders have remained in Afghanistan (primarily in the extremely rugged and remote areas of Afghanistan's northeast), the leadership group never returned, nor have new training camps or bases been established.  The continued limited al Qaeda presence in Afghanistan and periodic statements by the group, however, indicate that it has not abandoned the desire to re-establish itself in its former strongholds.  Continued success in Afghanistan therefore requires ensuring that the ANSF remains strong and coherent enough to prevent al Qaeda from returning after the withdrawal of U.S. combat forces.

### 1NC Bioterror Solvency

#### Troops are insufficient to solve bioterror — your author

**Myhrvold 13** [Nathan, formerly Chief Technology Officer at Microsoft, is co-founder of Intellectual Ventures—one of the largest patent holding companies in the world, “Strategic Terrorism: A Call to Action”, The Lawfare Research Paper Series Research paper NO . 2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>, BJM]

Worries about the future of the human race are hardly novel. indeed, the notion that terrorists or others might use weapons of mass destruction is so commonplace as to be almost passé. spy novels, movies, and television dramas explore this plot frequently. We have become desensitized to this entire genre, in part because James Bond always manages to save the world in the end. reality may be different. in my estimation, the U.s. government, although well-meaning, is unable to protect us from the greatest threats we face. The other nations of the world are also utterly unprepared. even obvious and simple steps are not being taken. The gap between what is necessary and what is being contemplated, much less being done, is staggering. my appraisal of the present situation does not discount the enormous efforts of many brave men and women in law enforcement, intelligence services, and the military. These people are doing what they can, but the resources that we commit to defense and the gathering of intelligence are mostly squandered on problems that are far less dangerous to the american public than the ones we are ignoring. addressing the issue in a meaningful way will ultimately **require large structural changes in many parts of the government**. so far, however, our political leaders have had neither the vision to see the enormity of the problem nor the will to combat it. These weaknesses are not surprising: bureaucracies change only under extreme duress. and despite what some may say, the shocking attacks of september 11th, 2001, have not served as a wake-up call to get serious. given the meager response to that assault, every reason exists to believe that sometime in the next few decades america will be attacked on a scale that will make 9/11 look trivial by comparison. The goal of this essay is to present the case for making the needed changes before such a catastrophe occurs. The issues described here are too important to ignore.

### 1NC Bioterror Impact Defense

#### No risk of bioterror

**Leitenberg 5** (MILTON LEITENBERG is a senior research scholar at the University of Maryland and is the author of "Assessing the Biological Weapons and Bioterrorism Threat." LA Times – Feb 17th – lexis)

A pandemic flu outbreak of the kind the world witnessed in 1918-19 could kill hundreds of millions of people. The only lethal biological attack in the United States -- the anthrax mailings -- killed five. But the annual budget for combating bioterror is more than $7 billion, while Congress just passed a $3.8-billion emergency package to prepare for a flu outbreak. The exaggeration of the bioterror threat began more than a decade ago after the Japanese Aum Shinrikyo group released sarin gas in the Tokyo subways in 1995. The scaremongering has grown more acute since 9/11 and the mailing of anthrax-laced letters to Congress and media outlets in the fall of 2001. Now an edifice of institutes, programs and publicists with a vested interest in hyping the bioterror threat has grown, funded by the government and by foundations. Last year, for example, Senate Majority Leader Bill Frist described bioterrorism as "the greatest existential threat we have in the world today." But how could he justify such a claim? Is bioterrorism a greater existential threat than global climate change, global poverty levels, wars and conflicts, nuclear proliferation, ocean-quality deterioration, deforestation, desertification, depletion of freshwater aquifers or the balancing of population growth and food production? Is it likely to kill more people than the more mundane scourges of AIDS, tuberculosis, malaria, measles and cholera, which kill more than 11 million people each year? So what substantiates the alarm and the massive federal spending on bioterrorism? There are two main sources of bioterrorism threats: first, from countries developing bioweapons, and second, from terrorist groups that might buy, steal or manufacture them. The first threat is declining. U.S. intelligence estimates say the number of countries that conduct offensive bioweapons programs has fallen in the last 15 years from 13 to nine, as South Africa, Libya, Iraq and Cuba were dropped. There is no publicly available evidence that even the most hostile of the nine remaining countries -- Syria and Iran -- are ramping up their programs. And, despite the fear that a hostile nation could help terrorists get biological weapons, no country has ever done so -- even nations known to have trained terrorists.

### 1NC Bab Al Mandeb

#### Ethiopian collapse make their impact inevitable — your card

**Mountain 12** [Thomas, independent western journalist based in the Horn of Africa , Kavaz Center, “Could AQAP and al-Shabaab cause the death of the U.S.?”. News Fact Analysis, http://www.foreignpolicyjournal.com/2011/11/19/choke-point-bab-el-mandeb-understanding-the-strategically-critical-horn-of-africa/, BJM]

The Horn of Africa is one of the most strategically critical regions in the world with the narrow passage where the Red Sea joins the Indian Ocean, the Bab el-Mandeb, being a potential choke point for much of the worlds commerce, wrote in his article Thomas Mountain. Almost all of the trade between the European Union and China, Japan, India and the rest of Asia passes through the Bab el-Mandeb everyday. Up to 30% of the worlds oil, including all of the oil and natural gas from the Persian Gulf heading west passes through the Horn of Africa daily. Who controls the Horn of Africa controls a major chunk of the worlds economies. Mr. Mountain indicates that the CIA, MI6 and all the western intelligence agencies know all to well just how critical the Horn of Africa is. The journalist suggests the following scenario: Somalia (or Yemen) became a strong, united, independent, and well armed Islamic country, and seeing the NATO attack on Libya, declares that no EU or USA bound shipments of goods, oil or natural gas would be allowed to pass through the Bab el-Mandeb as long as NATO bombardments of Libya continue. How long would the EU economies be able to hold out without the energy supplies from the Persian Gulf or the vital Asian imports?, asks Mr. Mountain. Is it even conceivable that the USA and its NATO allies would allow a scenario such as this to develop? Understanding this is crucial to understanding why the western powers conduct such a criminal policy in the Horn of Africa, writes Mr. Mountain. The USA, still the worlds lone superpower, has a policy of using local enforcers, policemen on the beat, to do its dirty work in areas of the world of critical importance to its interests. In South America the USA uses Columbia as its local gendarme or strongman to try and keep the region in line. In West Africa the USA uses Nigeria, in the Middle East, "Israel" and in East Africa the main USA mafioso enforcer is Ethiopia. Every year the USA and its western underlings pour some $ 7 billion into keeping the Ethiopian regime headed by the former Marxist-Leninist guerilla leader Meles Zenawi afloat making Ethiopia one of the most aid dependent countries in the world and a rival to "Israel" as the largest recipients of western aid on the planet. For this the USA can order Meles Zenawi to send his army to invade Somalia in the name of the "War on Terror" in 2006. Earlier, in 2000, Ethiopia invaded Eritrea (see map), again at the urging of the USA. Today, the USA is paying the salaries of some 10,000 Ethiopian Army "peacekeepers" deployed around Abeye (see map), the oil producing region on the border between north and South Sudan. For these and other crimes in the service of Pax Americana Ethiopian Prime Minister Meles Zenawi has a permanent "get out of jail free" card, or blanket immunity. He has at least a billion dollars stashed in his mainly London bank accounts for the not so distant day when he boards his final flight out of Addis Ababa, writes Mr. Mountain. Whether it was former Brit PM Tony Blair anointing Meles Zenawi as chair of the short lived Africa Commission to the Obama White house arranging for Meles to stride the stage of the latest G-20 meeting of world leaders. With the largest, best equipped army in Africa, Ethiopia has a job to do and first and foremost it is to make sure that the region surrounding the Bab el-Mandeb choke point remains firmly under western control. For he who controls Bab el-Mandeb has his fingers around the throats of both the EU and Asia's economies. Today the USA's grip on the region is increasingly in doubt, for the Ethiopian regime is ever closer to the day of its demise and what comes after Meles Zenawi's departure could shake the world as we know it. Choke Point Bab el-Mandeb is **strategically critical** in today's world and just how important can be judged by how careful the western media is in covering the region. Almost nothing is allowed in the news that might hasten the day of Meles Zenawi's departure. Meles must stride the G-20 stage once again for all the world to see that he remains the anointed defender of western control of the Bab el-Mandeb, writes Mr. Mountain. **The day the USA loses control of the Bab el-Mandeb may** very well **mark the end of the USA's days as the worlds lone superpower and it's control of the world** as we know it.

### 1NC Econ Impact Defense

#### No econ impact

**Bennett and Nordstrom 2K**—department of political science at Penn State [D Scott and Timothy, The Journal of Conflict Resolution, 44:1, “Foreign policy substitutability and internal economic problems in enduring rivalries”, ProQuest]

Conflict settlement is also a distinct route to dealing with internal problems that leaders in rivalries may pursue when faced with internal problems. Military competition between states requires large amounts of resources, and rivals require even more attention. Leaders may choose to negotiate a settlement that ends a rivalry to free up important resources that may be reallocated to the domestic economy. In a "guns versus butter" world of economic trade-offs, when a state can no longer afford to pay the expenses associated with competition in a rivalry, it is quite rational for leaders to reduce costs by ending a rivalry. This gain (a peace dividend) could be achieved at any time by ending a rivalry. However, such a gain is likely to be most important and attractive to leaders when internal conditions are bad and the leader is seeking ways to alleviate active problems. Support for policy change away from continued rivalry is more likely to develop when the economic situation sours and elites and masses are looking for ways to improve a worsening situation. It is at these times that the pressure to cut military investment will be greatest and that state leaders will be forced to recognize the difficulty of continuing to pay for a rivalry. Among other things, this argument also encompasses the view that the cold war ended because the Union of Soviet Socialist Republics could no longer compete economically with the United States.

#### Their empirics are wrong

**Ferguson 6** [Niall, Laurence A. Tisch Professor of History at Harvard University and a Senior Fellow at the Hoover Institution at Stanford. The next war of the world, Foreign Affairs. V 85. No 5.]

Nor can economic crises explain the bloodshed. What may be the most familiar causal chain in modern historiography links the great depression to the rise of fascism and the outbreak of World War II. But the simple story leaves too much out. Nazi Germany started the war In Europe only after its economy had recovered. Not all the countries affected by the Great Depression were taken over by fascist regimes, nor did all such regimes start wars of aggression. In fact, **no general relationship between economics and conflict is discernible** for the

## Advantage Two

### AT: Heg Biz

#### Judicial deference to executive war powers high now

McCormack 13, Professor of Law at Utah

(8/20, Wayne, U.S. Judicial Independence: Victim in the “War on Terror”, today.law.utah.edu/projects/u-s-judicial-independence-victim-in-the-war-on-terror/

One of the principal victims in the U.S. so-called “war on terror” has been the independence of the U.S. Judiciary. Time and again, challenges to assertedly illegal conduct on the part of government officials have been turned aside, either because of overt deference to the Government or because of special doctrines such as state secrets and standing requirements. The judiciary has virtually relinquished its valuable role in the U.S. system of judicial review. In the face of governmental claims of crisis and national security needs, the courts have refused to examine, or have examined with undue deference, the actions of government officials.

