# 1NC

## OFF

### 1

#### “Initiating warfare” includes drones

Lewis 13

James Lewis, Director of the Technology and Public Policy Program at the Center for Strategic and International Studies, 2/6/13, “The Alternatives to Drone Strikes Are Worse”, http://www.usnews.com/debate-club/has-obama-gone-too-far-with-his-drone-policies/the-alternatives-to-drone-strikes-are-worse //jchen

America's drone policy makes everyone uncomfortable. The alternatives are worse. Attacking enemy combatants from the air is part of warfare. Combatants who wear civilian clothing or who operate from sanctuaries are not excused from risk. Compare drone strikes to the feckless 1998 cruise missile attack on bin Laden. Drone strikes work; that is why our opponents object to them. If the host governments are cognizant and accepting (even if this is not public), if the laws of armed conflict limiting egregious attacks on civilians are observed, drone strikes are an acceptable use of force.¶ The more difficult issue involves targeting belligerents who also hold American citizenship. If you think about it, every confederate killed by U.S. forces in the Civil War was an American citizen. Germans with dual citizenship, both civilians and soldiers, were killed in combat or in aerial bombings during World War II. There were probably a few citizens among Chinese forces in Korea. Killing Americans participating in hostilities in an armed conflict against the United States, while disturbing, is not automatically precluded.

#### The CIA is not part of the armed forces—preventing drone strikes is extra topical.

Carvin 10 Stephanie Carvin on 2010-03-23 What is the status of CIA drone operatives in international law?

http://www.whiteoliphaunt.com/duckofminerva/2010/03/what-is-status-of-cia-drone-operatives\_23.html

There is no question that the CIA is not part of the armed forces of the United States. Typically referred to as “other government agency” in military documents, one typically struggles to see them named within the DoD literature.

Yet international law stipulates that armed forces are not necessarily the only groups which may participate on the battlefield. For example, in a situation of a “mass uprising” (levée en masse), civilians may participate in an armed attack with immunity. Similarly guerrilla/partisan movements which follow certain rules have been recognized by the law of armed conflict since 1949.

However, none of these categories work particularly well. The CIA operatives do not meet the standards of these categories and nor were these categories ever really intended to apply to state actors. Ultimately, the Agency represents not “the” armed forces of the United States but “an” armed force of the United States. And this is essentially the main difficulty with regards to their legal classification.

Therefore, I simply can’t help but conclude that the CIA program is operating in a legal grey area – there is just not enough law or examples to render a crystal clear verdict on the status of the CIA operatives. The state-sanctioning of the activity means that they are not simply rogue individuals who are operating like some kind of armed group (unless you want to consider it a state-sanctioned armed group – in which case I don’t know how you would distinguish this from the armed forces). There are differences and developments here which international law has not yet had a chance to catch up with.

#### That justifies statutory restrictions on the president external to war powers authority—that explodes topic research and eviscerates limits on the topic.

#### That’s a voter—

#### Limits are a prerequisite to clash and education.

### 2

#### Obama is focused on reaching a debt ceiling deal, but his attention is key.

Bohan 9/11 [Caren, “Delay in Syria vote frees Obama to shift to hefty domestic agenda”, http://carnegieeurope.eu/strategiceurope/?fa=52932]

(Reuters) - Putting off a decision on military strikes on Syria allows President Barack Obama to shift his attention back to a weighty domestic agenda for the fall that includes budget fights, immigration and selecting a new chairman of the Federal Reserve.¶ Obama and his aides have immersed themselves for a week and a half in an intensive effort to win support in Congress for U.S. military action in Syria after a suspected chemical weapons attack last month killed more than 1,400 people.¶ But the effort, which included meetings by Obama on Capitol Hill on Tuesday followed by his televised speech to Americans, seemed headed for an embarrassing defeat, with large numbers of both Democrats and Republicans expressing opposition.¶ The push for a vote on Syria - which has now been delayed - had threatened to crowd out the busy legislative agenda for the final three months of 2013 and drain Obama's political clout, making it harder for him to press his priorities.¶ But analysts said a proposal floated by Russia, which the Obama administration is now exploring, to place Syria's weapons under international control may allow Obama to emerge from a difficult dilemma with minimal political damage.¶ "He dodges a tough political situation this way," said John Pitney, professor of politics at Claremont McKenna College in California.¶ Pitney said the delay in the Syria vote removes a big burden for Obama, given that Americans, who overwhelmingly opposed military intervention in Syria, will now be able to shift their attention to other matters.¶ He said Obama could suffer some weakening of his leverage with Congress. The administration's "full court press" to try to persuade lawmakers to approve military force on Syria was heavily criticized and did not yield much success.¶ "He probably has suffered some damage in Congress because there are probably many people on (Capitol Hill) who have increasing doubts about the basic competence of the administration and that's a disadvantage in any kind of negotiation," Pitney said.¶ BUDGET BATTLES¶ Among Obama's most immediate challenges are two looming budget fights. By September 30, Congress and the president must agree on legislation to keep federal agencies funded or face a government shutdown.¶ Two weeks later, Congress must raise the limit on the country's ability to borrow or risk a possible debt default that could cause chaos in financial markets.¶ On the first budget showdown, Obama may be at a strategic advantage because of divisions among opposition Republicans about whether to use the spending bill to provoke a fight over Obama's signature health care law, known as Obamacare.¶ House Republican leaders are trying to rally the party around a temporary spending measure that would keep the government funded until December 15 but are facing resistance within their own caucus from some conservatives who want to cut off funding for Obamacare, even if it means a government shutdown.¶ The debt limit fight could end up going down to the wire and unnerving financial markets. Republicans want to use that standoff to extract concessions from the Democratic president, such as spending cuts and a delay in the health law. But Obama has said he has no intention of negotiating over the borrowing limit.

#### Obama’s negotiating power is finite – plan trades off with domestic economic priorities.

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

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

#### Failure to life the ceiling collapses the global economy.

Davidson 9/10 [Adam, co-founder of NPR’s "Planet Money," Our Debt to Society, New York Times, 9/10/13, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=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.

