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**Clean Debt Ceiling vote will pass**

**BLOOMBERG 9 – 20** – 13 Senate Budget Chief Sees Republican Yield on Debt Lifting, <http://www.bloomberg.com/news/2013-09-19/senate-budget-chief-sees-republican-yield-on-debt-lifting.html>

Republicans seeking to curb President Barack Obama’s health-care law probably will capitulate to demands from Democrats to enact a “clean” bill raising the nation’s debt ceiling, the Senate’s top Democratic budget writer said.

“I see no deals on the debt ceiling,” Senator Patty Murray of Washington state, who leads the Budget Committee, said in an interview on Bloomberg Television’s “Political Capital with Al Hunt” airing this weekend.

“The downside of not paying our bills is our credit-rating tanks,” Murray said. “That affects every family, every business, every community. It affects Main Street. It affects Wall Street.”

Murray said she also expects Republicans to relent on their demands for stripping spending from Obama’s health plan as part of action on a spending bill needed to keep the government running after Sept. 30.

Republicans led by House Speaker John Boehner of Ohio have clashed with Obama over the debt ceiling, with the lawmakers demanding changes to spending programs as a condition of raising the $16.7 trillion federal borrowing limit.

Republicans “will come together with some mishmash policy of everything in the bag they’ve ever promised” to anti-tax Tea Party activists, though “they haven’t been able to get the votes for anything yet,” said Murray, 62, fourth-ranking Democrat in the Senate’s leadership.

**Plan kills Obama’s agenda**

**KRINER 10 Assistant professor of political science at Boston University** [Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, page 276-77]

One of the mechanisms by which congressional opposition influences presidential cost-benefit calculations is by sending signals of American disunity to the target state. Measuring the effects of such congressional signals on the calculations of the target state is always difficult. In the case of Iraq it is exceedingly so, given the lack of data on the non-state insurgent actors who were the true “target” of the American occupation after the fall of the Hussein regime. Similarly, in the absence of archival documents, such as those from the Reagan Presidential Library presented in chapter 5, it is all but impossible to measure the effects of congressional signals on the administration’s perceptions of the military costs it would have to pay to achieve its objectives militarily.

By contrast. measuring the domestic political costs of congressional opposition, while still difficult, is at least a tractable endeavor. Chapter 2 posited two primary pathways through which congressional opposition could raise the political costs of staying the course militarily for the president. **First. high-profile congressional challenges** to a use of force can affect real or anticipated public opinion and bring popular pressures to bear on the president to change course. Second, congressional opposition to the president’s conduct of military affairs **can compel him to spend considerable political capital in the military arena to the detriment of other major items on his programmatic agenda**. On both of these dimensions, congressional opposition to the war in Iraq appears to have had the predicted effect.

Losing authority would embolden the GOP on the debt ceiling fight

**SEEKING ALPHA 9 – 10** – 13 [“Syria Could Upend Debt Ceiling Fight” <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.

Destroys the global economy

**DAVIDSON 9 – 15** – 13 co-founder and co-host of Planet Money, a co-production of the NYT and NPR [Adam Davidson, Our Debt to Society, <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=1&>]

The Daily Treasury Statement, a public accounting of what the U.S. government spends and receives each day, shows how money really works in Washington. On Aug. 27, the government took in $29 million in repaid agricultural loans; $75 million in customs and duties; $38 million in the repayment of TARP loans; some $310 million in taxes; and so forth. That same day, the government also had bills to pay: $247 million in veterans-affairs programs; $2.5 billion to Medicare and Medicaid; $1.5 billion each to the departments of Education and Defense. By the close of that Tuesday, when all the spending and the taxing had been completed, the government paid out nearly $6 billion more than it took in.

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**.

Global nuke wars

**Kemp 10**—Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace [Geoffrey Kemp, 2010, *The East Moves West: India, China, and Asia’s Growing Presence in the Middle East*, p. 233-4]

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more “failed states.” Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet’s population.

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**The aff focuses on the institutional solution to war powers ignoring the individual’s role – this re-entrenches gendered IR**

**Sylvester 12** (Christine Sylvester is Professor of Political Science at the University of Connecticut, USA and Professorial Affiliate of the School of Global Studies, University of Gothenburg, Sweden.) War Experiences/War Practices/War Theory

What if International Relations (IR) were to turn its usual view of war around and start not with states, fundamentalist organisations, strategies, conventional security issues and a weapons system, and not with the aim of establishing the causes of war, as has so often been the case? What if we think of war as experience, as something ordinary people observe and suffer physically and emotionally depending on their locations? To date, much of IR has been operating comfortably in a world of theoretical abstractions – states, systems, power, balances, stakeholders, decision-makers, peace, war – tacitly leaving people and war to journalists, novelists, memoirists, relief workers, anthropologists, women’s studies and social history to flesh out.1 **This means** that **IR is not addressing one of the key elements of war**: its actual mission of injuring human bodies and destroying normal patterns of social relations. Neglecting the human elements for strategic and interest politics renders the injurious nature of war a consequence rather than the actual focal point of war.2 **It** also **makes it more difficult to appreciate the decentralised aspects of** many contemporary **wars, which is to say the dispersal of authority to people who are** routinely **off IR’s grid** – like the Liberian peace women who forced Charles Taylor into peace talks and the kidnapped war women led by Black Diamond, who simultaneously gained notoriety as fierce combatants in the bush.3 As well, IR knows about the political economies and security mercenaries of war,4 but often finds the individuals who sustain and benefit from war less pertinent than the international web of interactions they create, **thus potentially missing links in chains that start and end with people**.

Much of IR actually seems unprepared for the presence, let alone the power, of ordinary people in international relations, whether those people walk through the Berlin Wall and help shift Cold War polarity, or toss out autocrats in the Arab Spring revolutions. Ordinary people are overwhelmingly absent in IR because they are not seen as key stakeholders in IR’s versions of international relations. My challenge to the field is to pay more attention to war as experience, on two grounds: **war cannot be fully apprehended unless it is studied up from people** and not only studied down from places that sweep blood, tears and laughter away, or assign those things to some other field to look into; and **people demonstrate time and again that they too comprise international relations, especially the relations of war, and cannot therefore be ignored or relegated to a collateral status**. IR’s feminist wing of war studies, which is still taking shape, has implicitly made those kinds of propositions the touchstones of its war research. As well, scholars from a number of IR’s many camps work the boundaries of IR theories in ways that can reveal the people of war. Even IR traditions that make a point of operating above people (neorealism) can briefly mention people in war situations, albeit without elaborating their experiences or building them into IR theories.