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

Knott 13, Professor of National Security Affairs at the United States Naval War College

(8/22, Stephen F., War by Lawyer, www.libertylawsite.org/2013/08/22/war-by-lawyer/)

It is important to keep this in mind in light of the recent National Security Agency surveillance “scandal” which has led to calls for increased judicial oversight of the nation’s intelligence community. These calls, unfortunately, are not coming solely from the usual liberal suspects, but from conservatives who proclaim their devotion to the Constitution. This is an unfortunate turn of events, for if legislating from the bench is inappropriate in the domestic arena, it is completely unwarranted, and altogether dangerous, in the national security arena. This newfound appreciation for judicial activism from normally sober-minded conservatives can be seen in Senator Rand Paul’s (R-KY) and Representative Justin Amash’s (R-MI) proposal that class action lawsuits be filed against the National Security Agency in order to alter its practices. Paul recently announced that he would challenge “this [NSA surveillance] at the Supreme Court level. I’m going to be asking all the Internet providers and all of the phone companies, ask your customers to join me in a class-action lawsuit. If we get 10 million Americans saying ‘We don’t want our phone records looked at,’ then somebody will wake up and say things will change in Washington.” A program authorized by Congress, managed by the executive, and sanctioned by the FISA court will now be challenged by a class action lawsuit, mimicking the traditional liberal tactic of going to court when you cannot prevail in the political process. Additionally, Senator Patrick Leahy (D-VT), a longtime critic of the American intelligence community, has sponsored legislation with Senator Mike Lee (R-Utah) to “increase judicial review” of terrorist related surveillance requests. The FISA Accountability and Privacy Protection Act of 2013 would, as its sponsors put it, add more “meaningful judicial review” of requests by the government to intercept suspected terrorist communications. On top of this, President Obama has proposed that a “special advocate” be appointed to serve as an adversary to the government in FISA court proceedings. In other words, government officials will have to joust in front of a judge with a lawyer concerned about the civil rights of a suspected Al Qaeda sympathizer living in the United States. While it is not surprising that President Obama and Patrick Leahy would adopt these positions, it is surprising to see prominent Republicans, including potential 2016 GOP nominees, jumping on Pat Leahy’s bandwagon. Terrorist attacks directed from abroad are acts of war against the United States, requiring a response by the nation’s armed forces under the direction of the commander-in-chief. Unity in the executive is critical to the conduct of war, as Alexander Hamilton noted in The Federalist, and war by committee, especially a committee of lawyers, brings to armed conflict the very qualities that are the antithesis of Publius’s “decision, activity, secrecy, and dispatch.” The American military, with the assistance of the American intelligence community, fulfill the constitutional mandate to provide for the common defense. The nation’s defense establishment is not the Internal Revenue Service or the Department of Health and Human Services; if one dislikes the social welfare policies of the Obama administration or disagrees with President Obama for whatever reason, that is all well and good, but true conservatives should reject the principle that judicial review is applicable to the conduct of national defense. The founders understood that the decision to use force, the most important decision any government can make, were non-judicial in nature and were to be made by the elected representatives of the people. Nonetheless, for those weaned during an era when “privacy” was elevated to the be-all and end-all of the American experiment, the war power and related national security powers granted by the Constitution to the elected branches are trumped by modern notions of a limitless “right to privacy.” The civil liberties violations of the War on Terror are considered so egregious as to require the intervention of an appointed judiciary lacking any Constitutional mandate, and lacking the wherewithal, including information and staff, to handle sensitive national security matters. This is judicial activism at its worst and further evidence that the “political questions doctrine,” the idea of deferring to the elected branches of government on matters falling under their constitutional purview, is, for all practical purposes, dead (See the case of Totten vs. U.S., 1875, for an example of judicial deference to the elected branches on intelligence matters. This deference persisted until the late 20th century). Simply put, according to the Constitution and to almost 220 years of tradition, Congress and the President are constitutionally empowered, among other things, to set the rules regarding the measures deemed necessary to gather intelligence and conduct a war. One of the latest demands from advocates of increased judicial oversight is for a “targeted killing court.” In a similar vein, Senator Marco Rubio has called for the creation of a “Red Team” review of any executive targeting of American citizens, which would include a 15 day review process – “decision, activity, secrecy, and dispatch” be damned. A 15 day review process of targeting decisions would horrify Alexander Hamilton and all the framers of the Constitution. No doubt our 16th President would be horrified as well – imagine Abraham Lincoln applying for targeting permits on American citizens suspected of assisting the Confederacy. (“Today, we begin a 15 day review of case #633,721, that of Beauregard Birdwell of Paducah, Kentucky.”) War by lawyer might in the not too distant future include these types of targeting decisions, followed by endless appeals to unelected judges. All of this is a prescription for defeat. We are, sadly, almost at this point, for a new conception about war and national security has taken root in our increasingly legalistic society. We saw this during the Bush years when the Supreme Court for the first time in its history instructed the executive and legislative branches on the appropriate manner of treating captured enemy combatants. The Courts are now micromanaging the treatment of detainees at Guantanamo, to the point of reviewing standards for groin searches of captured Al Qaeda members. True conservatives understand the pitfalls of this legalism, especially of the ill-defined international variety. Conservatives should be especially alert to the dangers arising from elevating international law over the national interest as the standard by which to measure American conduct. The legalistic approach to the war on terror now being endorsed by prominent conservatives would cede presidential authority to executive branch lawyers and to their brethren in the judiciary who are playing a role they were never intended to play. Michael Scheuer, the former head of the CIA’s unit charged with tracking down Osama bin Laden, observed that “at the end of the day, the U.S. intelligence community is palsied by lawyers, and everything still depends on whether the lawyers approve it or not.” This is as far removed from conducting war, as Hamilton described it, with decision and dispatch, and with the “exercise of power by a single hand,” as one can get. War conducted by the courts is not only unconstitutional, it is, to borrow a phrase from author Philip K. Howard, part of the ongoing drift toward the death of common sense.

#### Court decisions spill over – military decisionmaking – YOUR AUTHOR

Chesney et al 10 – Senior Fellow of Governance Studies @ Brookings

(Robert, Benjamin Wittes – Senior Fellow of Governance Studies @ Brookings, Rabea Benhalim – Legal Fellow of Governance Studies @ Brookings, The Emerging Law of Detention: The Guantánamo Habeas Cases as Lawmaking, http://www.brookings.edu/research/papers/2010/01/22-guantanamo-wittes-chesney)

It is hard to overstate the resulting significance of these cases. They are more than a means to decide the fate of the individuals in question. They are also the vehicle for an unprecedented wartime law-making exercise with broad implications for the future. The law established in these cases will in all likelihood govern not merely the Guantánamo detentions themselves but any other detentions around the world over which American courts acquire habeas jurisdiction. What’s more, to the extent that these cases establish substantive and procedural rules governing the application of law-of-war detention powers in general, they could end up impacting detentions far beyond those immediately supervised by the federal courts. They might, in fact, impact superficially-unrelated military activities, such as the planning of operations, the selection of interrogation methods, or even the decision to target individuals with lethal force.

#### Executive control of warmaking is key to avoiding nuclear war and terrorism

Li 9 - J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University (Zheyao, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE)

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new. theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modern state] does not have a future in front of it.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

#### Soft power fails - empirics

Drezner 11

Daniel W. Drezner, Professor of International Politics at the Fletcher School of Law and Diplomacy at Tufts University, Foreign Affairs, July/August 2011, "Does Obama Have a Grand Strategy?", <http://www.foreignaffairs.com/print/67869>

What went wrong? The administration, and many others, erred in believing that improved standing would give the United States greater policy leverage. The United States' standing among foreign publics and elites did rebound. But this shift did not translate into an appreciable increase in the United States' soft power. Bargaining in the G-20 and the UN Security Council did not get any easier. Soft power, it turns out, cannot accomplish much in the absence of a willingness to use hard power. The other problem was that China, Russia, and other aspiring great powers did not view themselves as partners of the United States. Even allies saw the Obama administration's supposed modesty as a cover for shifting the burden of providing global public goods from the United States to the rest of the world. The administration's grand strategy was therefore perceived as promoting narrow U.S. interests rather than global public goods.

#### No heg impact

**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 U**nited **S**tates **was no less safe. The incidence and magnitude of global conflict declined while the U**nited **S**tates **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

## T

### AT: We Meet – “He Determines”

#### The aff is extra-topical – AUMF applies to things outside the resolution

Justice.gov 2006 (January 27, “THE NSA PROGRAM TO DETECT AND PREVENT TERRORIST ATTACKS

MYTH V. REALITY” <http://www.justice.gov/opa/documents/nsa_myth_v_reality.pdf>)

Myth: The NSA program is illegal. Reality: The President’s authority to authorize the terrorist surveillance program is firmly based both in his constitutional authority as Commander-in-Chief, and in the Authorization for Use of Military Force (AUMF) passed by Congress after the September 11 attacks. • As Commander-in-Chief and Chief Executive, the President has legal authority under the Constitution to authorize the NSA terrorist surveillance program. ¾ The Constitution makes protecting our Nation from foreign attack the President’s most solemn duty and provides him with the legal authority to keep America safe. ¾ It has long been recognized that the President has inherent authority to conduct warrantless surveillance to gather foreign intelligence even in peacetime. Every federal appellate court to rule on the question has concluded that the President has this authority and that it is consistent with the Constitution. ¾ Since the Civil War, wiretaps aimed at collecting foreign intelligence have been authorized by Presidents, and the authority to conduct warrantless surveillance for foreign intelligence purposes has been consistently cited and used when necessary. • Congress confirmed and supplemented the President's constitutional authority to authorize this program when it passed the AUMF. ¾ The AUMF authorized the President to use “all necessary and appropriate military force against those nations, organizations, or persons he determines planned, authorized, committed, or aided in the terrorist attacks that occurred on September 11, 2001.” ¾ In its Hamdi decision, the Supreme Court ruled that the AUMF also authorizes the “fundamental incident[s] of waging war.” The history of warfare makes clear that electronic surveillance of the enemy is a fundamental incident to the use of military force.