#### Economic collapse causes global nuclear war.

Merlini, Senior Fellow – Brookings, 11

[Cesare Merlini, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs (IAI) in Rome. He served as IAI president from 1979 to 2001. Until 2009, he also occupied the position of executive vice chairman of the Council for the United States and Italy, which he co-founded in 1983. His areas of expertise include transatlantic relations, European integration and nuclear non-proliferation, with particular focus on nuclear science and technology. A Post-Secular World? DOI: 10.1080/00396338.2011.571015 Article Requests: Order Reprints : Request Permissions Published in: journal Survival, Volume 53, Issue 2 April 2011 , pages 117 - 130 Publication Frequency: 6 issues per year Download PDF Download PDF (~357 KB) View Related Articles To cite this Article: Merlini, Cesare 'A Post-Secular World?', Survival, 53:2, 117 – 130]

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism.

### 3

#### Executive authority is key to preserve the ability to respond to crises.

Pildes 12 [Richard H., Sudler Family Professor of Constitutional Law, NYU School of Law and Co-Director, NYU Center on Law and Security. 2/27/12 BOOK REVIEWS LAW AND THE PRESIDENT THE EXECUTIVE UNBOUND: AFTER THE MADISONIAN REPUBLIC. By Eric A. Posner and Adrian Vermeule. New York, N.Y.: Oxford University Press. 2010. Pp. 249. $29.95. New York University Public Law and Legal Theory Working Papers]

First, they argue, a President unbound can produce better outcomes than a President bound to follow preexisting legislation: laws (constitutions and statutes) are always written in a specific context in the past, but technology, the economy, international dynamics, and other circumstances that characterize the modern age are exceptionally fluid and constantly shifting. Better to have presidents make their best judgment, all things considered, about the right action in the actual, immediate circumstances at hand than to have them be bound by laws that could not have contemplated these precise circumstances. Second, and central to Posner and Vermeule’s analysis, presidents do remain constrained — not by law, but by politics and the political judgment of others. As scholars since Richard Neustadt, if not earlier, have recognized, the actual, effective powers of a President (as opposed to the formal powers of the office) are directly rooted in, and limited by, his or her ongoing credibility.21 Presidents want the capacity to exercise their best judgment as contexts arise. But other actors in the system, including “the public,” will permit presidents to exercise more or less discretion depending on how credible those presidents are perceived to be (pp. 122–23). Credibility means generalized judgments about presidential performance, such as how well motivated the President is considered to be, how effective his or her actions are judged to be, and how wise or prudent his or her judgments are taken to be. “Credibility” in this context is analogous to what scholars of the Supreme Court have called long-term “diffuse support” for the Court; diffuse support means the willingness of the public to support the Court’s discretionary power, even when people might disagree with particular outcomes, because they generally believe the Court is exercising these powers in sound ways for good reasons.22 The more credible presidents make themselves, the more other actors will permit them to exercise broad discretion — including discretion to ignore or manipulate the law, which is the unique contribution of Posner and Vermeule’s view. Thus, argue Posner and Vermeule, presidents have strong incentives to adopt practices and take actions that establish and maintain their credibility (p. 133). These incentives will lead smart presidents to adopt various sorts of self-binding mechanisms that limit their discretion: commitments to transparency so others can monitor and oversee; or commitments to multilateral approaches in foreign policy so that presidents can act only with approval of other nations; or commitments to ceding some power to independent actors, such as special prosecutors or other institutions within the executive branch; or similar approaches through which presidents accept limits on their own power (pp. 113–53). By acting consistently with these self-adopted constraints, presidents build up their credibility by signaling that they are using their discretion in acceptable ways and should therefore continue to be granted that discretion — including discretion to avoid, circumvent, or ignore the law when, in the President’s best judgment, doing so will produce better outcomes.

#### Congressional restrictions cause adversaries to doubt the resolve of U.S. deterrence – causes crisis escalation.

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

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

### 4

#### Text: The United States Federal Government should require Congressional authorization prior to initiating warfare except in the case of Iran unless to repel attacks on the United States.

#### Aff causes an Israeli strike – deferring action now because they believe in US strikes

Singh, 12 (Michael Singh is managing director of the Washington Institute for Near East Policy and¶ served as senior director for Middle Eastern affairs on the National Security Council staff from¶ 20072008. He was also director for Iran at the NSC from 20062007 and special assistant to¶ secretaries of state Colin Powell and Condoleezza Rice from 20042005. To Keep the Peace with¶ Iran, Threaten to Strike. http://xa.yimg.com/kq/groups/22143767/487260743/name/singh+to+keep+peace+threaten+iran.pdf)

A key consideration for Israeli and U.S. officials alike is the ‘‘window of¶ opportunity’’ to conduct an effective attack on Iran, based on a number of¶ factors. Key among them is the military capability of the state conducting the¶ strike. Israeli officials are undoubtedly aware that U.S. capability is greater,¶ which for Israel is a blessing and a curse: a blessing because this means a U.S.-led¶ attack could be more effective than an Israeli attack (in addition to attracting¶ less strenuous regional and international condemnation), and a curse because¶ the United States, like Israel, is apt to wait until the latest possible date to¶ conduct an attack, which because of the United States’ greater military¶ capability is later than in Israel’s case. This means that the passage of time¶ and progress of Iran’s nuclear capabilities will eventually result in the Iranian¶ program being still vulnerable to a U.S. attack but out of Israel’s reach. This¶ leads to a straightforward calculation for Israel: if it trusts the United States to¶ carry out a timely and effective attack, it will defer its own action in the hope¶ that conflict can be avoided; if that trust is lacking, its interests demand a¶ unilateral attack before the opportunity to do so is foreclosed. Establishing and¶ maintaining this trust requires that the U.S. military threat be credible.

#### US assurances that it is able and willing to deal with Iran prevents Israel strikes

Steven Simon, adjunct senior fellow for Middle Eastern studies at the Council for Foreign Relations, Nov 2009

(An Israeli Strike on Iran CPA Contingency Planning Memorandum No. 5,

<http://www.cfr.org/publication/20637/israeli_strike_on_iran.html?breadcrumb=%2Findex>)