**AND their representations create structural violence – that outweighs and turns the case – only evaluating IR can solve**

**Shepherd 09** [Laura J. Dept of Political Science and International Studies, U of Birmingham (UK), “Gender, Violence and Global Politics: Contemporary Debates in Feminist Security Studies,” Political Studies Review, V7 I2, Apr]

According to conventional accounts of international relations (IR), scholars focus on war (predominantly as a means to providing the sovereign state with security) and the existence of war's corollary is a foundational assumption that goes largely unquestioned. Peace must exist, for international relations are not characterised by perpetual conflict. However, peace is implicitly defined, in dichotomous terms, by the absence of violent conflict, as 'not-war'. Of more analytical interest is conflict, which is always a possibility and which, moreover, occurs between states. International relations as a discipline, narrowly conceived, is largely unconcerned with activities that occur within the state. Minimally, feminist and other critical approaches to IR seek to correct such disciplinary myopia. While classical realism theorises the political actor –Hans Morgenthau's 'political man' (1973, pp. 15–6) – in order to construct the state as actor, the now dominant neo-realism abstracts the human subject from its disciplinary musings, leading to the infamous 'black box' model of the state. Early feminist scholarship challenged this assumption as well, arguing that individuals, as human subjects in all their messy complexity, are an integral part of international relations (see Shepherd, 2007, pp. 240–1). Attention to the human subject in I/international R/relations – or, as Christine Sylvester phrases it, 'relations international', to emphasise the embedded nature of all kinds of relations in the international sphere, including power relations and gender relations (Sylvester, 1994, p. 6; see also Enloe, 1996) – allows critical scholars to look beyond the disciplinary obsession with war. Further, it allows us to investigate one of the simplest insights of feminist IR, which is also one of the most devastating: the war/peace dichotomy is gendered, misleading and potentially pathological. In this essay, I address each of these concerns in turn, developing a critique of the war/peace dichotomy that is foundational to conventional approaches to IR through a review of three recent publications in the field of feminist security studies. These texts are Cynthia Enloe's (2007) Globalization and Militarism, David Roberts' (2008) Human Insecurity, and Mothers, Monsters, Whores: Women's Violence in Global Politics by Laura Sjoberg and Caron Gentry (2008). Drawing on the insights of these books, I ask first how violence is understood in global politics, with specific reference to the gendered disciplinary blindnesses that frequently characterise mainstream approaches. Second, I demonstrate how a focus on war and peace can neglect to take into account the politics of everyday violence: the violences of the in-between times that international politics recognises neither as 'war' nor 'peace' and the violences inherent to times of peace that are overlooked in the study of war. Finally, I argue that **feminist security studies offers an important corrective to the foundational assumptions of IR, which themselves can perpetuate the very instances of violence that they seek to redress**. If we accept the core insights of feminist security studies – the centrality of the human subject, the importance of particular configurations of masculinity and femininity, and the gendered conceptual framework that underpins the discipline of IR – we are encouraged to envisage a rather different politics of the global. From Boudica to Bhopal As Sjoberg and Gentry recount (2008, pp. 38–9), Boudica was an Iceni queen who led an uprising against the Roman forces occupying the British Isles circa 61 AD. Prior to launching the attack, Boudica's refusal to allow a Roman general to claim ownership of her land resulted in the rape of her two daughters as punishment. However, 'many inherited tales about Boudica do not emphasise her personal or political motivations, but the savage and unwomanly brutality of her actions' (Sjoberg and Gentry, 2008, p. 39). Almost two thousand years later and half a planet away, a toxic gas leak in 1984 at a Union Carbide plant in Bhopal, India caused the immediate deaths of approximately 3,000 people and left tens of thousands suffering the after-effects for decades (Roberts, 2008, p. 10). At first reading, little links these two accounts of quite different forms of violence. The first is an instance of violent resistance against imperial oppression, and Boudica has been vilified, her efforts delegitimised, in much the same way as many actors in 'small wars' tend to be in global politics today (see Barkawi, 2004). The second is perhaps more usefully seen as the result of structural violence, following Johan Galtung's explanation of the same, as 'violence where there is no such actor' (cited in Roberts, 2008, p. 18). However, by asking questions about Boudica and Bhopal that are born of a 'feminist curiosity' (Enloe, 2007, p. 1, p. 11), these texts demonstrate connections beyond the simplistic equation that is applicable to both: actor/structure plus violence equals death. In Human Insecurity, Roberts poses the question, 'What is violence?' (2008, p. 17). This is a question rarely asked in international relations. Violence is war: large-scale, state-dominated, much studied, war. However, the three texts under review here all offer more nuanced theories of violence that focus analytical attention on complex constructions of agency (institutional and international), structure, and the global context that is product and productive of such violence. Through an intricate and beautifully accessible analysis of modernity –'that pot of gold at the end of the global rainbow' (Enloe, 2007, p. 64) – Enloe encourages her readers to seek the connections between globalisation and militarisation, arguing that at the heart of this nexus lie important questions about violence and security. Roberts notes a broad dissatisfaction with the concept of 'human security' (2008, pp. 14–7), offering instead his investigative lens of 'human insecurity', defined as 'avoidable civilian deaths, occurring globally, caused by social, political and economic institutions and structures, built and operated by humans and which could feasibly be changed' (p. 28). Placing the human at the centre of concerns about security immediately challenges a conventional state-based approach to security, as Enloe explains. In a convincing account of the hard-fought expansion of the concept of security, mapped on to strategic and organisational gains made by various feminist organisations, Enloe reminds us that **if we take seriously the lives of women – their understandings of security – as well as on-the-ground workings of masculinity and femininity, we will be able to produce more meaningful and more reliable analyses of 'security'– personal, national and global** (Enloe, 2007, p. 47). This latter quote typifies an approach for which Enloe has become somewhat famous. In the early 1980s, Enloe began asking the questions for which she is rightly acknowledged as a key figure in feminist security studies, including Does Khaki Become You? (Enloe, 1983) and 'where are the women?' (Enloe, 2000; see also Enloe, 2004). Inspired by her own curiosity about the roles played by women and the functions performed by gender in the militarisation of civilian life, Enloe has explored prostitution, marriage, welfare and war making with an eye to the representation (both political and symbolic) of women. In Globalization and Militarism she offers detailed vignettes that illuminate just how interwoven violence is with the quest for (various types of) security, and demands that nothing is left unquestioned in a critical analysis of these concepts. Even baby socks (embossed with tiny fighter planes, a gift to the parent of a small boy) have something to tell us about gender, militarism and the casual representations of violence and war that society accepts (Enloe, 2007, pp. 143–4). Following a similar logic, although he initially defines human insecurity as avoidable civilian deaths, Roberts focuses on 'preventable female deaths ... and avoidable deaths in children under five' (2008, p. 31). While this conflation of 'civilian' with 'women and children' is rather problematic (see Carpenter, 2006), in asking not only, where are the women? but also, why are they dying in such disproportionate numbers? Roberts enhances his critique of 'most security studies ... [that] largely [miss] the scale of avoidable human misery and avoidable human death' (2008, p. 4). As mentioned above, Roberts uses Galtung's concept of structural violence to draw attention to the manifest ways in which an increasingly interconnected global system relies on gender and violence (and gendered violence) for its perpetuation: 'The process of globalization, to which few are ideologically