## AT: Heg Biz

### Legitimacy

#### Intervening in war powers destroys the judiciary’s prestige

McGinnis 1993 - Assistant Professor, Benjamin N. Cardozo School of Law (John O., “CONSTITUTIONAL REVIEW BY THE EXECUTIVE IN FOREIGN AFFAIRS AND WAR POWERS: A CONSEQUENCE OF RATIONAL CHOICE IN THE SEPARATION OF POWERS,” LAW AND CONTEMPORARY PROBLEMS Vol. 56: No. 4)

The interest the executive branch has in emphasizing the justification for military action premised on the president's authority to protect life and property is threefold: First, there is substantial historical precedent for unilateral executive action in this regard," and historical practice can become the focal point of an accommodation in much the same way that constitutional text can provide a focal point particularly when the text itself is silent or ambiguous on an issue." Second, given the widespread dispersion of U.S. citizens and property around the world, this justification will be available for a wide variety of actions; it could be invoked in instances as diverse as Grenada, Panama, and the protection of shipping in the Persian Gulf. Third and most importantly, the protection of U.S. lives and property offers a justification that the judiciary would be particularly wary of challenging. If the judiciary intervened, the prospect of specific lives at stake might well offer the executive a rationale for ignoring its order with the resulting incalculable harm to the judiciary's prestige. On the other hand, if the executive were to obey the order and lives were lost as a result, the judiciary's reputation would also be damaged. Thus, in emphasizing its obligation to protect U.S. lives and property, the executive branch not only asserts its authority but emphasizes the risks of judicial intervention to enforce the sixty-day cut-off.

### 2NC Courts Spillover Block (With XO)

#### Court interference into executive war powers spill over –

#### 1.) Litigation – the court asks follow-up questions

Andrew McCarthy 09, Director of the Center for Law & Counterterrorism at the Foundation for the Defense of Democracies. From 1985 through 2003, he was a federal prosecutor at the U.S. Attorney’s Office for the Southern District of New York, and was the lead prosecutor in the seditious conspiracy trial against Sheikh Omar Abdel Rahman and eleven others, described subsequently. AND Alykhan Velshi, a staff attorney at the Center for Law & Counterterrorism, where he focuses on the international law of armed conflict and the use of force, 8/20/09, “Outsourcing American Law,” AEI Working Paper, <http://www.aei.org/files/2009/08/20/20090820-Chapter6.pdf>

Empirically, judicial demands on executive branch procedural compliance, if unchecked, become steadily more demanding over time. The executive naturally responds by being more internally exacting to avoid problems. Progressively, executive compliance, initially framed and understood as a reasonably modest set of burdens to promote the integrity of judicial proceedings, becomes instead a consuming priority and expenditure, which, if permitted in the context of warfare, would inevitably detract from the military mission that is the bedrock of our national security. ¶ In the fore here, plainly, are such matters as discovery and confrontation rights. If the courts were given final authority, while hostilities are ongoing, to second-guess the executive’s decision to detain a combatant by scrutinizing reports that summarize the basis for detention, it is only a short leap to the court’s asking follow-up questions or determining that testimony, perhaps subject to cross-examination, is appropriate. Are we to make combat personnel available for these proceedings? Shall we take them away from the battle we have sent them to fight so they can justify to the satisfaction of a judge the capture of an alien enemy combatant that has already been approved by military commanders? Given the fog and anxiety of war, shall we expect them to render events as we would an FBI agent describing the circumstances of a domestic arrest? ¶ Nor is that the end of the intractable national security problems. What if capture was effected by our allies rather than our own forces (as was the case, for example, with the jihadist who was the subject of the Hamdi case)? Shall we try to compel affidavits or testimony from members of, say, the Northern Alliance? What kinds of strains will be put on our essential wartime alliances if they are freighted with requests to participate in American legal proceedings, and possibly compromise intelligence methods and sources – all for the purpose of providing heightened due process to the very terrorists who were making war on those allies? ¶ These are lines that Congress must draw. Leaving them for the courts themselves to sort out would place us on a path toward full-blown civilian trials for alien enemy combatants – the very outcome the creation of a new system was intended to avoid.

#### 2.) Precedent – future decisions build on the aff

Green ‘9

Craig, Associate Professor, Temple Law School; University Fellowship, Princeton History Department; J.D., Yale Law School, “Ending the Korematsu Era: A Modern Approach ,” http://works.bepress.com/cgi/viewcontent.cgi?article=1002&context=roger\_craig\_green

Another lesson from sixty years of wartime cases concerns the role of precedent itself in guiding presidential action. Two viewpoints merit special notice, with each having roots in opinions by Justice Jackson. On one hand is his explanation in Korematsu that courts must not approve illegal executive action: A military order, however unconstitutional, is not apt to last longer than the military emergency. . . . But once a judicial opinion . . . show[s] that the Constitution sanctions such an order, the Court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. The principle then lies about like a loaded weapon, ready for the hand of any authority that can bring forward a plausible claim of an urgent need. Every repetition imbeds that principle more deeply in our law and thinking and expands it to new purposes. . . . A military commander may overstep the bounds of constitutionality, and it is an incident. But if we review and approve, that passing incident becomes the doctrine of the Constitution. There it has a generative power of its own, and all that it creates will be in its own image.270 This “loaded weapon” idea is orthodox in analysis of Korematsu as a racist morality play. The passage is cited as evidence that Supreme Court precedents really matter, and that tragically racist errors retain their menacing power throughout the decades.271 Students are reminded that Korematsu has never been directly overruled, thereby inviting imagination that Korematsu itself is a loaded weapon just waiting for a President to grasp and fire.272 This conventional approach is incomplete. As we have seen, the first and decisive precedent supporting World War II’s racist policies was not Korematsu but Hirabayashi; thus, Jackson himself helped to “load” the doctrinal “weapon” over which he worried just a year later.273 Jackson’s willingness to eviscerate Hirabayashi in Korematsu only exemplifies (as if anyone could doubt it) that no Supreme Court decision can fiat a legal principle “for all time.”274 Past cases can be overruled, disfavored, ignored, or reinterpreted if the Court finds reason to do so, and this is effectively what has happened to Korematsu and Hirabayashi themselves in the wake of Brown, the civil rights era, and other modern history.275 Korematsu was a direct “repetition” of Hirabayshi’s racism for “expand[ed]” purposes, yet it only launched these two cases farther toward their current pariah status.276 A second perspective on war-power precedents is Jackson’s Youngstown concurrence, which rejected President Truman’s effort to seize steel mills and maintain output for the Korean War.277 Jackson’s opinion ends with selfreferential pessimism about judicial authority itself: I have no illusion that any decision by this Court can keep power in the hands of Congress if it is not wise and timely in meeting its problems. . . . If not good law, there was worldly wisdom in the maxim attributed to Napoleon that “The tools belong to the man who can use them.” We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.278 This “no illusion” realism about presidential authority views judicial limitations on the President as contingent on Congress’s political wisdom and responsiveness — without any bold talk about precedents as “loaded weapons” or stalwart shields. On the contrary, if taken seriously, Jackson’s opinion almost suggests that judicial decisions about presidential wartime activities are epiphenomenal: When Congress asserts its institutional prerogatives and uses them wisely, the executive might be restrained, but the Court cannot do much to swing that political balance of power. Jackson’s hardnosed analysis may seem intellectually bracing, but it understates the real-world power of judicial precedent to shape what is politically possible.279 Although Presidents occasionally assert their willingness to disobey Supreme Court rulings, actual disobedience of this sort is vanishingly rare and would carry grave political consequences.280 Even President Bush’s repeated losses in the GWOT did not spur serious consideration of noncompliance, despite strong and obvious support from a Republican Congress.281 Likewise, from the perspective of strengthening presidential power, Korematsu-era precedents clearly emboldened President Bush in his twenty-first-century choices about Guantanamo and military commissions.282 The modern historical record thus shows that judicial precedent can both expand and limit the operative sphere of presidential action. Indeed, the influence of judicial precedent is stronger than a court-focused record might suggest. The past sixty years have witnessed a massive bureaucratization and legalization of all levels of executive government.283 From the White House Counsel, to the Pentagon, to other entities addressing intelligence and national security issues, lawyers have risen to such high levels of governmental administration that almost no significant policy is determined without multiple layers of internal legal review.284 And these executive lawyers are predominantly trained to think — whatever else they may believe — that Supreme Court precedent is authoritative and binding.285 Some middle ground seems therefore necessary between the “loaded weapon” and “no illusion” theories of precedent. Although Supreme Court decisions almost certainly influence the scope of presidential war powers, such practical influence is neither inexorable nor timeless. A more accurate theory of war-power precedents will help explain why it matters that American case law includes a reservoir of Korematsu-era decisions supporting excessive executive war power, and will also suggest how lawyers, judges, and scholars might eviscerate such rulings’ force. Korematsu is the kind of iconic negative precedent that few modern lawyers would cite for its legal holding. Yet even as Korematsu’s negative valence is beyond cavil, the breadth and scope of that negativity are not clear. Everyone knows that Korematsu is wrong, yet like other legal icons — Marbury, Dred Scott, Lochner, Erie, and Brown — its operative meaning is debatable. Just as Korematsu was once an authoritative precedent and is now discredited, this Article has sought to revise Korematsu’s cultural meaning even further, transforming it from an isolated and irrelevant precedent about racial oppression to a broadly illuminating case about how courts supervise presidential war powers.

#### 3.) Chain of command – the plan disrupts the principle of unity of command by inserting the courts

Fenster et al ‘10

Herbert, Phillip Carter, MCKENNA LONG & ALDRIDGE LLP, “BRIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS AND DISMISSAL,” http://ccrjustice.org/files/Amicus\_Curiae\_Brief\_of\_VFW.pdf