Israeli leaders have stated repeatedly that the problem posed by Iran’s pursuit of mastery over the nuclear fuel cycle was the responsibility of the international community. For straightforward diplomatic reasons, Israel has not wanted the problem to be seen as Israel’s alone. Such a perception would essentially permit important players to abandon the field, leaving Israel to cope with a threat that many believe to be existential. While the historical record shows Israel will act in the face of such a threat, there is a keen awareness among Israelis that the use of force would carry profound risks and, potentially, be open-ended. Room exists, therefore, for the United States to persuade Israel to exercise restraint. This goal will require a delicate balance of caution and reassurance. As a first step, the United States and Israel should establish a high-level back channel to explore the issues raised by Iran’s behavior and share views about managing them. Diplomacy, even secret diplomacy, does not necessarily entail total self-disclosure. But the situation demands frank discussion. exposed unequally to a consequential threat, conducting it will not be easy. There will be contentious issues, including definition of red lines and the comprehensiveness of U.S. assurances necessary to win the cooperation of a As close allies close ally boxed in by an indispensable patron and an implacable enemy. Above all, Israel must not be left to feel alone. Accordingly, the second step will be to maintain the cohesion of the five permanent members of the UN Security Council, plus Germany (the 5 + 1) that have taken the lead in diplomatic efforts, and to keep up the pressure on Iran. Simultaneously, the United States must hedge against the failure of a war-avoidance policy, and begin preparing for an Israeli attack on Iran and Iranian retaliation. This will be a thorny process insofar as defensive measures the United States takes in the region, or urges its allies to take, could be read in Tehran as preparation for an attack and thus cast as justification for further destabilizing Iranian action. Israel is not eager for war with Iran, or to disrupt its special relationship with the United States. But the fact remains that it considers the Iranian threat an existential one and its bilateral relationship with the United States a durable one, and will act if it perceives momentous jeopardy to the Israeli people or state. Thus, while Israel may be amenable to American arguments for restraint, those arguments must be backed predominantly by concrete measures to contain the threat and reaffirmations of the special relationship, and only secondarily by warnings of the deterioration of the relationship, to be persuasive.

#### Israeli strike on Iran triggers world war III.

Reuveny, 10 (Rafael Reuveny is a professor in the School of Public and Environmental Affairs at Indiana University. Con: Unilateral strike could trigger World War III, global depression, <http://gazettextra.com/news/2010/aug/07/con-unilateral-strike-could-trigger-world-war-iii-/#sthash.tGUOoSDf.dpuf>)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash. For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force. Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground. All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces. Because Iran is well-prepared, a single, conventional Israeli strike—or even numerous strikes—could not destroy all of its capabilities, giving Iran time to respond. Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt, and the Palestinian Authority to join the assault, turning a bad situation into a regional war. During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat. In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973. An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean. Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey — all of which essentially support Iran — could be tempted to form an alliance and openly challenge the U.S. hegemony. Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario. Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted. If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons, but would probably not risk using force. While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

## ON

### Solvency

#### President will disregard prohibitions or find another justification.

Goldsmith 9/3 [Jack Goldsmith is the Henry L. Shattuck Professor at Harvard Law School, where he teaches and writes about national security law, presidential power, cybersecurity, international law, internet law, foreign relations law, and conflict of laws. Before coming to Harvard, Professor Goldsmith served as Assistant Attorney General, Office of Legal Counsel from 2003–2004, and Special Counsel to the Department of Defense from 2002–2003. Professor Goldsmith is a member of the Hoover Institution Task Force on National Security and Law. Full bio » It is Hard to Write an AUMF http://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.

#### Libya proves.

Paulsen 9/9, Michael Stokes Paulsen, prof of constitutional law at University of St. Thomas School of Law, BA from Northwestern, MA from Yale,“How to Avoid an Unconstitutional War: A Beginner’s Guide for Presidents and Congresses,” <http://www.thepublicdiscourse.com/2013/09/10877/>

Third and finally, consider the recent example of Libya. Again, the US was involved in sustained offensive military operations against the territory and government of another nation, Qaddafi’s Libyan regime. Again, put to one side whether this was right as a matter of policy and morality: the Libyan engagement was flatly unconstitutional. Obama’s justification was shameless and embarrassing in the extreme.¶ Stripped to its essentials, the argument was that Congress’s power to declare war did not apply, because this was not a “war.” And it was not a war because the president said that he didn’t mean for this to be a war. He meant it to be a “limited” military engagement. And besides, presidents have deployed troops abroad before, without congressional action. Voila! A war is not a war if the president says it is not a war; Congress’s power over the decision to initiate offensive military force vanishes with the wave of the president’s hand.

### Intervention

#### **No adventurism – Iraq will prove the exception, not the rule. Vietnam proves.**

Brooks, Ikenberry and Wohlforth ’13, Stephen Brooks, associate professor of Government at Dartmouth College, John Ikenberry, Albert G. Milbank professor of Politics and International Affairs at Princeton University, and William Wohlforth, Daniel Webster professor of government and Dartmouth College, Winter, “Don’t Come Home America,” <http://live.belfercenter.org/files/IS3703_Brooks%20Wohlforth%20Ikenberry.pdf>, subject to peer review, international security, p. 30-33