or otherwise opposed, is an essential conveyor and articulator of the masculinity that underpins andrarchy' (Roberts, 2008, p. 157). Whereas Enloe offers a persuasive and accessible account of patriarchy, a concept familiar to feminist and non-feminist scholars alike (Enloe, 2007, pp. 66–8), Roberts suggests 'andrarchy' as an alternative, which he defines as 'the gender-partisan ideological domination and rule structure that determines and sustains the general relative power of males over females globally' (Roberts, 2008, p. 140). However, it is difficult to see how this reformulation either differs substantively from patriarchy as an analytical tool or assists in the construction of an alternative theory of global violence that centralises the individual, and therefore takes gender seriously, in that it seems to essentialise violent actors (males) and violated victims (females). In contrast, Enloe's explanation of patriarchy challenges such essentialism as its first point of critical intervention. That is, the assumption of essential differences between men and women is part of patriarchal ideology, feeding into stereotypical notions of how such men and women should behave, which in turn constitute recognisable discourses of gender: sets of narratives about masculinity and femininity and how these are, in general, respectively privileged and marginalised. The most theoretically coherent account of gender and violence offered in these three texts comes from Sjoberg and Gentry and employs the notion of discourse to great effect. Whereas Roberts seeks to map out a consciously structural account of global violence, where the structure in question is a hybrid of andrarchy and a 'rapacious, increasingly competitive and hyper-masculine' neoliberalism (Roberts, 2008, p. 118), Sjoberg and Gentry offer a more sophisticated analysis of structure and agency in their 'relational autonomy framework' that accounts for both individual agency and structural constraint (Sjoberg and Gentry, 2008, pp. 189–98). When people perform acts of political violence, they argue, this is a conscious choice, but crucially individuals 'choose within a specified spectrum of socially acceptable choices' (p. 190). 'In its simplest form, relational autonomy is the recognition that freedom of action is defined and limited by social relationships' (p. 194) and this has profound implications for the study of violence in global politics. Sjoberg and Gentry use this insight to demonstrate that women's violence in global politics is rendered unintelligible, through narrative representations of the perpetrators as mothers, monsters or whores (in media discourse and academic discussion), rather than as autonomous agents. From the abuses of prisoners held at Abu Ghraib prison in Iraq, via the 'black widows' of Chechnya, to female perpetrators of genocidal violence in Rwanda, the authors show how representations of women's violence conform to and further confirm the stereotypes of violent women as either mothers (supporting or vengeful), monsters or sexually deviant whores (Sjoberg and Gentry, 2008, pp. 30–49). The very different theories of violence outlined in these three texts all contribute to the development of a more comprehensive and holistic understanding of violence in global politics. By insisting that international relations are also gender relations – by demanding that we recognise that states are an analytical abstraction and politics is practised or performed by gendered bodies – all of the authors put forward theories of violence that are corrective of gender blindness, in that the violences in question are simultaneously gendered and gendering (see Shepherd, 2008, pp. 49–54). They are gendered because they have different impacts on male and female bodies (Enloe, 2007, p. 13), both materially as people experience violence differently depending on their gender (and race, class, sexuality and so on) and also discursively, as what we expect of men and women in terms of their behaviours, violent and otherwise, is limited by the meaning(s) ascribed to male and female bodies by society. Regarding the former, Roberts proposes that we term the global victimisation of women 'structural femicide' (Roberts, 2008, p. 65), but does not sufficiently engage with the question of whether defining gendered violence as violence against women (and children) functions to constitute the subject of 'woman' as a perpetual victim, in need of protection and lacking in agency (Shepherd, 2008, p. 41). In contrast, Sjoberg and Gentry neatly articulate the interplay between material and discursive violence as they write a theory that accounts 'for people's impact on global politics and for the impact of narratives others construct for and about them' (Sjoberg and Gentry, 2008, p. 216, emphasis in original). Thus, violence is gendering as our understanding of politics is in part reproduced through violent actions. Through discursive violence against individuals – for example, representing Chechen women suicide terrorists as 'black widows', which demands that they are attributed the characteristics of the venomous and deadly black widow spider and, further, that their violence is grounded in familial loss, 'born directly of a desire for vengeance for the deaths of their husbands and sons' (Sjoberg and Gentry, 2008, p. 100) rather than as the result of a process of political decision making – our understanding of that individual and of the act of violence itself is produced. Similarly, through material acts of violence, discourses of gender are given physical form; the detainees at Abu Ghraib who were forced to simulate oral sex with each other were forced to do so in part because of crude cultural understandings of homosexuality as deviant and homosexuals as lesser men – that is, as women. To force a man to perform oral sex on another man is to undermine his masculinity and simultaneously to reinforce the gendered power relations that claim privilege for masculinity over femininity, heterosexuality over homosexuality – power relations that render such an act intelligible in the first instance. Such understandings of violence are beyond the remit of conventional state-based approaches to international relations. However, 'it is by tracking the gendered assumptions about how to wield feminization to humiliate male[s]' (Enloe, 2007, p. 115) and how to represent gendered individuals in such a way as to render some acts of violence intelligible as political and others as monstrous that we can begin to piece together a useful feminist account of global violence, which is a necessary component of understanding security. Everyday Violence and In-Between Days In addition to questioning what violence is, how it is represented and with what effects, feminist security studies scholarship also asks which violences are considered worthy of study and when these violences occur. Expanding the concept of violence that underpins feminist analysis, as outlined above, allows us to take seriously what Arthur Kleinman (2000) refers to as 'the violences of everyday life'. Beyond a narrow focus on war and state-based violence lies a plethora of everyday violences that feminist security studies seeks to address. In the field of security studies the broadening and deepening of the concept of security, such that it is no longer assumed to apply only to the sovereign state, has demonstrated the multiple insecurities experienced by individuals and social collectives (Booth, 2005, pp. 14–5). The development of the concept of 'human security' largely took place within the parameters of a wider disciplinary debate over the appropriate referent object for security studies (the individual, society, the state) and the types of threat to the referent object that would be recognised. In a move similar to Ken Booth's (1991) reformulation of security as emancipation, Roberts' quest for individual empowerment seeks to overcome the 'élite-legitimized disequilibrium' that results in the manifest insecurity of the majority of the world's population (Roberts, 2008, p. 185). As might be expected, the violences Roberts identifies are innumerable. In addition to the physical violences of 'infanticide, maternal mortality, intimate ("domestic", "honour" and "dowry") killings and lethal female genital mutilation; and avoidable deaths in children under five' (Roberts, 2008, p. 31), his analysis attacks the institutional structures of the dominant international financial institutions (pp. 117–35) and the andrarchal and neoliberal discourses that sustain them (pp. 136–58). In short, Roberts' answer to the question of which violences matter in global politics is quite simple: all of them. However, while studies of human security, he argues, seek to provide the human with security, his reformulated analytic takes as its starting point human insecurity; that is, he starts with the threat(s) to the sovereign subject rather than the subject's ontological condition. Roberts suggests that this circumvents the disciplinary definitional problem with human security – identified by Roland Paris (2001), Edward Newman (2001; 2004) and others – but I cannot see how this is the case, given that the answer to the question 'what is it that humans do to make the world a more dangerous and dysfunctional place?' (Roberts, 2008, p. 28) is also quite simple: we live in it. Thus Roberts' analytic seems to suffer the same lack of definitional clarity – and therefore policy relevance – that he ascribes to more conventional approaches; it is no easier to identify, quantify and ultimately reduce the threats experienced by coexisting human subjects than it is to provide those human subjects with security, if security can first be defined as freedom from fear or want. I do not espouse some construction of human nature (if such a thing were to exist) that assumes essential selfishness and a propensity for violence, nor do I assume that security is a zero-sum game, in that one person's security must always be at the expense of another's, but I recognise that even the most well-intentioned security policy can have unforeseen and sometimes disastrous effects. Sometimes, moreover, as Sjoberg and Gentry demonstrate, the decision to perform acts of political violence that are a source of insecurity for the intended victims can be understood if not condoned. Enloe's analytical remit is similarly wide-ranging to Roberts', in that she focuses on processes – globalisation and militarism – that are inherently violent. However, although Enloe also insists that all violences should count in the study of global politics, she grounds this claim in an analysis of specific sites of violence and demonstrates with startling clarity just how everyday items – for example, sneakers – are both globalised and militarised: Threaded through virtually every sneaker you own is some relationship to masculinized militaries. Locating factories in South Korea [in the 1960s and 1970s] was a good strategic decision in the eyes of those Oregon-headquartered male Nike executives because of the close alliance between male policymakers in Washington and Seoul. It was a relationship – unequal but intimate – based on their shared anticommunism, their shared commitment to waging the Cold War, and their shared participation in an ambitious international military alliance (Enloe, 2007, p. 28). By drawing her readers' attention to the ways in which discourses of gender (ideas about how 'proper' men and women should behave) function, Enloe reminds us that adhering to ideals of masculinity and femininity is both productive of violence and is a violence in itself, a violence against the empowered human subject. 'Ideas matter', she concludes, ideas about modernity, security, violence, threat, trust. 'Each of these ideas is fraught with blatant and subtle presumptions about masculinity and femininity. Ideas about both masculinity and femininity matter. This makes a feminist curiosity a necessity' (Enloe, 2007, p. 161). While conventional studies of IR and security may be willing to concede that ideas matter (see Finnemore and Sikkink, 2001), paying close attention to the work that gender does allows for a fuller understanding of why it is that particular violences fall outside the traditional parameters of study. As to the question of when violence is worthy of study, all three texts implicitly or explicitly draw on the popular feminist phrase: 'the personal is political'. This slogan neatly encapsulates the feminist critique of a supposed foundational divide between the private and the public realms of social life. In arguing that the personal is political, feminist theory refuses to accept that there are instances of human behaviour or situations in social life that can or should be bracketed from study. At its simplest, this critique led to the recognition of 'domestic violence' as a political, rather than a personal issue (see, for example Moore, 2003; Youngs, 2003), forming the foundation for critical studies of gendered violence in times of war and in times of peace that would otherwise have been ignored. Crucially, Enloe extended the boundaries of critique to include the international, imbuing the phrase with new analytical vitality when she suggested, first, that the phrase itself is palindromic (that is, that the political is also personal, inextricably intertwined with the everyday) and, second, that the personal is international just as the international is personal. 'The international is personal' implies that governments depend upon certain kinds of allegedly private relationships in order to conduct their foreign affairs. ... To operate in the international arena, governments seek other governments' recognition of their sovereignty; but they also depend on ideas about masculinised dignity and feminised sacrifice to sustain that sense of autonomous nationhood (Enloe, 2000, pp. 196–7). These ideas about dignity and sacrifice are not neatly contained within the temporal boundaries of any given war, nor are they incidental to the practice of warfare. Further, there is of course also the question of who gets to define or declare war, or peace. While some of the violent women whose actions are analysed by Sjoberg and Gentry perform their violences in wartime (for example, Lynndie England, who received the most attention from global media of the women involved in prisoner abuse at Abu Ghraib; see Sjoberg and Gentry, 2008, pp. 67–70), others are fighting wars that are not sanctioned by the international community (such as the Chechen women [pp. 97–111] and female Palestinian suicide bombers [pp. 112–40]). As discussed above, ideas about masculinity and femininity, dignity and sacrifice may not only be violent in themselves, but are also the product/productive of physical violences. With this in mind, the feminist argument that 'peacetime' is analytically misleading is a valid one. Of interest are the 'in-between days' and the ways in which **labelling periods of war or peace as such can divert attention away from the myriad violences that inform and reinforce social behaviour**. [W]ar can surely never be said to start and end at a clearly defined moment. Rather, it seems part of a continuum of conflict, expressed now in armed force, now in economic sanctions or political pressure. A time of supposed peace may come later to be called 'the pre-war period'. During the fighting of a war, unseen by the foot soldiers under fire, peace processes are often already at work. A time of postwar reconstruction, later, may be re-designated as an inter bellum– a mere pause between wars (Cockburn and Zarkov, cited in El Jack, 2003, p. 9). Feminist security studies interrogates the pauses between wars, and the political processes – and practices of power – that demarcate times as such. In doing so, not only is the remit of recognisable violence (violence worthy of study) expanded, but so too are the parameters of what counts as IR. Everyday violences and acts of everyday resistance ('a fashion show, a tour, a small display of children's books' in Enloe, 2007, pp. 117–20) are the stuff of relations international and, thus, of a comprehensive understanding of security. In the following section I outline the ways in which taking these claims seriously allows us to engage critically with the representations of international relations that inform our research, with potentially profound implications. The Violent Reproduction of the International As well as conceiving of gender as a set of discourses, and violence as a means of reproducing and reinforcing the relevant discursive limits, **it is possible to see security as a set of discourses**, as I have argued more fully elsewhere (Shepherd, 2007; 2008; see also Shepherd and Weldes, 2007). Rather than pursuing the study of security as if it were something that can be achieved either in absolute, partial or relative terms, **engaging with security as discourse enables the analysis of how these discourses function to reproduce, through various strategies, the domain of the international with which IR is self-consciously concerned**. Just as violences that are gendering reproduce gendered subjects, on this view states, acting as authoritative entities, perform violences, but violences, in the name of security, also perform states. These processes occur simultaneously, and across the whole spectrum of social life: an instance of rape in war is at once gendering of the individuals involved and of the social collectivities – states, communities, regions – they feel they represent (see Bracewell, 2000); building a fence in the name of security that separates people from their land and extended families performs particular kinds of violence (at checkpoints, during patrols) and performs particular subject identities (of the state authority, of the individuals affected), all of which are gendered. All of the texts under discussion in this essay argue that it is imperative to explore and expose gendered power relations and, further, that doing so not only enables a rigorous critique of realism in IR but also reminds us as scholars of the need for such a critique. The critiques of IR offered by feminist scholars are grounded in a rejection of neo-realism/realism as a dominant intellectual