“Unity of command,” and its corollary, “unity of effort,” are fundamental principles of warfare which are central to the effectiveness of Western militaries. See Carl von Clausewitz, On War 200-210 (Michael Howard & Peter Paret, ed. and trans., Princeton University Press 1976) (1832) (hereinafter “Clausewitz”). There “is no higher and simpler law of strategy” than to apply this principle in order to concentrate a nation’s military power its adversaries’ “center of gravity.” Id. at 204. This principle was first embraced by the American military during the 19th Century, and has subsequently shaped the organizational structure of American warfighting through two world wars and countless other conflicts. See James F. Schnabel, History of the Joints Chiefs of Staff, Vol. 1 at 80-87 (1996); Russell F. Weigley, History of the United States Army at 422-423 (Bloomington: Indiana University Press, 1984). Unity of command requires the integration of all combat functions into a single organizational element, with command authority vested in a single individual. See U.S. Joint Chiefs of Staff, Joint Pub. 3-0, Joint Operations at Appx. A, p. A-2 (2010), available at http://www.dtic.mil/doctrine/new\_pubs/jp3\_0.pdf. The U.S. military implements “unity of command” through its chain of command—a hierarchical organizational structure which transmits command authority from the President through the Secretary of Defense, through subordinate military officers, down to the lowest ranking soldier, sailor, airman or Marine on the frontlines of America’s armed conflicts. This chain of command serves important organizational purposes, by vesting command authority in individual officers who are responsible for specific missions, and are empowered to command their personnel to achieve those missions. The chain of command also supports important normative and legal policy purposes, such as the doctrine of “command responsibility,” which renders battlefield commanders responsible for all their units do or fail to do, whether they knew about such conduct, or should have known about it. See Application of Yamashita, 327 U.S. 1, 14-16 (1946); see also Army Field Manual 27-10, The Law of Land Warfare at ¶ 501 (1956) (stating U.S. Army doctrine on “command responsibility”). “Everything in war is very simple,” Clausewitz noted “Everything in war is very simple,” Clausewitz noted, “but the simplest thing is difficult.” Clausewitz at 119. The dangers of war, the fatigue of close combat, and the uncertainty which lurks within the fog of war, all combine to create a kind of “friction” which impedes the progress of armies. Id. A more contemporary author and veteran describes this fog: For the common soldier, at least, war has the feel, the spiritual texture, of a great ghostly fog, thick and permanent. There is no clarity. Everything swirls. The old rules are no longer binding, the old truths no longer true. Right spills over into wrong. Order blends into chaos, love into hate, ugliness into beauty, law into anarchy, civility into savagery. The vapor sucks you in. You can’t tell where you are, or why you’re there, and the only certainty is overwhelming ambiguity . . . . You lose your sense of the definite, hence your sense of truth itself. Tim O’Brien, The Things They Carried 88 (1990). The military chain of command is designed to counteract this fog and friction of war, by providing clarity of orders and purpose to individual soldiers and their units. Similarly, this organizational structure exists to impose some order on the behavior and actions of soldiers and units, aligning their conduct with national goals, framing their actions in the context of strategic and operational campaigns, and focusing their efforts on the missions which support these broader endeavors. It is this structure which differentiates the armed forces of a nation from an armed group of thugs, and which ensures that national armed forces conduct themselves in accordance with the laws of armed conflict. Cf. Annex to the Convention, Hague Convention No. IV Respecting the Laws and Customs of War on Land, art. 1, Oct. 18, 1907, 36 Stat. 2277, 205 Consol. T.S. 277; Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 4, Aug. 12, 1949, 6 U.S.T. 3316, T.I.A.S. No. 3364. Our nation’s military personnel depend on their chain of command to provide them with certainty, clarity and authority in the heat of battle. Into this ordered system, Plaintiff wishes to inject the uncertainty of the American adversarial litigation process, by seeking, inter alia, that this Court declare there is no armed conflict in Yemen, and that orders issued by the President in response to that conflict should be enjoined. Not only would this force the court to go far beyond the “limited institutional competence of the judiciary” by involving it in sensitive matters of national security, cf. Arar v. Ashcroft, 585 F.3d 559, 576 (2d Cir. 2009) (citations omitted), but this also would undermine the chain of command by literally interposing this Court between the President and his subordinate officers, thereby contravening the core doctrinal principle of “unity of command,” which has served American military forces in good stead since the Civil War. In asking the Court to hear this case, and to entertain the extraordinary remedy of injunctive relief against the President and his cabinet, the Plaintiff is asking the court to overturn the political judgment of the President and Congress that the nation is at war; that this war is an armed conflict against Al Qaeda; and that it is appropriate to use a blend of military, intelligence and diplomatic force to wage this war. All three branches of Government have decided that “[w]e are [] at war with al Qaeda and its affiliates.” Remarks of the President on National Security, May 21, 2009; see also Authorization for Use of Military Force (“AUMF”), Pub. L. No. 107-40, 115 Stat. 224 (2001); Hamdan v. Rumsfeld, 548 U.S. 557, 628-31 (2006). Political leaders from both political parties, over the course of two presidencies and five elected Congresses, have agreed upon, authorized, and appropriated funds for this war against Al Qaeda. It is a fundamental axiom among American strategists that, “[a]s a nation, the United States wages war employing all instruments of national power – diplomatic, informational, military, and economic.” U.S. Joint Chiefs of Staff, Joint Pub. 1, Doctrine for the Armed Forces of the United States at I-1 (2009), available at http://www.dtic.mil/doctrine/new\_pubs/jp1.pdf. Plaintiff would seek to overturn the considered judgment of this nation’s political leaders in choosing the national strategy for this war, including the Attorney General of the United States, who has written that, in this war against Al Qaeda, “we must use every weapon at our disposal . . . [including] direct military action, military justice, intelligence, diplomacy, and civilian law enforcement.” See Letter from Attorney General Eric H. Holder, Jr. to Sen. Mitch McConnell, February 3, 2010 (emphasis added). The relief requested by plaintiff is both extraordinary and inappropriate, and completely inconsistent with the strategic imperative for “unified action [which] ensures unity of effort focused on [national] objectives and leading to the conclusion of operations on terms favorable to the United States.” See Joint Pub. 1 at I-1.

### Perception

#### Perception of divided government – causes enemies to be emboldened

Posner and Vermeule, 10 - \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 60)

In this way, measures urged by the executive to cope with a crisis of unclear magnitude acquired a kind of self-created momentum. Rejection of those measures would themselves create a political crisis that might, in turn, reduce confidence and thus trigger or exacerbate the underlying financial crisis. A similar process occurred in the debates over the AUMF and the Patriot Act, where proponents of the bills urged that their rejection would send terrorist groups a devastating signal about American political willpower and unity, thereby encouraging more attacks. These political dynamics, in short, create a self-fulfilling crisis of authority that puts legislative institutions under tremendous pressure to accede to executive demands, at least where a crisis is even plausibly alleged. Critics of executive power contend that the executive exploits its focal role during crises in order to bully and manipulate Congress, defeating Madisonian deliberation when it is most needed. On an alternative account, the legislature rationally submits to executive leadership because a crisis can be addressed only by a leader. Enemies are emboldened by institutional conflict or a divided government; financial markets are spooked by it. A government riven by internal conflict will produce policy that varies as political coalitions rise and fall. Inconsistent policies can be exploited by enemies, and they generate uncertainty at a time that financial markets are especially sensitive to agents’ predictions of future government action. It is a peculiar feature of the 2008 financial crises that a damaged president could not fulfill the necessary leadership role, but that role quickly devolved to the Treasury secretary and Fed chair who, acting in tandem, did not once express disagreement publicly.

#### Leadership is key to diplomacy

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

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

### Warfighting Impact – Arctic

#### Credible warfighting key to deter Russia

Dowd, 11, Senior Fellow of the Fraser Institute

(The Big Chill: Energy Needs Fueling Tensions in the Arctic,” https://www.fraserinstitute.org/research-news/news/display.aspx?id=2147483979)

One reason a military presence will be necessary is the possibility of accidents caused by drilling and shipping. In addition, competition for Arctic resources could lead to confrontation. Adm. James Stavridis, who serves as NATO’s military commander, concedes that the Arctic could become “a zone of conflict” (UPI). To brace for that possibility and thwart Russia’s Arctic fait accompli, the United States, Canada, Denmark and Norway—all NATO members and Arctic nations—should follow the Cold War playbook: build up the assets needed to defend their interests, use those assets to deter aggression, and deal with Moscow from a posture of strength and unity. The challenge is to remain open to cooperation while bracing for worst-case scenarios. After all, Russia is not the Soviet Union. Even as Putin and his puppets make mischief, Moscow is open to making deals. Russia and Norway, for instance, recently resolved a long-running boundary dispute, paving the way for development in 67,000 square-miles of the Arctic. Moreover, the U.S., Russia, Canada, Denmark and Norway have agreed on Arctic search-and-rescue responsibilities (Cummins). In a world of increasingly integrated markets, we know there is much to gain from Arctic cooperation and much to lose from protracted military standoff. But we also know that dealing naively with Moscow carries a heavy cost—and that integration is a two-way street. “Russian leaders today yearn not for integration,” the Brookings Institution’s Robert Kagan concludes, “but for a return to a special Russian greatness.” In short, Russia is more interested in recreating the autarky of some bygone era than in the shared benefits of globalization. Framework for Partnership Dealing with Russia is about power. As Churchill once said of his Russian counterparts, “There is nothing they admire so much as strength, and there is nothing for which they have less respect than for weakness.” When the message is clear—or “hard and consistent,” to use Putin’s language—Russia will take a cooperative posture. When the message is unclear, Russia will take what it can get.

#### Arctic conflict goes nuclear

Wallace 10, Professor Emeritus at the University of British Columbia

(Ridding the Arctic of Nuclear Weapons A Task Long Overdue”, http://www.arcticsecurity.org/docs/arctic-nuclear-report-web.pdf)

The fact is, the Arctic is becoming a zone of increased military competition. Russian President Medvedev has announced the creation of a special military force to defend Arctic claims. Last year Russian General Vladimir Shamanov declared that Russian troops would step up training for Arctic combat, and that Russia’s submarine fleet would increase its “operational radius.” Recently, two Russian attack submarines were spotted off the U.S. east coast for the first time in 15 years. In January 2009, on the eve of Obama’s inauguration, President Bush issued a National Security Presidential Directive on Arctic Regional Policy. It affirmed as a priority the preservation of U.S. military vessel and aircraft mobility and transit throughout the Arctic, including the Northwest Passage, and foresaw greater capabilities to protect U.S. borders in the Arctic. The Bush administration’s disastrous eight years in office, particularly its decision to withdraw from the ABM treaty and deploy missile defence interceptors and a radar station in Eastern Europe, have greatly contributed to the instability we are seeing today, even though the Obama administration has scaled back the planned deployments. The Arctic has figured in this renewed interest in Cold War weapons systems, particularly the upgrading of the Thule Ballistic Missile Early Warning System radar in Northern Greenland for ballistic missile defence. The Canadian government, as well, has put forward new military capabilities to protect Canadian sovereignty claims in the Arctic, including proposed ice-capable ships, a northern military training base and a deep-water port. Earlier this year Denmark released an all-party defence position paper that suggests the country should create a dedicated Arctic military contingent that draws on army, navy and air force assets with shipbased helicopters able to drop troops anywhere. Danish fighter planes would be tasked to patrol Greenlandic airspace. Last year Norway chose to buy 48 Lockheed Martin F-35 fighter jets, partly because of their suitability for Arctic patrols. In March, that country held a major Arctic military practice involving 7,000 soldiers from 13 countries in which a fictional country called Northland seized offshore oil rigs. The manoeuvres prompted a protest from Russia – which objected again in June after Sweden held its largest northern military exercise since the end of the Second World War. About 12,000 troops, 50 aircraft and several warships were involved. Jayantha Dhanapala, President of Pugwash and former UN under-secretary for disarmament affairs, summarized the situation bluntly: “From those in the international peace and security sector, deep concerns are being expressed over the fact that two nuclear weapon states – the United States and the Russian Federation, which together own 95 per cent of the nuclear weapons in the world – converge on the Arctic and have competing claims. These claims, together with those of other allied NATO countries – Canada, Denmark, Iceland, and Norway – could, if unresolved, lead to conflict escalating into the threat or use of nuclear weapons.” Many will no doubt argue that this is excessively alarmist, but no circumstance in which nuclear powers find themselves in military confrontation can be taken lightly. The current geo-political threat level is nebulous and low – for now, according to Rob Huebert of the University of Calgary, “[the] issue is the uncertainty as Arctic states and non-Arctic states begin to recognize the geo-political/economic significance of the Arctic because of climate change.”