TEMPTATION. For many advocates of retrenchment, the mere possession of peerless, globe-girdling military capabilities leads inexorably to a dangerous expansion of U.S. definitions of national interest that then drag the country into expensive wars. 64 For example, sustaining ramified, long-standing alliances such as NATO leads to mission creep: the search for new roles to keep the alliance alive. Hence, critics allege that NATO’s need to “go out of area or out of business” led to reckless expansion that alienated Russia and then to a heedless broadening of interests to encompass interventions such as those in Bosnia, Kosovo, and Libya. In addition, peerless military power creates the temptation to seek total, non-Clausewitzian solutions to security problems, as allegedly occurred in Iraq and Afghanistan. 65 Only a country in possession of such awesome military power and facing no serious geopolitical rival would fail to be satisfied with partial solutions such as containment and instead embark on wild schemes of democracy building in such unlikely places. In addition, critics contend, the United States’ outsized military creates a sense of obligation to use it if it might do good, even in cases where no U.S. interests are engaged. As Madeleine Albright famously asked Colin Powell, “What’s the point of having this superb military you’re always talking about, if we can’t use it?” Undoubtedly, possessing global military intervention capacity expands opportunities to use force. If it were truly to “come home,” the United States would be tying itself to the mast like Ulysses, rendering itself incapable of succumbing to temptation. Any defense of deep engagement must acknowledge that it increases the opportunity and thus the logical probability of U.S. use of force compared to a grand strategy of true strategic disengagement. Of course, if the alternative to deep engagement is an over-the-horizon intervention stance, then the temptation risk would persist after retrenchment. The main problem with the interest expansion argument, however, is that it essentially boils down to one case: Iraq. Sixty-seven percent of all the casualties and 64 percent of all the budget costs of all the wars the United States has fought since 1990 were caused by that war. Twenty-seven percent of the causalities and 26 percent of the costs were related to Operation Enduring Freedom in Afghanistan. All the other interventions—the 1990–91 Persian Gulf War, the subsequent airstrike campaigns in Iraq, Somalia, Bosnia, Haiti, Kosovo, Libya, and so on—account for 3 percent of the casualties and 10 percent of the costs. 66 Iraq is the outlier not only in terms of its human and material cost, but also in terms of the degree to which the overall burden was shouldered by the United States alone. As Beckley has shown, in the other interventions allies either spent more than the United States, suffered greater relative casualties, or both. In the 1990–91 Persian Gulf War, for example, the United States ranked fourth in overall casualties (measured relative to population size) and fourth in total expenditures (relative to GDP). In Bosnia, European Union (EU) budget outlays and personnel deployments ultimately swamped those of the United States as the Europeans took over postconflict peacebuilding operations. In Kosovo, the United States suffered one combat fatality, the sole loss in the whole operation, and it ranked sixth in relative monetary contribution. In Afghanistan, the United States is the number one financial contributor (it achieved that status only after the 2010 surge), but its relative combat losses rank fifth. 67 In short, the interest expansion argument would look much different without Iraq in the picture. There would be no evidence for the United States shouldering a disproportionate share of the burden, and the overall pattern of intervention would look “unrestrained” only in terms of frequency, not cost, with the debate hinging on whether the surge in Afghanistan was recklessly unrestrained. 68 How emblematic of the deep engagement strategy is the U.S. experience in Iraq? The strategy’s supporters insist that Iraq was a Bush/neoconservative aberration; certainly, there are many supporters of deep engagement who strongly opposed the war, most notably Barack Obama. Against this view, opponents claim that it or something close to it was inevitable given the grand strategy. Regardless, the more important question is whether continuing the current grand strategy condemns the United States to more such wars. The Cold War experience suggests a negative answer. After the United States suffered a major disaster in Indochina (to be sure, dwarfing Iraq in its human toll), it responded by waging the rest of the Cold War using proxies and highly limited interventions. Nothing changed in the basic structure of the international system, and U.S. military power recovered by the 1980s, yet the United States never again undertook a large expeditionary operation until after the Cold War had ended. All indications are that Iraq has generated a similar effect for the post–Cold War era. If there is an Obama doctrine, Dominic Tierney argues, it can be reduced to “No More Iraqs.” 69 Moreover, the president’s thinking is reflected in the Defense Department’s current strategic guidance, which asserts that “U.S. forces will no longer be sized to conduct large-scale, prolonged stability operations.” 70 Those developments in Washington are also part of a wider rejection of the Iraq experience across the American body politic, which political scientist John Mueller dubbed the “Iraq Syndrome.” 71 Retrenchment advocates would need to present much more argumentation and evidence to support their pessimism on this subject.

### Warfighting/SOP

#### Can’t find the rest of the case defense

# 2NC

### 2NC O/V

#### Empirics prove weakness invites global aggression—resolve actively prevents conflict and solves their escalation scenarios—solves hegemony.

Bolton 9 [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.

#### Turns indo-pak conflict

Coes 11 [Ben, a former speechwriter in the George H.W. Bush administration, managed Mitt Romney’s successful campaign for Massachusetts Governor in 2002 and author, “The disease of a weak president”, The Daily Caller, http://dailycaller.com/2011/09/30/the-disease-of-a-weak-president/]

The disease of a weak president usually begins with the Achilles’ heel all politicians are born with — the desire to be popular. It leads to pandering to different audiences, people and countries and creates a sloppy, incoherent set of policies. Ironically, it ultimately results in that very politician losing the trust and respect of friends and foes alike. In the case of Israel, those of us who are strong supporters can at least take comfort in the knowledge that Tel Aviv will do whatever is necessary to protect itself from potential threats from its unfriendly neighbors. While it would be preferable for the Israelis to be able to count on the United States, in both word and deed, the fact is right now they stand alone. Obama and his foreign policy team have undercut the Israelis in a multitude of ways. Despite this, I wouldn’t bet against the soldiers of Shin Bet, Shayetet 13 and the Israeli Defense Forces. But Obama’s weakness could — in other places — have implications far, far worse than anything that might ultimately occur in Israel. The triangular plot of land that connects Pakistan, India and China is held together with much more fragility and is built upon a truly foreboding foundation of religious hatreds, radicalism, resource envy and nuclear weapons. If you can only worry about preventing one foreign policy disaster, worry about this one. Here are a few unsettling facts to think about: First, Pakistan and India have fought three wars since the British de-colonized and left the region in 1947. All three wars occurred before the two countries had nuclear weapons. Both countries now possess hundreds of nuclear weapons, enough to wipe each other off the map many times over. Second, Pakistan is 97% Muslim. It is a question of when — not if — Pakistan elects a radical Islamist in the mold of Ayatollah Khomeini as its president. Make no mistake, it will happen, and when it does the world will have a far greater concern than Ali Khamenei or Mahmoud Ahmadinejad and a single nuclear device. Third, China sits at the northern border of both India and Pakistan. China is strategically aligned with Pakistan. Most concerning, China covets India’s natural resources. Over the years, it has slowly inched its way into the northern tier of India-controlled Kashmir Territory, appropriating land and resources and drawing little notice from the outside world. In my book, Coup D’Etat, I consider this tinderbox of colliding forces in Pakistan, India and China as a thriller writer. But thriller writers have the luxury of solving problems by imagining solutions on the page. In my book, when Pakistan elects a radical Islamist who then starts a war with India and introduces nuclear weapons to the theater, America steps in and removes the Pakistani leader through a coup d’état. I wish it was that simple. The more complicated and difficult truth is that we, as Americans, must take sides. We must be willing to be unpopular in certain places. Most important, we must be ready and willing to threaten our military might on behalf of our allies. And our allies are Israel and India. There are many threats out there — Islamic radicalism, Chinese technology espionage, global debt and half a dozen other things that smarter people than me are no doubt worrying about. But the single greatest threat to America is none of these. The single greatest threat facing America and our allies is a weak U.S. president. It doesn’t have to be this way. President Obama could — if he chose — develop a backbone and lead. Alternatively, America could elect a new president. It has to be one or the other. The status quo is simply not an option.