framework for academics in the discipline and policy makers alike. As Enloe reminds us, 'the government-centred, militarized version of national security [derived from a realist framework] remains the dominant mode of policy thinking' (Enloe, 2007, p. 43). Situating gender as a central category of analysis encourages us to 'think outside the "state security box"' (p. 47) and to remember that 'the "individuals" of global politics do not work alone, live alone or politic alone – they do so in interdependent relationships with others' (Sjoberg and Gentry, 2008, p. 200) that are inherently gendered. One of the key analytical contributions of all three texts is the way in which they all challenge what it means to be 'doing' IR, by recognising various forms of violence, interrogating the public/private divide and demanding that attention is paid to the temporal and physical spaces in-between war and peace. Feminist security studies should not simply be seen as 'women doing security', or as 'adding women to IR/security studies', important as these contributions are. Through their theorising, the authors discussed here reconfigure what 'counts' as IR, challenging orthodox notions of who can 'do' IR and what 'doing' IR means. The practices of power needed to maintain dominant configurations of international relations are exposed, and critiquing the productive power of realism as a discourse is one way in which the authors do this. Sjoberg and Gentry pick up on a recent theoretical shift in Anglo-American IR, from system-level analysis to a recognition that individuals matter. However, as they rightly point out, the individuals who are seen to matter are not gendered relational beings, but rather reminiscent of Hobbes' construction of the autonomous rational actor. '[T]he narrowness of the group that [such an approach] includes limits its effectiveness as an interpretive framework and reproduces the gender, class and race biases in system-level international relationship scholarship' (Sjoberg and Gentry 2008, p. 200, emphasis added). Without paying adequate attention to the construction of individuals as gendered beings, or to the reproduction of widely held ideas about masculine and feminine behaviours, Sjoberg and Gentry remind us that we will ultimately fail 'to see and deconstruct the increasingly subtle, complex and disguised ways in which gender pervades international relations and global politics' (2008, p. 225). In a similar vein, Roberts notes that 'human security is marginalised or rejected as inauthentic [because] it is not a reflection of realism's (male) agendas and priorities' (2008, p. 169). The 'agendas and priorities' identified by Roberts and acknowledged by Sjoberg and Gentry as being productive of particular biases in scholarship are not simply 'academic' matters, in the pejorative sense of the term. As Roberts argues, 'Power relationships of inequality happen because they are built that way by human determinism of security and what is required to maintain security (p. 171). Realism, as academic discourse and as policy guideline, has material effects. Although his analysis employs an unconventional definition of the term 'social construction' (seemingly interchangeable with 'human agency') and rests on a novel interpretation of the three foundational assumptions of realism (Roberts, 2008, pp. 169–77), the central point that Roberts seeks to make in his conclusion is valid: 'it is a challenge to those who deny relationships between gender and security; between human agency (social construction) and lethal outcome' (p. 183). In sum, all three texts draw their readers to an inescapable, and – for the conventional study of IR – a devastating conclusion: the dominance of neo-realism/realism and the state-based study of security that derives from this is potentially pathological, in that it is in part productive of the violences it seeks to ameliorate. I suggest that critical engagement with orthodox IR theory is necessary for the intellectual growth of the discipline, and considerable insight can be gained by acknowledging the relevance of feminist understandings of gender, power and theory. The young woman buying a T-shirt from a multinational clothing corporation with her first pay cheque, the group of young men planning a stag weekend in Amsterdam, a group of students attending a demonstration against the bombing of Afghanistan – studying these significant actions currently falls outside the boundaries of doing security studies in mainstream IR and I believe these boundaries need contesting. As Marysia Zalewski argues: International politics is what we make it to be ... We need to rethink the discipline in ways that will disturb the existing boundaries of both that which we claim to be relevant in international politics and what we assume to be legitimate ways of constructing knowledge about the world (Zalewski 1996, p. 352, emphasis in original). Conclusion: 'Let a Hundred Flowers Bloom, Let a Hundred Schools of Thought Contend' (Mao Tse-Tung) In this essay, I have used the analysis of three contemporary publications in the field of feminist security studies to demonstrate three significant sets of analytical contributions that such scholarship makes to the discipline of IR. Beyond the war/peace dichotomy that is frequently assumed to be definitive of the discipline, we find many and various forms of violence, occurring in and between temporally distinct periods of conflict, which are the product/productive of socially acceptable modes of gendered behaviour, ways of being in the world as a woman or man. I have also argued that critical engagement with conventional, state-based approaches to (national) security must persist as the academic discourses we write are complicit in the construction of the global as we understand it. Further, **'if all experience is gendered, analysis of gendered identities is an imperative starting point in the study of political identities and practice'** (Peterson, 1999, p. 37). To this end, I conclude by suggesting that we take seriously Enloe's final comment: 'Tracking militarization and fostering demilitarization will call for cooperative investigations, multiple skills and the appreciation of diverse perspectives' (2007, p. 164). While there has been intense intra-disciplinary debate within contemporary feminist security studies over the necessary 'feminist credentials' of some gendered analyses, it is important to recognise the continual renewal and analytical vigour brought to the field by such debates. Broadly speaking, there are two positions we might map. On the one side, there are those who refuse to reduce gender to a variable in their research, arguing that to do so limits the critical insight that can be gained from treating gender instead as a noun, a verb and a structural logic (see, for example, Sjoberg, 2006; Zalewski, 2007). On this view, 'gender', whether deployed as noun, verb or logic in a particular analysis, cannot be separated from the decades of feminist scholarship that worked to explore, expand on and elucidate what gender might mean. On the opposing side are scholars who, typically using phrases such as 'balanced consideration' (Jones, 1998, p. 303) and 'an inclusive perspective on gender and war' (Griffiths, 2003, pp. 327–8, emphasis in original), manipulate gender as a variable in their research to 'extend the scope of feminist IR scholarship' (Caprioli, 2004, p. 266) and to draw conclusions regarding sex-specific behaviours in conflict and post-conflict situations (see also Caprioli and Boyer, 2001; Carpenter, 2006; Melander, 2005). Crucially, however, scholarship on both sides of this 'divide' coexists, and in doing so encourages 'the appreciation of diverse perspectives'. While bracketing feminist politics from the study of gender is an overtly political move, which can be presented as either strategic (Carpenter, 2006, pp. 6–10) or as common sense, in that it 'enhances [the] explanatory capabilities' of feminist security studies (Caprioli, 2004, p. 266), all interrogations of security that take gender seriously draw attention to the ways in which gender is at once personal, political and international. Although it might seem that conceiving of gender as a variable adheres both to a disciplinary narrative that rewards positivist and abstract theory (without messy reference to bodies) and to a neo-/anti-/post-feminist narrative that claims 'we' have solved the gender problem (see Zalewski, 2007, p. 303), at the very least such approaches give credence to the idea that gender matters in global politics. Mary Caprioli suggests that 'IR feminists shattered the publishing boundary for feminist IR scholarship, and tackled the difficult task of deconstructing IR theory' (2004, p. 257). I would caution that it is perhaps too soon to represent the shattering and tackling as a fait accompli, but with the vital interjections of texts such as those discussed here, security studies scholars may yet envisage a politics of violence and human subjectivity that transcends the arbitrary disciplinary boundaries which constrain rather than facilitate understanding.