### AT: Heg/Legitimacy

#### Legitimacy’s inevitable and not key to heg

Brooks and Wohlforth, 9 (Stephen Brooks and William Wohlforth, both are professors of Government at Dartmouth, “Reshaping the world order: how Washington should reform international institutions,” Foreign Affairs, March-April)

FOR ANALYSTS such as Zbigniew Brzezinski and Henry Kissinger, the key reason for skepticism about the United States' ability to spearhead global institutional change is not a lack of power but a lack of legitimacy. Other states may simply refuse to follow a leader whose legitimacy has been squandered under the Bush administration; in this view, the legitimacy to lead is a fixed resource that can be obtained only under special circumstances. The political scientist G.John Ikenberry argues in After Victory that states have been well positioned to reshape the institutional order only after emerging victorious from some titanic struggle, such as the French Revolution, the Napoleonic Wars, or World War I or II. For the neoconservative Robert Kagan, the legitimacy to lead came naturally to the United States during the Cold War, when it was providing the signal service of balancing the Soviet Union. The implication is that today, in the absence of such salient sources of legitimacy, the wellsprings of support for U.S. leadership have dried up for good. But this view is mistaken. For one thing, it overstates how accepted U.S. leadership was during the Cold War: anyone who recalls the Euromissile crisis of the 1980s, for example, will recognize that mass opposition to U.S. policy (in that case, over stationing intermediaterange nuclear missiles in Europe) is not a recent phenomenon. For another, it understates how dynamic and malleable legitimacy is. Legitimacy is based on the belief that an action, an actor, or a political order is proper, acceptable, or natural. An action - such as the Vietnam War or the invasion of Iraq - may come to be seen as illegitimate without sparking an irreversible crisis of legitimacy for the actor or the order. When the actor concerned has disproportionately more material resources than other states, the sources of its legitimacy can be refreshed repeatedly. After all, this is hardly the first time Americans have worried about a crisis of legitimacy. Tides of skepticism concerning U.S. leadership arguably rose as high or higher after the fall of Saigon in 1975 and during Ronald Reagan's first term, when he called the Soviet Union an "evil empire." Even George W. Bush, a globally unpopular U.S. president with deeply controversial policies,oversaw a marked improvement in relations with France, Germany, and India in recent years - even before the elections of Chancellor Angela Merkel in Germany and President Nicolas Sarkozy in France. Of course, the ability of the United States to weather such crises of legitimacy in the past hardly guarantees that it can lead the system in the future. But there are reasons for optimism. Some of the apparent damage to U.S. legitimacy might merely be the result of the Bush administration's approach to diplomacy and international institutions. Key underlying conditions remain particularly favorable for sustaining and even enhancing U.S. legitimacy in the years ahead. The United States continues to have a far larger share of the human and material resources for shaping global perceptions than any other state, as well as the unrivaled wherewithal to produce public goods that reinforce the benefits of its global role. No other state has any claim to leadership commensurate with Washington's. And largely because of the power position the United States still occupies, there is no prospect of a counterbalancing coalition emerging anytime soon to challenge it. In the end, the legitimacy of a system's leader hinges on whether the system's members see the leader as acceptable or at least preferable to realistic alternatives. Legitimacy is not necessarily about normative approval: one may dislike the United States but think its leadership is natural under the circumstances or the best that can be expected. Moreover, history provides abundant evidence that past leading states - such as Spain, France, and the United Kingdom - were able to revise the international institutions of their day without the special circumstances Ikenberry and Kagan cite. Spainfashioned both normative and positive laws to legitimize its conquest of indigenous Americans in the early seventeenth century; France instituted modern concepts of state borders to meet its needs as Europe's preeminent land power in the eighteenth century; and the United Kingdom fostered rules on piracy, neutral shipping, and colonialism to suit its interests as a developing maritime empire in the nineteenth century. As Wilhelm Grewe documents in his magisterial The Epochs of International Law, these states accomplished such feats partly through the unsubtle use of power: bribes, coercion, and the allure oflucrative long-term cooperation. Less obvious but often more important, the bargaining hands of the leading states were often strengthened by the general perception that they could pursue their interests in even less palatable ways - notably, through the naked use of force. Invariably, too, leading states have had the power to set the international agenda, indirectly affecting the development of new rules by defining the problems they were developed to address. Given its naval primacy and global trading interests, the United Kingdom was able to propel the slave trade to the forefront of the world's agenda for several decades after it had itself abolished slavery at home, in 1833. The bottom line is that the UnitedStates today has the necessary legitimacy to shepherd reform of the international system.

## Terror

### Extension – Secrecy Link

#### The plan collapses intelligence gathering – causes sources to dry up

Delery et al. 2012 - Principal Deputy, Assistant Attorney General, Civil Division, DOJ Principal Deputy, Assistant Attorney General, Civil Division, STUART F. DELERY Defendants' Motion to Dismiss, United States' Statement of Interest, Case 1:12-cv-01192-RMC Document 18 Filed 12/14/12 Page 1 of 58, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, 12/14/2012

Third. Plaintiffs' claims raise the specter of disclosing classified intelligence information in open court. The D.C. Circuit has recognized that "the difficulties associated with subjecting allegations involving CIA operations and covert operatives to judicial and public scrutiny" are pertinent to the special factors analysis. Wilson, 535 F.3d at 710. In such suits, "'even a small chance that some court will order disclosure of a source's identity could well impair intelligence gathering and cause sources to close up like a clam."'1 Id. (quoting Tenet v. Doe, 544 U.S. 1,11 (2005)). And where litigation of a plaintiffs allegations "would inevitably require an inquiry into "classified information that may undermine ongoing covert operations,"\* special factors apply. Wilson, 535 F.3d at 710 (quoting Tenet, 544 U.S. at 11). See also Vance, 2012 WL 5416500 at "8 ("When the state-secrets privilege did not block the claim, a court would find it challenging to prevent the disclosure of secret information.11); Lebron, 670 F.3d at 554 (noting that the "chilling effects on intelligence sources of possible disclosures during civil litigation and the impact of such disclosures on military and diplomatic initiatives at the heart of counterterrorism policy1' are special factors); Arar, 585 F.3d at 576 (holding that the risk of disclosure of classified information is a special factor in the "extraordinary rendition" context).

#### Intelligence is key to the success of drone strikes and general counterterror methods

Anderson 2013 - senior fellow in Governance Studies at Brookings and a professor of law at American University (May 24, Kenneth, “The Case for Drones” <http://www.realclearpolitics.com/articles/2013/05/24/the_case_for_drones_118548.html>)

Are drone technology and targeted killing really so strategically valuable? The answer depends in great part not on drone technology, but on the quality of the intelligence that leads to a particular target in the first place. The drone strike is the final kinetic act in a process of intelligence-gathering and analysis. The success—and it is remarkable success—of the CIA in disrupting al-Qaeda in Pakistan has come about not because of drones alone, but because the CIA managed to establish, over years of effort, its own ground-level, human-intelligence networks that have allowed it to identify targets independent of information fed to it by Pakistan’s intelligence services. The quality of drone-targeted killing depends fundamentally on that intelligence, for a drone is not much use unless pointed toward surveillance of a particular village, area, or person. It can be used for a different kind of targeting altogether: against groups of fighters with their weapons on trucks headed toward the Afghan border. But these so-called signature strikes are not, as sometimes represented, a relaxed form of targeted killing in which groups are crudely blown up because nothing is known about individual members. Intelligence assessments are made, including behavioral signatures such as organized groups of men carrying weapons, suggesting strongly that they are “hostile forces” (in the legal meaning of that term in the U.S. military’s Standing Rules of Engagement). That is the norm in conventional war.

# 1NR

### Nuke

**Their Allison ev says nobody gives it to them**

**Probability is one in 3.5 billion**

**Schneidmiller 9** (Chris, Experts Debate Threat of Nuclear, Biological Terrorism, 13 January 2009, http://www.globalsecuritynewswire.org/gsn/nw\_20090113\_7105.php)

There is an "almost **vanishingly small" likelihood** that terrorists would ever be able to acquire and detonate a nuclear weapon, one expert said here yesterday (see GSN, Dec. 2, 2008). In even the most likely scenario of nuclear terrorism, there are 20 barriers between extremists and a successful nuclear strike on a major city, said John Mueller, a political science professor at Ohio State University. The process itself is seemingly straightforward but exceedingly difficult -- buy or steal highly enriched uranium, manufacture a weapon, take the bomb to the target site and blow it up. Meanwhile, variables strewn across the path to an attack would increase the complexity of the effort, Mueller argued. Terrorists would have to bribe officials in a state nuclear program to acquire the material, while avoiding a sting by authorities or a scam by the sellers. The material itself could also turn out to be bad. "Once the purloined material is purloined, [police are] going to be chasing after you. They are also going to put on a high reward, extremely high reward, on getting the weapon back or getting the fissile material back," Mueller said during a panel discussion at a two-day Cato Institute conference on counterterrorism issues facing the incoming Obama administration. Smuggling the material out of a country would mean relying on criminals who "are very good at extortion" and might have to be killed to avoid a double-cross, Mueller said. The terrorists would then have to find scientists and engineers willing to give up their normal lives to manufacture a bomb, which would require an expensive and sophisticated machine shop. Finally, further technological expertise would be needed to sneak the weapon across national borders to its destination point and conduct a successful detonation, Mueller said. Every obstacle is "difficult but not impossible" to overcome, Mueller said, putting the chance of success at no less than one in three for each. The likelihood of successfully passing through each obstacle, in sequence, would be **roughly** one in 3 1/2 billion, he said, but for argument's sake dropped it to 3 1/2 million. "It's a total gamble. This is a very expensive and difficult thing to do," said Mueller, who addresses the issue at greater length in an upcoming book, Atomic Obsession. "So unlike buying a ticket to the lottery ... you're basically putting everything, including your life, at stake for a gamble that's maybe one in 3 1/2 million or 3 1/2 billion." Other scenarios are even less probable, Mueller said. A nuclear-armed state is "exceedingly unlikely" to hand a weapon to a terrorist group, he argued: "States just simply won't give it to somebody they can't control." Terrorists are also not likely to be able to steal a whole weapon, Mueller asserted, dismissing the idea of "loose nukes." Even Pakistan, which today is perhaps the nation of greatest concern regarding nuclear security, keeps its bombs in two segments that are stored at different locations, he said (see GSN, Jan. 12). Fear of an "extremely improbable event" such as nuclear terrorism produces support for a wide range of homeland security activities, Mueller said. He argued that there has been a major and costly overreaction to the terrorism threat -- noting that the Sept. 11 attacks helped to precipitate the invasion of Iraq, which has led to far more deaths than the original event. Panel moderator Benjamin Friedman, a research fellow at the Cato Institute, said academic and governmental discussions of acts of nuclear or biological terrorism have tended to focus on "worst-case assumptions about terrorists' ability to use these weapons to kill us." There is need for consideration for what is probable rather than simply what is possible, he said. Friedman took issue with the finding late last year of an experts' report that an act of WMD terrorism would "more likely than not" occur in the next half decade unless the international community takes greater action. "I would say that the report, if you read it, actually offers no analysis to justify that claim, which seems to have been made to change policy by generating alarm in headlines." One panel speaker offered a partial rebuttal to Mueller's presentation. Jim Walsh, principal research scientist for the Security Studies Program at the Massachusetts Institute of Technology, said he agreed that nations would almost certainly not give a nuclear weapon to a nonstate group, that most terrorist organizations have no interest in seeking out the bomb, and that it would be difficult to build a weapon or use one that has been stolen.