#### Turns China—U.S. resolve is key to deter China.

Friedberg 12 [Aaron L. Friedberg, Poliitcs and International Affairs at Princeton, Bucking Beijing An Alternative U.S. China Policy September/October 2012 Foreign Affairs]

Absent a strong U.S. response, Chinese planners might eventually come to believe that their growing A2/AD capabilities are sufficiently impressive to scare the United States off from intervening or provoking a confrontation in the region. Worse still, they might convince themselves that if the United States were to intervene, they could cripple its conventional forces in the western Pacific, leaving it with few options other than the threat of nuclear escalation. Maintaining stability requires reducing the likelihood that China's leaders could ever see initiating such an attack as being in their interest. A direct U.S.-Chinese military confrontation is, of course, extremely unlikely. But the aim of the balancing half of U.S. strategy must be to ensure that it remains so, even as China's power grows. Failing to respond adequately to Beijing's buildup could undermine the credibility of the security guarantees that Washington extends to its Asian allies. In the absence of strong signals of continuing commitment and resolve from the United States, its friends may grow fearful of abandonment, perhaps eventually losing heart and succumbing to the temptations of appeasement. To prevent them from doing so, Washington will have to do more than talk. Together, the United States and its allies have more than sufficient resources with which to balance China. But if Washington wants its allies to increase their own defense efforts, it will have to seriously respond to China's growing capabilities itself. When it comes to Asia, the United States does not have the option of what The New Yorker first described as the Obama administration's penchant for "leading from behind."

#### Turns central Asian conflictTriggers proliferation and nuclear wars all across Asia.

Pletka 12 [Danielle Pletka, vice president for foreign and defense policy studies at AEI, Five major threats to the U.S., our allies and our interests, 5/24/12, Human Events Online, L/N]

And it has consequences for the nation's security. In the years since Barack Obama took office, the United States has crept away from its global role, seeking to "end" rather than "win" the conflicts in which we are engaged, deferring management of regional conflicts to local powers, and spending more time courting problem countries like Russia and China than working with our long-time allies. Al Qaeda has been on the run in Afghanistan and Pakistan, but has flourished in Yemen and Somalia. The president made explicit his view that the United States is no more exceptional than, say, Greece, and has governed accordingly. For those who applaud this draw down of a century of American power, the U.S. retrenchment is good news. Unfortunately, not all of those clapping are to be found in Washington. Chinese, Iranian and al Qaeda leaders have all recently commented on American weakness. And there is no shortage of those willing to exploit that weakness. Among the major threats to the United States, our allies and our interests worldwide, several stand out: Terrorist groups: No, not just al Qaeda and its more potent franchisee in Yemen, al Qaeda in the Arabian Peninsula. Also, increasingly Hezbollah, which now dominates Lebanon's government and has tens of thousands of missiles, as well as precision guided weapons that can reach Tel Aviv. As we learned this month with the revelation of new planned attacks by AQAP, these groups have substantial transnational capabilities. Failure to replicate 9/11 doesn't portend future failure. Al Qaeda and Hezbollah have cooperated in the past, and will likely do so in the future. Nuclear weapons proliferation: North Korea and Iran are the poster children of nuclear weapons proliferation, but there are others that get less than daily coverage in the press. Pakistan now has an arsenal that likely tops 200 nuclear weapons; Burma is reported to have a nuclear weapons program. Syria had a nuclear weapons program and still denies access to the International Atomic Energy Agency. Should Iran acquire the makings of a nuke, few doubt that Saudi Arabia, Turkey, Egypt and others would be far behind. Can we rely on the safeguards of the Nuclear Non-proliferation Treaty and the good offices of these governments to stop the transfer of such weapons to others? China: China's rise has been a phenomenon remarkable in human history, elevating hundreds of millions out of lives of poverty and thrusting China's leading business lights onto the international economic stage. But the money that has flowed as a result of China's rise has been used for more than poverty alleviation; China's military budget has increased by double digit percentage rates each year for the last twenty. The People's Republic, still dominated ruthlessly by the Chinese Communist Party, has branched out into the blue water in a big way, with an aircraft carrier, a new class of nuclear-powered ballistic missile submarines, and an anti-ship ballistic missile in its arsenal. China represents sufficient a challenge to the United States that the Obama administration has executed what it describes as a "pivot" away from the Middle East toward Asia. But that "pivot" exists in name alone; in fact, the U.S. has too few assets to rebalance power in the region and, if defense spending continues to drop, there will be even fewer ships and planes to match up with the growing Chinese arsenal. There are those who believe that China's economic rise will constrain its strategic ambitions; others are persuaded that the mainland's growing riches will simply finance the domination of the Pacific. Follow the dollars and the latter appears demonstrably to be the case. Cyber: The threat of cyber warfare is a favored 21st century topic. The Obama administration has stood up a military cybercommand to address the problem; the military, the intelligence community and the government overall is throwing billions into cyber defense. The threat is not just to the many systems that depend upon an enormous and vulnerable cyber infrastructure. Less ballyhooed, but potentially devastating nonetheless is the threat to industry, not simply in the protection of intellectual property but in the basic functioning of the modern economy. Russia and China, as well as North Korea are investing heavily in cyberwarfare capabilities. Space: How much of our national defense is now dependent on space? On the satellites that orbit, that stream information, that manage flights, that vector weapons, that facilitate missile defense, that manage the Global Positioning System that gets everyone from grandma to the 82nd Airborne from here to there. How vulnerable are our assets in space? In 2007, the PRC tested an anti-satellite weapon, reportedly its third, but first successful test of such a weapon. China and others may already have the ability to disable certain satellite functions with sophisticated laser technology. What are we to do? In each case, there are concrete steps that can be taken to diminish the threat. We can counter Iran with a credible military threat, and arm the Israelis with the tools to back up their own defense. We can resource the "pivot" to Asia with fully fledged carrier battle groups and submarine support for local allies and military resources necessary. We can devote counterinsurgency resources to the terrorist threats we see in Afghanistan, and do far more to ensure Yemen's leaders are incentivized to locate, fight and kill al Qaeda. We can invest in cyber defenses, in the research and development needed to maintain our technological edge. Ditto for space. What's the common theme? Resources and credibility**.** We have the world's greatest military to win wars and deter others. If sequestration happens next year, the defense budget will lose over a trillion dollars in planned spending over the next decade: the Army will be the smallest it has been since World War II, the Navy will shrink to a level not seen since before World War I. And our pilots will fly fewer fighters than ever in the history of the Air Force and planes typically will be older than the pilots flying them. Decline is a choice that turns threat into reality.