**Our alternative is to interrogate reality – failure to do so makes their methodology suspect**

**Peterson and Runyan 99** [professor of political science at the University of Arizona and professor of women’s studies at Wright State University, 1999 (V. Spike and Anne, Global Gender Issues, 2nd edition, p. 1-3)]

Whenever we study a topic, we do so through a lens that necessarily focuses our attention in particular ways. By filtering or "ordering" what we look at, each lens enables us to see some things in greater detail or more accurately or in better relation to certain other things. But this is unavoidably at the expense of seeing other things that are rendered out of focus--filtered out--by each particular lens. According to Paul Viotti and Mark Kauppi, various theoretical perspectives, or "images," of international politics contain certain assumptions and lead us "to ask certain questions, seek certain types of answers, and use certain methodological tools."1 For example, different images act as lenses and shape our assumptions about who the significant actors are (individuals? states? multinational corporations?), what their attributes are (rationality? self-interest? power?), how social processes are categorized (politics? cooperation? dependence?), and what outcomes are desirable (peace? national security? global equity?). The images or lenses we use have important consequences because they structure what we look for and are able to "see." In Patrick Morgan's words, "Our conception of [IR acts as a] map for directing our attention and distributing our efforts, and using the wrong map can lead us into a swamp instead of taking us to higher ground."2 What we look for depends a great deal on how we make sense of, or "order," our experience. We learn our ordering systems in a variety of contexts. From infancy on, we are taught to make distinctions enabling us to perform appropriately within a particular culture. As college students, we are taught the distinctions appropriate to particular disciplines (psy- chology, anthropology, political science) and particular schools of thought within them (realism, behavioralism, liberalism, structuralism). No matter in which context we learned them, the categories and ordering frameworks shape the lenses through which we look at, think about, and make sense of the world around us. At the same time, the lenses we adopt shape our experience of the world itself because they shape what we do and how and why we do it. For example, a political science lens focuses our attention on particular categories and events (the meaning of power, democracy, or elections) in ways that variously influence our behavior (questioning authority, protesting abuse of power, or participating in elec- toral campaigns). By filtering our ways of thinking about and ordering experience, the categories and images we rely on shape how we behave and thus the world we live in: They have concrete consequences. We observe this readily in the case of self-fulfilling prophecies: If we expect hostility, our own behavior (acting superior, displaying power) may elicit responses (defensive posturing, aggression) that we then interpret as "confirming" our expectations. It is in this sense that we refer to lenses and "realities" as interactive, interdependent, or mutually constituted. Lenses shape who we are, what we think, and what actions we take, thus shaping the world we live in. At the same time, the world we live in ("reality") shapes which lenses are available to us, what we see through them, and the likelihood of our using them in particular contexts. In general, as long as our lenses and images seem to "work," we keep them and build on them. Lenses simplify our thinking. Like maps, they "frame" our choices and exploration, enabling us to take advantage of knowledge already gained and to move more effectively toward our objectives. The more useful they appear to be, the more we are inclined to take them for granted and to resist making major changes in them. We forget that our particular ordering or meaning system is a choice among many alternatives. Instead, we tend to believe we are seeing "reality" as it "is" rather than as our culture or discipline or image interprets or "maps" reality. It is difficult and sometimes uncomfortable to reflect critically on our assumptions, to question their accuracy or desirability, and to explore the implications of shifting our vantage point by adopting a different lens. Of course, the world we live in and therefore our experiences are constantly changing; we have to continuously modify our images, mental maps, and ordering systems as well. The required shift in lens may be minor: from liking one type of music to liking another, from being a high school student in a small town to being a college student in an urban en- vironment. Or the shift may be more pronounced: from casual dating to parenting, from the freedom of student lifestyles to the assumption of full-time job responsibilities, from Newtonian to quantum physics, from East-West rivalry to post-Cold War complexities. Societal shifts are dramatic, as we experience and respond to systemic transformations such as economic restructuring, environmental degradation, or the effects of war. To function effectively as students and scholars of world politics, we must modify our thinking in line with historical developments. That is, as "reality" changes, our ways of understanding or ordering need to change as well. This is especially the case to the extent that outdated worldviews or lenses place us in danger, distort our understanding, or lead us away from our objectives. Indeed, as both early explorers and urban drivers know, outdated maps are inadequate, and potentially disastrous, guides.

**0011**

**Text: The Office of Legal Counsel should determine that the Executive Branch lacks the legal authority to use offensive combat drones.**

**The President should require the Office of Legal Counsel to publish any legal opinions regarding policies adopted by the Executive Branch.**

**The CP is competitive and solves the case—OLC rulings do not actually remove authority but nevertheless hold binding precedential value on the executive.**

Trevor W. **Morrison**, October **2010**. Professor of Law, Columbia Law School. “STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448, Lexis.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the  [\*1462]  legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to OLC, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that value depends on OLC maintaining its reputation for serious, evenhanded analysis, not mere advocacy. n53

The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is  [\*1463]  at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC.

Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients.

But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although the Executive Branch at large has an interest in OLC's credibility and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether OLC honors its oft-asserted commitment to legal advice based on its best view of the law depends largely on its own self-restraint.

2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, OLC has developed practices and policies that help maintain its independence and credibility. First, before it provides a written opinion, n55 OLC typically requires that the request be in writing from the head or general counsel of the requesting agency, that the request be as specific and concrete as possible, and that the agency provide its own written  [\*1464]  views on the issue as part of its request. n56 These requirements help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, makes it more difficult for the agency to press extreme positions.

Second, as noted in the Introduction, n57 OLC's legal advice is treated as binding within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because by longstanding tradition the advice is treated as binding. n60 OLC protects that tradition today by generally refusing to provide advice if there is any doubt about whether the requesting entity will follow it. n61 This guards against "advice-shopping by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might  [\*1465]  construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But the settled practice of treating OLC's advice as binding ensures it is not simply ignored.

In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, legal advice obtained from an office other than OLC - especially an agency's own general counsel - is unlikely to command the same respect as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality.

OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "when OLC concludes that an administration proposal is impermissible, it is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC should stand ready to work with the administration to craft lawful alternatives." n67 This is a critical component of OLC's work, and distinguishes it sharply from the courts. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69

 [\*1466]  To be sure, OLC's opinions are treated as binding only to the extent they are not displaced by a higher authority. A subsequent judicial decision directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such reversals are rare, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So the President needs at least a plausible legal basis for  [\*1467]  disagreeing with OLC's advice, which itself would likely require some other source of legal advice for him to rely upon.

The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 it continues to be virtually unheard of for the White House to reverse OLC's legal analysis. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for  [\*1468]  providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76

Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that the prospect of literal reversal by the White House is remote and does not meaningfully threaten the effective bindingness of OLC's decisions.