### 1NR O/V

#### Trade collapse causes GLOBAL WAR --- tit for tat retaliation decks global relations and causes regimes to be isolated ---

#### Trade solves the case --- interdependence stops war

#### Turns terror

**O’Driscoll and Fitzgerald 3** – Director and Trade Policy Analyst in the Center for International Trade and Economics at the Heritage Foundation **(**Gerald and Sara, Former, Heritage Backgrounder #1617, “Trade Brings Security”, Feburary 11 03, http://www.cato.org/pub\_display.php?pub\_id=3006)

Here's a fact that could throw a wrench into the next anti-globalization march (and the next call to arms): The free trade that protestors decry promotes more than just prosperity. A growing body of research suggests it also promotes something much closer to their hearts: Peace. The evidence has become so strong that President Bush has used it to show why a liberal trade policy is a necessary part of a strong national defense. The latest "National Security Strategy of the United States of America" says free trade and open markets can be as important to securing the peace for the long run as robust military funding.The document represents new thinking in the government that U.S. security depends on economic success in other countries, that economic and political repression breed poverty, frustration and resentment, and that open markets -- as well as open governments and open societies -- can alleviate the causes of the terrorist threat against the West. It is not that poverty causes terrorism. The 19 hijackers of Sept. 11 were chiefly middle class in origin, with 15 coming from oil-rich Saudi Arabia. But the conditions that produce poverty -- lack of economic freedom -- also produce the sense of hopelessness and despair that breeds resentment. Terrorist organizations exploit the situation to recruit new members. Meanwhile, the leaders of these countries blame the United States rather than accept responsibility for the policies impoverishing their own people. As the Bush administration put it in its National Security Strategy document, "economic growth supported by free trade and free markets creates new jobs and higher incomes. It allows people to lift their lives out of poverty, spurs economic and legal reform, and the fight against corruption, and it reinforces the habits of liberty."Helping the poor of the world prosper and reinforcing "the habits of liberty" certainly is an attractive alternative to a permanent war against radical Islam. And it would be far less costly.

#### Debt ceiling turns the economy --- causes downgrade, destroys investor confidence, and a T-Bond flight

#### Trade solves heg

**O’Driscoll 2** – Former Director at the Center for International Trade and Economics at the Heritage Foundation (Gerald, December 18, “Trade Promotes Prosperity and Security” Backgrounder, [www.heritage.org/Research/TradeandForeignAid/BG1617.cfm](http://www.heritage.org/Research/TradeandForeignAid/BG1617.cfm), RG)

It is fitting that economic freedom be included as part of the national security strategy. A strong economy undergirds a strong national defense, and the strong U.S. economy is one source of the military strength of the United States. The national security strategy also argues, however, that the economic strength of other friendly countries will enhance U.S. security. Economic freedom sustains economic growth and wealth creation. Free markets foster the spirit of entrepreneurship and innovation that creates new products and jobs. This creative economic process in turn generates higher incomes, savings and wealth creation, and economic development in nations. According to the Office of the U.S. Trade Representative, for instance, the North American Free Trade Agreement and the Uruguay Round together "generate annual benefits of $1,300-$2,000 for the average American family of four."8 Such benefits equal more than $100 per month and would greatly assist struggling families throughout the world. According to a World Bank study, "growth generally does benefit the poor as much as everyone else, so that the growth-enhancing policies of good rule of law, fiscal discipline, and openness to international trade should be at the center of successful poverty reduction strategies."9 Chapter VI of the Administration's national security strategy describes the process succinctly: "Ignite a New Era of Global Economic Growth Through Free Markets and Free Trade." Specifically: A strong world economy enhances our national security by advancing prosperity and freedom in the rest of the world. Economic growth supported by free trade and free markets creates new jobs and higher incomes. It allows people to lift their lives out of poverty, spurs economic and legal reform, and the fight against corruption, and it reinforces the habits of liberty.10

**Debt ceiling means we don’t fund the military**

**Army Times 1/13,** <http://www.armytimes.com/article/20130114/BENEFITS/301140334/Troop-pay-threatened-by-debt-ceiling-standoff>

Federal employees and **military service members will not get paid if Congress does not raise the debt ceiling**, President Obama said Monday.

The **government also would not be able to honor its contracts with small-business owners, and Social Security checks and benefits for veterans would be delayed**, Obama said during a news conference.

**It U.S. leadership**

**Bhat, 9/29** (Devika, 9/29/2013, thetimes.co.uk, “US Government shutdown looms: Pentagon warns of national security threat,” Factiva))

Chuck **Hagel slammed the congressional impasse as “an astoundingly irresponsible way to govern". “When you look at the greatest democracy in the world, the largest economy in the world, and we’re putting our people through this — that’s not leadership, that’s abdication of responsibilities,"** the Defence Secretary said. As both sides traded insults, **observers warned that the stalemate boded ill for an even more alarming looming fiscal crisis**. The US is expected to run out of its ability to meet its debts on October 17 unless the limit is increased.

#### Protectionism destroys heg --- creates a “shock to the system” that’s their scenario --- Pazner says it emboldens enemies

**Turns soft power --- Pazner says it causes nationalism which decks cooperation**

### AT: Heg S

#### Disad turns heg not the other way around --- it’s just a question of TIMEFRAME --- the debt ceiling vote is in 3 weeks

### Obama strat bad

**Maintaining a CONSTANT FOCUS on his fiscal battles with Republicans will ensure a successful outcome**

**Millbank, 9/27** (Dana, 9/27/2013, “Obama should pivot to Dubya’s playbook,” <http://articles.washingtonpost.com/2013-09-27/opinions/42446718_1_president-obama-house-republicans-debt-limit>))

**If** President **Obama can stick to his guns, he will win his October standoff with Republicans.**

That’s an awfully big “if.”

This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning:

Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd.

But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered.

**Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it.** His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone.

Now come the budget showdowns, which could define the rest of his presidency. **Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase**, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions.

But **Obama has a path to victory**. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare.

**To beat the Republicans, Obama might follow the example of** a Republican, George W. **Bush**. Whatever you think of what he did, **he knew how to get it done: by simplifying his message and repeating it, ad nauseam, until he got the result he was after**.

**Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy**, or to health care. But **the way to pressure Congress is to be President One Note**.

**In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the** **U**nited **S**tates. That’s as good a theme as any; **it matters less what the message is than that he delivers it consistently**.

The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.”

This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers.

Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.) accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post’s Ed O’Keefe caught Cruz “appearing to snicker” as his colleague spoke — more smug teenager than legislator.

**Even if his opponents are making things easier for him, Obama still needs to stick to his message.** As in Syria, the president has drawn a “red line” by saying he won’t negotiate with those who would put the United States into default. **If he retreats, he will embolden his opponents and demoralize his supporters**.

**Cancelled Asia trip proves the uniqueness and importance of focus**

**Cohen, et. al, 10/4** (Tom Cohen. Deirdre Walsh and Ed Payne, 10/4/2013, CNN Wire, “Hope for debt limit deal rises while shutdown standoff remains mired,” Factiva))

Obama out of APEC meeting

Meanwhile, **with his focus on the brewing domestic crisis, Obama canceled his trip to** the **Asia**-Pacific Economic Cooperation summit in Bali, Indonesia.

**"The president made this decision based on** the difficulty in moving forward with foreign travel in the face of a shutdown, and **his determination to continue pressing his case that Republicans should immediately allow a vote to reopen the government**," a statement from the White House said.

Instead, Secretary of State John Kerry will lead the U.S. delegation in Asia.

**All other issues have to be set aside to resolve fiscal crises --- the plan disrupts critical focus**

**Bowman, 9/26** (Michael, 9/26/2013, Voice of America Press Releases and Documents, “Fiscal Fights Snarl US Congress, Imperil Other Legislation,” Factiva))

CAPITOL HILL - With no clear path to avoid a U.S. government shutdown October 1, U.S. congressional leaders already are bracing for the next fight: to raise the federal borrowing limit before the United States hits its debt ceiling in mid-October. **While partisan fiscal battles risk economic damage, they also monopolize lawmakers' time and push other congressional business to the side.**

Democratic Congressman Jared Polis said the Republican-controlled House of Representatives should be working to reform America's immigration system rather than engaging in damaging fights centered on President Barack Obama's health care law.

"This body has not spent one minute on the floor in consideration of an immigration reform bill. Not one minute. A lot of time on nothing, nothing, nothing. We need to act on so many pressing national issues," said Polis.

Frustration is not limited to Democrats. Republican Senator Chuck **Grassley said there are many issues that deserve Congress' attention**. "Tax reform. A constitutional amendment requiring a balanced budget. A farm bill."

But with Congress already mired in a partisan fight to keep the government running, another battle is brewing. Thursday, House Speaker John Boehner said Republicans have conditions for raising the U.S. borrowing cap.

"We are going to introduce a plan that ties important spending cuts and pro-growth reforms to a debt-limit increase," said Boehner.

Failure to hike the borrowing limit could trigger a default and another downgrade of U.S. creditworthiness. Boehner's announcement was immediately blasted by Democratic Senator Richard Durbin. "If they [House Republicans] stand by their position and do not give us a clean extension of the debt ceiling, the victims will include all employees across America."

At the White House, spokesman Jay Carney repeated President Obama's refusal to negotiate on the debt ceiling.

**The bottom line? Congress and the White House are focused on two fiscal battles that will extend well into next month**. Even if a shutdown is averted, spending authority is only expected to be extended for two to three months, setting the stage for another spending showdown near the end of the year.

**"It pushes everything off the table," said political analyst** Stuart **Rothenberg**. **"The Congress has had a difficult time over the past few years raising the debt ceiling, dealing with budgets and spending, and keeping the government open. We are really going to have a legislative logjam here."**

One possible casualty is immigration reform. Conventional wisdom holds that Congress must act this year if reform is to succeed, since lawmakers will shy from casting politically-charged votes ahead of the 2014 mid-term elections.