#### Turns Russia goergia—Congress handcuffing Obama devastates Asian security.

Nichols and Schindler 9/16 [Tom Nichols and John Schindler are professors of national security at the Naval War College, and fellows of the International History Institute at Boston University. The views expressed are entirely their own. America's Middle East Policy Collapses September 16, 2013 http://nationalinterest.org/commentary/americas-middle-east-policy-collapses-9073]

If there is a policy solution, it begins in Washington. The President, his foreign-policy team, and Congress need to communicate with each other and present a more united face to the world. Nothing has provided more raw material for the Russians to work with than our own conflicting messages, contradictions, and internal squabbles. We can no longer press for Assad’s ouster, but we can make clear that one iota of noncompliance with this deal will result in a complete abandonment of the Kerry-Lavrov framework. (The President has tried to say this, but with so many qualifications the message was lost.) At that point, we may disagree about whether our next step should be to exact a short-term military price from Syria, to defang the Syrian military in a larger campaign, or to contemplate a new strategy for regime change in Syria. But the current situation, in which Moscow is now the arbiter of great power relations and the rules of war in the Middle East, is unsustainable. It is not only a defeat of the first order for the U.S. and the West in the region, but a danger to long-term peace and security around the world.

### Link Xtns

#### Delay and decisiveness – building congressional support takes too long for effective military interventions.

Howell and Pevehouse, 07 (Willam G. Howell, Prof @ U Chicago, Jon C. Pevehouse, Prof @ U Chicago. While Dangers Gather: Congressional Checks on Presidential War Powers. 8**)**

In foreign policy making generally, and on issues involving the use of force in particular, this feature of unilateral powers reaps special rewards. If presidents had to build broad-based consensus behind every deployment before any military planning could be executed, most ventures would never get off the ground. Imagine having to explain to members of Congress why events in Liberia this month or Ethiopia the next demand military action, and then having to secure the formal consent of a supermajority before any action could be taken. The federal government could not possibly keep pace with an increasingly interdependent world in which every region holds strategic interests for the United States. Because presidents, as a practical matter, can unilaterally launch ventures into distant locales without ever having to guide a proposal through a circuitous and uncertain legislative process, they can more effectively manage these responsibilities and take action when congressional deliberations often result in gridlock. It is no wonder, then, that in virtually every system of governance, executives (not legislatures or courts) mobilize their nations through wars and for- eign crises. Ultimately, it is their ability to act unilaterally that enables them to do so. In sum, the advantages of unilateral action are significant: they allow the president to move first and move alone.

#### Deters deployment and causes public opposition. Prefer our evidence. It uses on a one of a kind dataset.

Howell and Pevehouse, 07 (Willam G. Howell, Prof @ U Chicago, Jon C. Pevehouse, Prof @ U Chicago. While Dangers Gather: Congressional Checks on Presidential War Powers. Xii-xiii)

In several ways' this book advances our understanding of the domestic politics of war. For starters, it considers many more manifestations of congressional influence than previous scholars have recognized. Inter- branch struggles do not typically resemble duels wherein the president and Congress mark ten strides and fire, leaving the victor rr".rJing and the vanquished bleeding in the dirt. In politics, both often end up ,nlounded, just as both can claim a measure of success. The trick, \*e think, is to ac- count for a fuller range of possible outcomes when two branches of gov- ernment, with opposing objectives and differenr resources at theirlis- posal, square off against one another. This book does more rhan identify instances when Congress, with one carefully fired shot, fells a president. It documents those occasions when it maims him, whe n jt grurrs a rimb, and- perhaps most importantly, when a president walks away from a fight he feared losing. If we hold as our standard of proof the obliteration of white House military planning, we overlook the copious ways in which Congress influences presidential decisions about how often to use force, which kinds of foreign crises warrant actions and which kinds do not, the timing of a deployment, and its scope. The counterfactual to a world of congressional irrelevance does ,not require the elimination of the largest and most vital deploymenrs from the historical record. Instead, the correct counterfactual may be a delayed deployment in some in\_ stances' a shorter one in others, or the ,.urrigrr-.nt oi national priorities in others still. This book also pays careful attention to the mechanisms by which Con- gress manages to influence presidential decision making on the use of force' Sometimes Congress intervenes directly, establishiig reporting re- quirements, setting budgets, holding hearings, or passing l"\*, that re\_ strict the scope or duration of r -ilit"ry dJpioy\*.rrt, "rrd in these in\_ stances, the connection between the action, tirut-corrg..r, takes and the decisions that presidents make are more easily discerned. In other rn stances, though, congressional influence follows a more circuitous route When members of Congress proclaim their reluctance to use force abroad they may encourage U.S. adversaries who then fight longer and hardel jusr as they may influence the public's willingness to back their president in either case, the president may have cause to scale back or even aban don a military venture, even though Congress has not passed a single bil or resolution that formally curtails his war powers. He does so, though not so much because Congress itself matters, but rather because the ac tions that members take set in motion forces that materially impact hi capacity to wage war successfully. Additionally, this book assembles and analyzes a tremendous amoun of data. Some datasets allow us to systematically examine Congress' influence over the frequency with which presidents deploy troops abroad others allow us to examine whether Congress affects the probability tha presidents respond militarily to different kinds of foreign crises. We introduce another dataset-the only of its kind-that allows us to track congressional deliberation about an impending military venture througl a wide variety of local and national print and television media outlets; we then compile other observational and experimental public opinion data that allow us to examine whether congressional influence over the medir extends to influence over public's willingness to support a war. 'We know of no other book on the domestic politics of war that compiles so man' or so diverse a set of original databases.

#### New threats mandate presidential powers.

Yoo, ’05 (John, author of The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11, “An interview with ¶ John Yoo,” http://www.press.uchicago.edu/Misc/Chicago/960315in.html)

These new threats to American national security, driven by changes in the international ¶ environment, should change the way we think about the relationship between the process ¶ and substance of the warmaking system. The international system allowed the United States to ¶ choose a warmaking system that placed a premium on consensus, time for deliberation, and the ¶ approval of multiple institutions. If, however, the nature and the level of threats are increasing, ¶ the magnitude of expected harm has risen dramatically, and military force unfortunately ¶ remains the most effective means for responding to those threats, then it makes little sense ¶ to commit our political system to a single method for making war. Given the threats posed by ¶ WMD proliferation, rogue nations, and international terrorism, we should not, at the very ¶ least, adopt a warmaking process that contains a built-in presumption against using force ¶ abroad. Earlier scholarly approaches assumed that in the absence of government action peace ¶ would generally be the default state. September 11 demonstrated that this assumption has ¶ become unrealistic in light of the new threats to American national security. These ¶ developments in the international system may demand that the United States have the ability ¶ to use force earlier and more quickly than in the past.