**0100**

**Topical plan must specify the type of restriction. Vote Neg - Two impacts –**

**GROUND – courts disads, congress disads, actor specific circumvention arguments are all core neg ground on this topic. It isn’t about IF its about WHO should restrict.**

**TOPIC EDUCATION – the source of the authority is important**

**GAZIANO 01** senior fellow in Legal Studies and Director of the Center for Legal Judicial Studies at the Heritage Foundation [Todd Gaziano, 5 Texas Review of Law & Politics 267, Spring, lexis]

Although President Washington's Thanksgiving Proclamation was hortatory, other proclamations or orders that communicate presidential decisions may be legally binding. n31 Ultimately the authority for all presidential orders or directives must come from either the Constitution or from statutory delegations. n32 **The source of authority** (**constitutional versus statutory**) **carries important implications** **for the extent to which that authority may be legitimately exercised or circumscribed**. Regardless of the source of substantive power, however, the authority to use written directives in the exercise of that power need not be set forth in express terms in the Constitution or federal statutes. As is explained further below, the authority to issue directives may be express, implied, or inherent in the substantive power granted to the President. n33 The Constitution expressly mentions certain functions that are to be performed by the President. Congress has augmented the President's power by delegating additional authority within these areas of responsibility. The following are among the more important grants of authority under which the President may issue at least some directives in the exercise of his constitutional and statutorily delegated powers: Commander in Chief, Head of State, Chief Law Enforcement Officer, and Head of the Executive Branch.

**Evaluate it like a topicality violation – restrictions have no meaning if you ignore the context**

**Haneman 59** J.A.D. is a justice of the Superior Court of New Jersey, Appellate Division. “Russell S. Bertrand et al. v. Donald T. Jones et al.,” 58 NJ Super. 273; 156 A.2d 161; 1959 N.J. Super, Lexis

HN4 In ascertaining the meaning of the word "restrictions" as here employed, **it must be considered in context with the entire clause in which it appears.** It is to be noted that the exception concerns restrictions "which have been complied with." Plainly, this connotes a representation of compliance by the vendor with any restrictions upon the permitted uses of the subject property. The conclusion that "restrictions" refer solely to a limitation of the manner in which the vendor may [\*\*\*14] use his own lands is strengthened by the further provision found in said clause that the conveyance is "subject to the effect, [\*\*167] if any, of municipal zoning laws." Municipal zoning laws affect the use of property.¶ HN5 A familiar maxim to aid in the construction of contracts is noscitur a sociis. Simply stated, this means that **a word is known from its associates.** Words of general and specific import take color from each other when associated together, and thus the word of general significance is **modified by its associates of restricted sense.** 3 Corbin on Contracts, § 552, p. 110; cf. Ford Motor Co. v. New Jersey Department of Labor and Industry, 5 N.J. 494 (1950). The [\*284] word "restrictions," therefore, should be construed as being used in the same limited fashion as "zoning."

**Case**

**Adventurism**

**Not the same kind of conflict escalation – their internal link card is about vertical escalation from drones to ground troops. Their impact card is about horizontal escalation that draws in great powers.**

**Impact is too generic – it just says in general conflict can escalate – why didn’t Libya, Afghanistan, Georgia, or literally any other military operation anywhere cause a nuclear holocaust?**

**Alt causes – bosco says ballistic missiles and nuclear prolif cause war, not drones**

**1NC Solvency—Congress Won’t Enforce**

**President does not abide to the WPR. Congress will inevitably fall in line**

**Bell 4**—Professor of Political Science @ Randolph-Macon College [Lauren Cohen Bell, “Following the Leaders or Leading the Followers? The US President's Relations with Congress,” Journal of Legislative Studies, Summer/Autumn, 2004, Vol. 10 Issue 2/3, pg. 193-205]

As noted ahove. Article I of the Constitution grants to the Congress the sole authority to make declarations of war. However, the president has the power to command US military personnel based on the provisions of **Article II**. Over the course of US history, the commander-in-chief power has been interpreted to permit presidents to commit troops to areas of conflict even **in the absence of a formal declaration of war**. Today, formal declarations of war are the exception rather than the rule; separation of powers expert Louis Fisher notes that through 1991 only five wars had ever been declared and that "in only one (the War of 1812) did members of Congress actually debate the merits of entering into hostilities'.'^ As Samuel Kemell and Gary Jacohson note: "[SJince 1989 U.S. armed forces have been almost continuously engaged somewhere in the world.''^

This was not always the case. Fisher points out that there is evidence of presidential restraint with regard to war-making by relating the story of President Grover Cleveland (1885-89; 1893-97), who refused to mobilise troops for a conflict with Cuba despite Congress' intention to declare war. In Fisher's account, Cleveland told the Congress: 'I will not mobilize the army ... I happen to know that we can buy the island of Cuba from Spain for $100,000,000, and a war will cost vastly more than that and will entail another long list of pensioners. It would be an outrage to declare war.''^ Yet, in the modem history of presidential-congressional relations, it is much more frequently the president who has mobilised American troops without consultation with the Congress and in the absence of a formal declaration of war. And it is clear that even when we consider Cleveland's actions, the president has been far more important to the conduct of American foreign policy than the Congress.

This circumstance led, in the aftermath of the war in Vietnam, to congressional passage of the War Powers Resolution in 1973. The War Powers Resolution (WPR) was an attempt to constrain presidential discretion with regard to committing troops oversees. Section 3 of the WPR requires that 'The president in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances".' Section 4 of the WPR gives the president 48 hours to provide a report to both Chambers of the Congress detailing the reason for committing troops, the authority under which he committed them and his prediction conceming the duration of the troops' engagement abroad.'^ Once the president has informed the Congress of the commitment of troops, and in the event that the Congress does not declare war, the WPR requires the president to end the engagement within 60 days, with the possibility of an additional 30 days' commitment in the event that the president certifies to the Congress that the additional time is necessary.^\*\* According to the Congressional Research Service (CRS), the research branch of the Library of Congress, since the War Powers Resolution was enacted over President Richard M. Nixon's 1973 veto, it has been invoked on 107 occasions (to 23 July 2003).^' Figure 2 illustrates both the absolute number of times as well as the rate of each president's exercise of war powers. As Figure 2 demonstrates, the rate of War Powers Resolution uses has continually increased since it took effect in 1974.

A reading of the WPR would seem to clarify the relationship between Congress and the president with regard to the exercise of national war powers. A close reading would also suggest that the president and Congress share war-making power. Yet no president has ever recognised the WPR as a constraint on his ability to move American armed forces around the globe or keep them in place as long as necessary. Moreover, **presidents rarely abide by the provisions** of the Resolution that require their consultation with the Congress. As CRS researcher Richard F. Grimmett notes, 'there has been very little consultation with Congress under the Resolution when consultation is defined to mean seeking advice prior to a decision to introduce troops'.^" And while the Congress has, from time to time, expressed its sense that troops should be withdrawn from conflicts or engagements abroad, in truth the Congress has relatively **few options for dealing with a president** that violates the WPR. Indeed, as the late presidency scholar Aaron Wildavsky notes, the Congress is much less likely to challenge presidents" foreign policy actions than it is willing to challenge presidents" domestic policy actions.'^'^ This is because presidents oversee an enormous national security apparatus and because the constituents represented by members of Congress rarely hold strong opinions on matters of foreign policy. As a result, congressional challenges to violations of the WPR consist mostly of holding oversight hearings and passing symbolic resolutions.''\* Moreover, once troops are committed abroad. Congress almost **always falls in line with the president’s vision** of the scope of the conflict and the need for a military presence. The members of Congress become **reluctant to challenge a president** who has troops on the ground and typically acquiesce to the president’s wishes when it comes to provisions for support. In this way, the president is able to exercise some **leadership over the Congress**, whose members generally find it politically **expedient to follow the president** on matters pertaining to the military or the conduct of America's relations with other countries. Pg. 200-202