**Political pressure from Obama is yielding progress --- GOP starting to crack**

**Lowrey & Parker, 10/4** (Annie Lowrey and Ashley Parker, 10/4/2013, International Herald Tribune, “Republican said to soften stance on debt limit; Speaker signals openness to deal as Obama steps up push for resolution,” Factiva))

As the **Obama** administration on Thursday **sharply stepped up the volume in its tense fiscal battle with Republicans**, with warnings from the president and the Treasury that a debt default could have a catastrophic global impact, a key Republican sent a message that he would not let that happen.

The twin warnings came from a Treasury Department report and a muscularly worded speech from President Obama, who said that unless Congress acted soon, ‘‘the whole world will have problems.’’

But **in a potentially critical development**, the speaker of the House, Representative John A. **Boehner** of Ohio, **told colleagues in a closed-door meeting that he was determined to prevent a federal default and was willing to pass a measure through a combination of Republican and Democratic votes**, according to a lawmaker who was there. Other Republicans said they had the same sense of his intentions.

The Treasury Department, in a report issued on Thursday, said the impasse over raising the debt limit, when the government runs out of money to service its debts at mid-month, could cause credit markets to freeze, the dollar to plummet and interest rates to rise sharply.

A default, the report said, could potentially result ‘‘in a financial crisis and recession that could echo the events of 2008 or worse,’’ with results — including higher interest rates, reduced investment, higher debt payments and slower growth — that ‘‘could reverberate around the world.’’ The impact, it says, ‘‘could last for more than a generation.’’

The report comes as **the White House has been steadily building up pressure on Congress to leave the statutory debt limit out of the broader negotiations over the budget and the health care law** that led early Tuesday to a government shutdown.

**As the stakes grew higher and the public began feeling the impact of the shutdown, there were signs, both public and private, of growing division within the Republican Party both over the shutdown and the debt limit.**

The lawmaker who reported on Mr. Boehner’s comment, speaking on the condition of anonymity, said the speaker had said he would be willing to violate the so-called Hastert rule if necessary to pass a debt limit increase. The informal rule refers to a policy of not bringing to the floor any measure that does not have a majority of Republican votes.

A spokesman for Mr. Boehner pushed back on the idea that the speaker would try to pass a debt-limit increase mainly with Democratic votes, but acknowledged that the speaker understood the need to head off a default.

‘‘The speaker always, always prefers to pass legislation with a strong Republican majority,’’ said the spokesman, Michael Steel.

**Other Republicans also said Thursday that they got the sense that** Mr. **Boehner would do whatever was necessary to ensure that the country did not default on its debt**.

Representative Michael G. Fitzpatrick, Republican of Pennsylvania, who was one of just 22 House Republicans this year who helped Mr. Boehner pass three crucial bills with a majority of Democratic support — to avert a fiscal showdown, to provide relief for the victims of Hurricane Sandy and to pass the Violence Against Women Act — said he expected that he might be asked to do so again.

‘‘Hurricane Sandy, the fiscal cliff, all of the big votes require reasonable Republicans and Democrats to come together in order to pass it and get it to the president’s desk,’’ Mr. Fitzpatrick said. ‘‘This will be no different.’’

**GOP will cave**

**Cohen, et. al, 10/4** (Tom Cohen. Deirdre Walsh and Ed Payne, 10/4/2013, CNN Wire, “Hope for debt limit deal rises while shutdown standoff remains mired,” Factiva))

WASHINGTON (CNN) -- House Speaker John Boehner and fellow GOP lawmakers meet to discuss the government shutdown Friday, a day after the Republican leader reportedly told fellow legislators that he won't allow the United States to default on its debt.

Congressional Republicans remain divided over how to structure legislation to raise the nation's borrowing level, and with only two weeks before the debt ceiling deadline, there is still no plan to avoid a default.

But **at a meeting** Wednesday **with House GOP members, Boehner said he would not allow a default to happen, even if it means getting help from Democrats**, according to a Republican House member who requested anonymity to talk about the private meeting.

A Boehner aide said Thursday that the speaker "has always said the United States will not default on its debt, so that's not news."

Democratic Sen. Charles **Schumer** of New York **cheered the prospect of the GOP leader refusing to block at least this measure**, which President Barack Obama and his fellow Democrats strongly support.

**"This could be the beginnings of a significant breakthrough,"** Schumer said in a statement. "Even coming close to the edge of default is very dangerous, and **putting this issue to rest significantly ahead of the default date would allow everyone in the country to breathe a huge sigh of relief."**

The potential breakthrough -- at least on the debt limit -- came two weeks before the government is set to run out of money to cover its roughly $16.7 trillion debt. If the debt ceiling isn't bumped up, the country goes into default.

Conservative Republicans want budget cuts in exchange for upping the credit limit.

Boehner wrote this week in USA Today that "there is no way Congress can or should pass (a debt ceiling increase) without spending cuts and reforms to deal with the debt and deficit and help get our economy moving again."

He accused the president of refusing to negotiate; Obama and Democratic leaders have since said they are open to talks on any and all budgetary matters, but only after the government is reopened.

**AT: Boehner Doesn’t Really Want to Cooperate**

**Key indicators prove Boehner’s flexible**

**Sargent, 10/4** (Greg, 10/4/2013, Washington Post.com, “John Boehner gives away the game (a bit),” Factiva))

Multiple reports today inform us that John Boehner is privately telling colleagues that in the end, he won't allow default and will even let a debt ceiling hike pass with mostly Dem votes if it comes down to it. Plenty of folks are rightly skeptical about this development. But it's not entirely without significance.

The Post's account points out that this may be a trial balloon designed to gauge how this will play with conservatives. Meanwhile, **a spokesman for Boehner has been reiterating that Boehner does not intend to allow default, even as that spokesman is simultaneously reiterating that he will expect concessions in exchange for raising the debt limit, anyway.** Why? Because a "clean" debt limit cannot pass the House.

This is a variation on the glaring absurdity that's been at the heart of Boehner's position for some time, i.e, the simultaneous insistence that he knows the debt limit hike must happen -- and that the contrary is not an option -- even as he asks us to grant the presumption that the prospect of default gives him leverage. The twist added here is that this leverage is derived from the fact that only way to avert default is for Dems to give up enough in concessions so a high enough number of Republicans will vote to raise the debt limit to get it through. The game is that Boehner knows it must be raised -- wink, wink -- but all those crazies in his caucus will need some goodies to get them to go along.

Note these details from the Post's write up:

In a series of small-group meetings in his office suite, Boehner has told fellow Republicans that he will not permit a vote on a "clean" short-term spending bill that does not end or delay parts of the new federal health-care law. But the aides indicated that Boehner is willing to risk infuriating some of the most conservative House GOP lawmakers by relying on a majority of Democratic votes — and less than a majority of Republicans — to pass a debt-ceiling increase.

What still needs to be nailed down is whether Boehner is prepared to allow a vote on a "clean" debt ceiling increase. Quotes from his spokespeople suggest not, but on the other hand, if a debt ceiling increase is going to pass with mostly Dems, it would have to be clean. More clarification here would be useful.

**More broadly, what seems to be going on here is that this is Boehner's "big give,"** as one Dem aide put it to me sarcastically. **Boehner is signaling flexibility in the sense that he just may be willing to give Dems the "clean" debt ceiling increase they want, but only in a larger context where Dems will be expected to make concessions in exchange for keeping the government open.** In other words, whether or not Boehner ends up being open to a "clean" debt ceiling vote, the larger picture will remain that Democrats will still have to hand over a series of concessions in exchange for GOP cooperation in returning us to something resembling governing normalcy.

So in one sense, this isn't much of a concession. On the other hand, **the mere fact that Boehner sees a need to telegraph nominal flexibility to begin with could be a key tell. With Obama warning that Wall Street should take the possibility of default seriously, Boehner seems to see a need to underscore, again, that he will not allow default** under any circumstances, and that keeping alive any doubts about this is politically untenable. Dems will look at this and probably only be even more encouraged to hold to a hard line on both the government shutdown and the debt limit. Boehner's trial balloon is also useful in the sense that it makes the glaring absurdity that's always been at the heart of his position even more glaringly absurd.

**Boehner is willing to compromise**

**Lowrey & Parker, 10/4** (Annie Lowrey and Ashley Parker, 10/4/2013, International Herald Tribune, “Republican said to soften stance on debt limit; Speaker signals openness to deal as Obama steps up push for resolution,” Factiva))

As the Obama administration on Thursday sharply stepped up the volume in its tense fiscal battle with Republicans, with warnings from the president and the Treasury that a debt default could have a catastrophic global impact, a key Republican sent a message that he would not let that happen.

The twin warnings came from a Treasury Department report and a muscularly worded speech from President Obama, who said that unless Congress acted soon, ‘‘the whole world will have problems.’’

But in a potentially critical development, the speaker of the House, Representative John A. **Boehner** of Ohio, **told colleagues in a closed-door meeting that he was determined to prevent a federal default and was willing to pass a measure through a combination of Republican and Democratic votes, according to a lawmaker who was there. Other Republicans said they had the same sense of his intentions.**

### AT: Obama Asked

#### No ev Obama asked, even if he wanted it at one point he can’t get OFF MESSAGE now --- they read no reverse causal ev it’s a win

**There’s unanimous opposition to the plan — their article**

**Boardman 5/26** [William, Global Research: Centre for Research on Globalization, “America’s “Permanent War”: The “Authorization to Use Military Force” Forever?”, <http://www.globalresearch.ca/americas-permanent-war-the-authorization-to-use-military-force-forever/5336452>, BJM]

In 2001, Authorizing Permanent War Was Bi-Partisan Given this blatant abdication of constitutional responsibility by Congress, one might assume its passage was controversial and fraught with high-minded argument. It was not. It passed both houses easily, without meaningful debate. In the house, 420 Representatives voted for the AUMF, co-sponsored by Republican Richard Armey and Democrat Richard Gephardt, and ten (five of each party) did not vote. The identical Senate version of the AUMF, co-sponsored by Democrat Thomas Daschle and Republican Trent Lott, passed 98-0 with two Republicans not voting. The only principled vote on the AUMF – the lone vote against it in the House – was cast by California Democrat Barbara Lee. Like the rest of her colleagues, Lee was ready to authorize the President to strike back against those who had attacked us. As she wrote in part at the time:

**Opposition was so bad people supporting their plan got death threats! The same opposition exists today so PUSHING IT decks capital**

**Boardman 5/26** [William, Global Research: Centre for Research on Globalization, “America’s “Permanent War”: The “Authorization to Use Military Force” Forever?”, <http://www.globalresearch.ca/americas-permanent-war-the-authorization-to-use-military-force-forever/5336452>, BJM]

And so it has, thousands of innocent lives in at least half a dozen countries.  Lee’s warning was Cassandra-like in its futility:  “The Congress should have waited for the facts to be presented and then acted with fuller knowledge of the consequences of our action.”