#### Hurts credibility – Vietnam proves.

Howell and Pevehouse, 07 (Willam G. Howell, Prof @ U Chicago, Jon C. Pevehouse, Prof @ U Chicago. While Dangers Gather: Congressional Checks on Presidential War Powers. 14)

The memoirs of Henry Kissinger exude frustration with Congress for having repeatedly sought to trim American troop levels, halt military operations within Cambodia, and end the Vietnam'War prematurely. Kissinger' of course, objected to any meddling in the president's war planning. But according to ih. secretary of stute, congr.riional involvement in tactical decisions about the war had other consequences. Legislative activity' Kissinger believed, fundamentally compromised the president's ability to negotiate reasonable terms for the war's resolution. As Kissinger explained, "The pattern was clear. Senate opponents of the war would introduce one amendment after another, forcing the Administration into unending rear-. guard actions to preserve a minimum of flexibility for negotiations. Hanoi could only be encouraged to stall, waiting to harvest the results of our domestic dissent."3a That most of Congres"s's efforts to limit the continued use of force failed in one chamber or another does not negate the basic point-that is, by repeatedly trying to force the withdrawal of American troops, Congress undermined the president’s bargaining position and, perhaps inadvertently prolonged the actual conflict.

#### Speed/ Secrecy key.

John Yoo, 06 law professor at University of California, Berkeley. He was Deputy

Assistant Attorney General in the Office of Legal Counsel at the US Department

of Justice from 2001 to 2003, “Exercising Wartime Powers,” Harvard International

Review28. 1 (Spring 2006): 22-25.

Critics of these conflicts want to upend long practice by appealing to an "original ¶ understanding" of the Constitution. But the text and structure of the Constitution, as well as its application over the¶ last two centuries, confirm that the president can begin military hostilities without the approval of Congress. The Constitution¶ does not establish a strict warmaking process because the Framers understood that war ¶ would require the speed, decisiveness, and secrecy that only the presidency could bring. "Energy¶ in the executive," Alexander Hamilton argued in the Federalist Papers, "...is essential to the protection of the community against¶ foreign attacks." He continued, "the direction of war most peculiarly demands those qualities which distinguish the exercise of ¶ power by a single hand." Rather than imposing a fixed, step-by-step method for going to war, the ¶ Constitution allows the executive and legislative branches substantial flexibility in shaping¶ decisionmaking process for engaging in military hostilities. Given the increasing ability of ¶ rogue states to procure weapons of mass destruction (WMDs) and the rise of international ¶ terrorism, maintaining this flexibility is critical to preserving US national security.

#### A strong executive has several advantages over congress in making foreign policy

Michael Benjamin Weiner, 2007, “A Paper Tiger with Bite: A Defense of the War Powers

Resolution,” Vanderbilt Jrnl of Transnatl Law, pp. LN.

This trend can be explained by the practical advantage the Executive branch has over the Legislative ¶ branch: It is more efficient for a small, relatively homogenous group to reach a decision than it ¶ is for a large, diverse group to reach one29—a principle required to address the urgent questions that are necessary ¶ in foreign affairs.30 One commentator explained the institutional relationship between the branches by noting that, while ¶ Congress can announce foreign affairs policy, it lacks the institutional framework to ¶ implement that policy.31 Thus, in practice Executives mainly have been the actors and ¶ Congresses the reactors. As a result, it should be no surprise that in the nation’s brief history ¶ “presidents have in fact deployed U.S. armed forces beyond the U.S. borders hundreds of ¶ times without authorization or subsequent ratification by Congress, and in many of these cases they ¶ engaged in ‘hostilities’ of varying significance, intensity, and duration.”32 ¶ ¶

#### Statutory limitations devastate presidential flexibility in a crisis.

Vermueule 6 [Adrian Vermeule, Professor of Law, Harvard Law School, 2006, “THE EMERGENCY CONSTITUTION IN THE POST-SEPTEMBER 11 WORLD ORDER: SELF-DEFEATING PROPOSALS: ACKERMAN ON EMERGENCY POWERS,” Fordham Law Review, Nov., pp.]

The reason for the failure of statutory frameworks is plain. When an emergency or war or crisis arises, the executive needs flexibility; because statutory limitations determined in advance can only reduce flexibility, and do so in a way that does not anticipate the particular requirements of a new emergency, no one has any ex post interest in insisting that these limitations be respected. Ackerman acknowledges the grim historical record but provides no valid reason for thinking that his framework statute – which more ambitious than the other ones - might fare differently.

#### Restrictions hurt presidential power.

Robbins 88 Patrick D. Robbins, law student The American University FALL, 1988 38 Am. U.L. Rev. 141 COMMENT: THE WAR POWERS RESOLUTION AFTER FIFTEEN YEARS: A REASSESSMENT. lexis

n185. On September 25, 1987, the President contended that any "ill-conceived" efforts by Congress to restrict his freedom of action "could have a disastrous effect for the U.S. commitment to the Persian Gulf." See 23 WEEKLY COMP. PRES. DOC. 1073 (1987). Stating that congressional interference would only achieve Iranian aims, the President promised to veto any restrictive legislation. Id.

#### Congressional involvement creates murky lines of authority – undermines warfighting.

Wall 12 [Andru, senior official – Alston & Bird, Demystifying the Title 10-Title 50 Debate: Distinguishing Military Operations, Intelligence Activities & Covert Action, Harvard National Security Journal]

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

#### Congressional action hamstrings flexibility.

Grimmett 12 [Richard F. Grimmett Specialist in International Security September 24, 2012 The War Powers Resolution: After Thirty-Eight Years http://www.fas.org/sgp/crs/natsec/R42699.pdf]

A contrary view is that the War Powers Resolution is an inappropriate instrument that restricts the President’s effectiveness in foreign policy and should be repealed.89 Those with this perspective believe that the basic premise of the War Powers Resolution is wrong because in it, Congress attempts excessive control of the deployment of U.S. military forces, encroaching on the responsibility of the President.90 Supporters of repeal contend that the President needs more flexibility in the conduct of foreign policy and that the time limitation in the War Powers Resolution is unconstitutional and impractical. Some holding this view contend that Congress has always had the power, through appropriations and general lawmaking, to inquire into, support, limit, or prohibit specific uses of U.S. Armed Forces if there is majority support. The War Powers Resolution does not fundamentally change this equation, it is argued, but it complicates action, misleads military opponents, and diverts attention from key policy questions.