Her courage and wisdom, while approved by her Congressional constituents, nevertheless brought a wave of vilification, angry charges of treason, and enough death threats that the Capitol Police assigned her and her family round-the-clock plainclothes bodyguards.

A Bill to Repeal the AUMF Has Been Introduced – Again

On April 24, 2013, Rep. Lee called for the AUMF to be repealed:  “I’m convinced that if we do not repeal this authorization to use force that I voted against in 2001, we are going to see this state of perpetual war forever…. The use of drones in many instances creates more hatred, more anger, more hostility toward our country….”

On January 4, 2013, Rep. Lee introduced House Bill H.R. 198, to repeal the AUMF of 2001.  She introduced a repeal bill it the previous Congress, but it was not acted on.  The bill currently has 12 co-sponsors, all Democrats, and was referred to the House Committee on Foreign Affairs.

The Senate Armed Services Committee hearing on May 16 was not about repealing the AUMF, but about its “status,” as committee chair Sen. Carl Levin, Democrat of Michigan, put it.  Since the status of the AUMF is the uncontested law of the land, Levin, who voted for it in 2001, was presumably referring to its continued relevance or applicability.

Among the questions he raised in his opening statement were “the continuing vitality” of the AUMF, its application to organizations unrelated to 9/11, the legal basis for U.S. war-making in Yemen of Somalia, the legal basis for drone strikes, and “How will we know when the current conflict is over?”

Sen. Graham Supports President’s Unfettered, Global, Endless War Power

The Endless Global War on Terror

For Sen. Lindsey Graham, South Carolina Republican, none of this was a problem.  With a series of leading questions, the former military lawyer elicited the answers he wanted from the military panel that included two generals:

Ø  that the “war against radical Islam, or terror, whatever description you like” will last another 10 t0m20 years;

Ø  that the military has “all of the authorization and legal authorities necessary to conduct a drone strike;”

Ø  that the President has the “authority to put boots on the ground in Yemen” or in the Congo, or anywhere in the world, because “when it comes to international terrorism, we’re talking about a worldwide struggle.”

Only Independent Senator Angus King of Maine expressed strong reservations about the AUMF, asking at one point, “How do you possibly square this [AUMF] with the requirement of the Constitution that the Congress has the power to declare war?”

Later he said: “Now, I’m just a little, old lawyer from Brunswick, Maine, but I don’t see how you can possibly read this [AUMF] to be in comport with the Constitution and authorize any acts by the president. You had testified to Senator Graham that you believe that you could put boots on the ground in Yemen now under this—under this document. That makes the war powers a nullity.”

After a non-response response from a Pentagon spokesman, Sen. King reiterated his argument, concluding in reference to the AUMF:  “… the way you read it, there’s no limit. But that’s not what the Constitution contemplates.”

### Extra

#### They create a “political crisis” – that decks resolve

**Posner and Vermeule 10**- \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 60)

In this way, measures urged by the executive to cope with a crisis of unclear magnitude acquired a kind of self-created momentum. Rejection of those measures would themselves create a political crisis that might, in turn, reduce confidence and thus trigger or exacerbate the underlying financial crisis. A similar process occurred in the debates over the AUMF and the Patriot Act, where proponents of the bills urged that their rejection would send terrorist groups a devastating signal about American political willpower and unity, thereby encouraging more attacks. These political dynamics, in short, create a self-fulfilling crisis of authority that puts legislative institutions under tremendous pressure to accede to executive demands, at least where a crisis is even plausibly alleged.

Critics of executive power contend that the executive exploits its focal role during crises in order to bully and manipulate Congress, defeating Madisonian deliberation when it is most needed. On an alternative account, the legislature rationally submits to executive leadership because a crisis can be addressed only by a leader. Enemies are emboldened by institutional conflict or a divided government; financial markets are spooked by it. A government riven by internal conflict will produce policy that varies as political coalitions rise and fall. Inconsistent policies can be exploited by enemies, and they generate uncertainty at a time that financial markets are especially sensitive to agents’ predictions of future government action. It is a peculiar feature of the 2008 financial crises that a damaged president could not fulfill the necessary leadership role, but that role quickly devolved to the Treasury secretary and Fed chair who, acting in tandem, did not once express disagreement publicly.

#### Means the link alone turns case

**Bolton, 9** – senior fellow at the AEI and former ambassador to the UN (John, “The danger of Obama's dithering,” Los Angeles Times, 10/18,[http://articles.latimes.com/2009/oct/18/opinion/oe-bolton18](http://articles.latimes.com/2009/oct/18/opinion/oe-bolton18%22%20%5Ct%20%22_blank))

Weakness in American foreign policy in one region often *invites challenges* elsewhere, because our adversaries carefully follow diminished American resolve. Similarly, presidential indecisiveness, whether because of uncertainty or *internal political struggles*, signals that the United States may not respond to international challenges in clear and coherent ways.

Taken together, weakness and indecisiveness have proved historically to be a toxic combination for America's global interests. That is exactly the combination we now see under President Obama. If anything, his receiving the Nobel Peace Prize only underlines the problem. All of Obama's campaign and inaugural talk about "extending an open hand" and "engagement," especially the multilateral variety, isn't exactly unfolding according to plan. Entirely predictably, we see more clearly every day that diplomacy is not a policy but only a technique. Absent presidential leadership, which at a minimum means clear policy direction and persistence in the face of criticism and adversity, engagement simply embodies weakness and indecision.

### AT: No Default

**Failure to raise the debt ceiling will trigger default --- crushing the U.S. and global economy and collapsing trade. That’s Davidson.**

**Will wreck the global economy --- dwarfs the crisis of 5 years ago**

**Krugman, 9/29 --- Professor of Economics and International Affairs at Princeton**

(Paul, 9/29/2013, “Rebels Without a Clue,” <http://www.nytimes.com/2013/09/30/opinion/krugman-rebels-without-a-clue.html>))

This may be the way the world ends — not with a bang but with a temper tantrum.

O.K., a **temporary government shutdown** — which became almost inevitable after Sunday’s House vote to provide government funding only on unacceptable conditions — **wouldn’t be the end of the world. But a U.S. government default, which will happen unless Congress raises the debt ceiling soon, might cause financial catastrophe**. Unfortunately, many Republicans either don’t understand this or don’t care. Let’s talk first about the economics. After the government shutdowns of 1995 and 1996 many observers concluded that such events, while clearly bad, aren’t catastrophes: essential services continue, and the result is a major nuisance but no lasting harm. That’s still partly true, but it’s important to note that the Clinton-era shutdowns took place against the background of a booming economy. Today we have a weak economy, with falling government spending one main cause of that weakness. A shutdown would amount to a further economic hit, which could become a big deal if the shutdown went on for a long time. Still, a government shutdown looks benign compared with the possibility that Congress might refuse to raise the debt ceiling. First of all, **hitting the ceiling would force a huge, immediate spending cut, almost surely pushing America back into recession**. Beyond that, **failure to raise the ceiling would mean missed payments on existing U.S. government debt. And that might have terrifying consequences.** Why? **Financial markets have long treated U.S. bonds as the ultimate safe asset; the assumption that America will always honor its debts is the bedrock on which the world financial system rests.** In particular, **Treasury bills** — short-term U.S. bonds — **are what investors demand when they want absolutely solid collateral against loans**. Treasury bills are so essential for this role that in times of severe stress they sometimes pay slightly negative interest rates — that is, **they’re treated as being better than cash**. **Now suppose it became clear that U.S. bonds weren’t safe, that America couldn’t be counted on to honor its debts after all. Suddenly, the whole system would be disrupted.** Maybe, if we were lucky, financial institutions would quickly cobble together alternative arrangements. But **it looks quite possible that default would create a huge financial crisis, dwarfing the crisis set off by the failure of Lehman Brothers five years ago**.

**--- Economists agree**

**Weisman, 9/27** (Jonathan, 9/27/2013, Pittsburgh Post-Gazette, “GOP SHIFTS FOCUS OF BATTLE TO DEBT LIMIT AS PRESIDENT OBAMA SCORNS REPUBLICAN EFFORTS TO STOP THE HEALTH CARE LAW'S MAIN ELEMENTS FROM TAKING EFFECT ...” Factiva))

**Economists of all political persuasions have warned that a failure to raise the debt ceiling** by the Treasury Department's deadline of Oct. 17 **could be catastrophic. The world economy's faith in the safety of U.S. Treasury debt would be shaken for years, they believe. Interest rates could shoot up, and stock prices worldwide would most likely plummet. "Defaulting on any obligation of the U.S. government would be a dangerous gamble,"** Doug **Elmendorf, director of the** nonpartisan **C**ongressional **B**udget **O**ffice, told the House Budget Committee on Thursday. **"In a very uncertain world, the one thing everyone has been able to count on is that the U.S. government will pay its bills on time."**

**--- Crushes markets**

**Green, 9/27** --- national correspondent at Bloomberg Businessweek (9/27/2013, Joshua, The Boston Globe, “Root for a shutdown ; It's the best way to jolt Washington back to its senses,” Factiva))

A shutdown would be far less costly than default. Unless Congress acts, most government agencies will shut down on Tuesday. This would inconvenience millions and waste plenty of money, but it wouldn't affect "mandatory" programs, such as Medicare, Medicaid, Social Security, or nutrition assistance. Americans would be angry. The stock market might drop. But we've lived through this before. By contrast, **a default would be catastrophic. Markets would plummet. Interest rates would rise, probably permanently, because lenders would price in the now-very-real risk of default, making everything from mortgages to cars to college educations more expensive.** The government itself would also face higher borrowing costs -- a Treasury Department study found that a single percentage-point increase in interest rates would cost taxpayers an additional $150 billion a year. Worst of all, **a default would almost certainly snuff out the recovery and bring on another recession**.

**--- Triggers a full blown recession**

**Contorno, 9/25** (Steve, “Not Raising Debt Limit Would Be 'Cataclysmic'” 9/25/2013, <http://www.hispanicbusiness.com/2013/9/25/not_raising_debt_limit_would_be.htm>))

**An economist for Moody's sounded the alarm** Tuesday **that a government shutdown or a default on the country's debt would derail an already tepid recovery and perhaps ignite a new recession.** Testifying before a Senate Budget Committee, Mark **Zandi, chief economist for the credit rating agency** and a former adviser to Sen. John McCain's presidential campaign, warned that political uncertainty in Washington was stifling economic growth. While he was critical of regulations handed down from the Obama administration, Zandi also **cautioned that the brinksmanship displayed by Republicans over the debt ceiling and government funding fight was of grave concern to investors, entrepreneurs and even middle-class Americans. "Breaching the debt limit would be cataclysmic -- a full-blown recession,"** said Mark Zandi, chief economist for Moody's. "It is critical you come to terms on this in a timely way."