#### Congressional action revitalizes the WPR – that devastates global credibility and readiness.

Nichols 8/25 [Tom, Professor of National Security Affairs, Naval War College and Senior Associate of the Carnegie Council on Ethics and International Affairs, Repeal the War Powers Resolution Posted by Tom on Sunday, August 25, 2013 http://tomnichols.net/blog/2013/08/25/repeal-the-war-powers-resolution/]

The War Powers Resolution was a bad idea then, and it is a bad idea now. As satisfying as it might be in the short term to hobble the president, both parties would come to regret the consequences of such political combat, not least because it would shift greater responsibility for military action onto a Congress that in the long run may not want it — a point raised by then-Rep. Lee Hamilton and others during a failed 1995 effort to repeal the resolution. Worse, the War Powers Act is dangerous to our troops and to our national security. Imagine if it were ever taken seriously as an ongoing restriction on military action: A crisis arises, and the president responds by deploying U.S. forces, perhaps to support an ally or to enforce a United Nations resolution. The clock begins ticking, and after 60 days — or sooner, if Congress so directs — the president must recall U.S. troops. Thus, the resolution in effect tells any enemy that the best strategy against U.S. military force is to hunker down and wait out the 60-day period, in hopes that the resulting political fight in Washington will be messy enough to tear apart the nation and undermine Americans’ will to fight. It is folly to tell any potential enemy that he has 60 days to play one branch of the United States government off against another. Presidents answer to the American people and, in the most extreme instance, to the Senate during impeachment. These mechanisms do not need to be superseded by a contested law that invites the micromanagement of U.S. military operations by 535 additional commanders-in-chief. Legislators from both parties now have a rare opportunity to exercise statesmanship. They can declare that their differences might be deep and principled, but that our political system cannot be shaken during a military conflict. A bipartisan move to repeal the War Powers Resolution — and to protect the necessary ability of presidents to engage in military action now and in the future — would send a powerful message to dictators and terrorists who have always placed their hopes, however vainly, in a mistaken belief that democracies are too divided and too weak to stop them. The War Powers Resolution should be shelved, once and for all, as a danger not to any one president or party, but to the security of the United States.

### Link--Opposition

#### Plan allows Congress to vocally oppose crisis intervention – that destroys international perception of U.S. resolve.

Waxman 8/25 [Matthew Waxman, Professor of Law @ Columbia and Adjunct Senior Fellow for Law and Foreign Policy @ CFR, citing William Howell, Sydney Stein Professor in American Politics @ U-Chicago, and Jon Pevehouse, Professor of Political Science @ U-Wisconsin-Madison, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN]

When members of Congress vocally oppose a use of force, they undermine the president’s ability to convince foreign states that he will see a fight through to the end. Sensing hesitation on the part of the United States, allies may be reluctant to contribute to a military campaign, and adversaries are likely to fight harder and longer when conflict erupts— thereby raising the costs of the military campaign, decreasing the president’s ability to negotiate a satisfactory resolution, and increasing the probability that American lives are lost along the way. Facing a limited band of allies willing to participate in a military venture and an enemy emboldened by domestic critics, presidents may choose to curtail, and even abandon, those military operations that do not involve vital strategic interests.145

### Crisis

#### Crisis and emergencies necessitate strong presidential authority.

Andrew Rudalevig, Associate Professor of Political Science, Dickinson College,

05, The New Imperial Presidency, Ann Arbor, U of Mich Press, p. 275-6.

One dimension of the change surely stems from previous discussion during periods of uncertainty or danger a ¶ strong presidency is genuinely seen as a positive good. Recent congressional debate is laced ¶ with references to the need for forceful, unified leadership in troubled times. “Success in time ¶ of war requires cohesion and unity,” noted Rep. Tom Lantos (D-CA). “If you study the sweep of history in ¶ the United States and the history of the Presidency,” Sen. Richard Durbin (D-IL) orated, “you understand ¶ that at times of crisis the President has an opportunity to rally the American people, to ¶ summon them to a higher calling and a greater commitment than they might otherwise reach. ¶ Time and again, each President faced with a national challenge has tried his best to do just that.”

#### Must maintain the threat of boots on the ground.

Barnes, 13 (Fred, Executive editor of the weekly standard. Hesitation, Delay, and Unreliability. http://www.weeklystandard.com/articles/hesitation-delay-and-unreliability\_752788.html)

Hayward adds: “Reagan had one important rule that Obama has already flunked: Never say ‘never.’ Privately Reagan was adamant that he’d never put ‘boots on the ground’ in Nicaragua, but publicly he’d never admit this, on the sensible ground that it was better for our enemies to be worried that we might. That fear helped make our limited actions more effective.”¶ One could argue that Obama had no choice but to disavow the use of ground troops. Otherwise the resolution authorizing force would lose in Congress. But this pitfall was avoidable. Obama believes, correctly, he has the authority, as president, to order the bombing and dispatch troops. Congressional consent is optional.¶ As Allied commander in World War II, Dwight Eisenhower felt he was obliged to be upbeat. If he appeared doubtful or downbeat in public, it would be interpreted as a sign of alarm about the war’s progress. War presidents have the same obligation. Yet Obama talks about how “weary of war” he and the American people are.¶ “We’ve ended one war in Iraq,” he said in his Rose Garden announcement about congressional authorization. “We’re ending another in Afghanistan. And the American people have the good sense to know we cannot resolve the underlying conflict in Syria with our military.” The message, whatever the president’s intention, was: I’m tired and I can’t achieve much in Syria anyway.¶ “Saying ‘I am war-weary’ is an appalling thing to do,” says Eliot Cohen, whose book Supreme Command examines four successful wartime leaders (Lincoln, Clémenceau, Churchill, Ben-Gurion). “Number One has to look confident, self-assured, positive without conveying an impression of irrational optimism. Above all, he can never, ever feel sorry for himself—or, indeed, anyone else.”