**No one gives two shits the WPR. History is on our side**

**Keynes 92**—Professor of Political Science @ Pennsylvania State University [Keynes, Edward, “War Powers Resolution: A Bad Idea Whose Time Has Come and Gone,” University of Toledo Law Review, Vol. 23, Issue 2 (Winter 1992), pp. 343-362]

Despite various presidents' avoidance of the Resolution's formal reporting requirements, analysis and debate on the measure's efficacy and constitutionality during the past. eighteen years have focused on the reporting and triggering mechanisms in section 4(a)(1) and the legislative veto in section 5(b), permitting Congress to order the President to withdraw armed forces from combat by concurrent resolution.2 9 This obsessive focus on the reporting-triggering mechanism and the constitutionality of the legislative veto has obscured the Resolution's underlying rationales and has inhibited an evaluation of its overall effectiveness in promoting joint congressional-presidential participation in and responsibility for imtiating, conducting, and terminating military hostilities. By enacting the War Powers Resolution, Congress hoped to redress the balance between itself and the President when deciding to transform the nation from a condition of peace to one of war or hostilities and to assure that such decisions would evoke the public support necessary to wage war effectively 30 Given these objectives, the Resolution attempts to create the conditions for consultation and decision-making prior to committing U.S. armed forces to combat or to regions where hostilities are imminent. 3'

Although U.S. presidents have submitted eighteen reports to Congress since 1973 (Ford submitted three, Carter one, and Reagan fourteen), these episodes **do not reveal the pattern of prior consultation and joint decisionmaking** that the Resolution's authors hoped their Resolution would achieve. 32 In **ten of twelve** instances in which the President dispatched U.S. armed forces abroad without reporting to Congress, the number of troops and the duration of operations were too limited to test the Resolution's efficacy 3 The dispatch of military advisors to El Salvador 34 and the conduct of military training exercises in Honduras" raised serious foreign-policy questions, but Congress did not deal with these concerns within the framework of the War Powers Resolution. As a cursory analysis of the eighteen decisions that Presidents **Ford, Carter, Reagan, and Bush** communicated to Congress indicates, presidential reporting has not achieved the hoped-for advance consultation and joint decision-making.

As the first four episoaes (the Da Nang sea-lift, the evacuations from Saigon and Cambodia, and the Mayaguez rescue) reveal, President **Ford** informed Congress either shortly before, during, or immediately after military operations.36 While the State Department's Legal Advisor, Monroe Leigh, claimed that the President's notification met the War Powers Resolution's reporting and consultation requirements, "7 the timing and perfunctory nature of the reports do not represent either consultation or joint decision-making. The President merely informed Congress that military operations were underway or that they were imminent. However, the limited scope and duration of the operations as well as their non-offensive nature suggest that they were within the scope of the President's defensive authority as commander in chief.3 "

President Jimmy **Carter** failed to inform or consult Congress before the ill-fated attempt to rescue American hostages from the U.S. embassy in Teheran on April 24, 1980.19 Arguing that prior consultation could jeopardize the security of the rescue operation, Carter simply ignored the section 3 requirement of reporting to Congress "in every possible instance" in which the President introduces troops into hostilities or in which hostilities are imminent.4 0 Arguably, since the taking of hostages is an aggressive act under international law, one could describe the President's conduct as defensive and, therefore, within the zone of authority that the Constitution leaves to presidential discretion.4 '

President Ronald **Reagan**'s use of armed forces in Lebanon, the dispatch of naval forces to protect reflagged Kuwaiti tankers in the Persian Gulf, and aerial attacks against Libya indicate a pattern of presidential initiative and congressional deference, 42 with the possible exception of Congress' decision to invoke section 4(a)(1) of the Resolution in September, 1983 On July 6, 1982, President Reagan announced his intention to send a contingent of Marines to Beirut, Lebanon, as part of a multinational peacekeeping force. 43 After withdrawing this first contingent on September 10, the President dispatched a second contingent on September 20, 1982. 44 While Clement Zaoiocki (D Wisc.), Chairman of the House Foreign Affairs Committee, expressed his concerns in writing to the President, Congress did not invoke the War Powers Resolution until September of 1983. 4 1 As a response to a terrorist attack on the Marines' barracks on August 30, 1983, Congress enacted the Multinational Force in Lebanon Resolution ("MFLR") on September 29 "

Although Reagan did not report to Congress under section 4(a)(1), after prolonged negotiations, the MFLR stated that section 4 of the War Powers Resolution had been operative since August 29 47 Congress also authorized the Marines' continuing participation for eighteen months.4 8 While President Reagan never acknowledged that section 4 had become operative, he did sign the MFLR into law 49 However, he denied that his authority to dispatch armed forces for peacekeeping purposes could be "infringed by statute." 50 Referring to the MFLR, Reagan rejected the interpretation that his signature acknowledged congressional power "to revise the President's constitutional authority to deploy United States Armed Forces.''"

Since 1973, the War Powers Resolution's consulting, reporting, and triggering provisions **have not appreciably altered the pattern of presidential initiative** and congressional deference to various presidents' decisions to use military force as an instrument of U.S. foreign policy Following the U.S. defeat in Vietnam, Gerald Ford's brief term in office, and Jimmy Carter's failure in Iran, Ronald Reagan's decision to **ignore or circumvent** the War Powers Resolution's consulting and reporting requirements could be interpreted as a deliberate attempt to challenge congressional authority or, alternatively, as a successful strategy for restoring presidential power and U.S. military credibility Were it not for the revelations of covert arms transfers to Iran and illicit aid for the Nicaraguan Contras, Reagan's reassertion of presidential power in military and foreign affairs might have gone completely unchallenged. Despite these misadventures, Ronald Reagan's successful restoration of the presidency enabled George Bush to take unparalleled initiatives in invading Panama and dispatching armed forces to the Persian Gulf. Pg. 252-353

**Showdown results in expanded Presidential authority. Public sentiment will force Congress to capitulate**

**Posner & Vermeule 07**—Professor of Law @ The University of Chicago & Professor of Law @ Harvard Law School [Eric A. Posner & Adrian Vermeule, “Constitutional Showdown,” University of Chicago Law School, John M. Olin Law & Economics Working Paper NO. 348, July 2007, pg. http://ssrn.com/abstract\_id=1002996

Public constitutional sentiment is the **bedrock**, but that does not mean that it will be profound or even intelligent. There is no reason to believe that public constitutional sentiment actually reflects the optimal allocation of authority: it may be that public constitutional sentiment is **simply uninformed**, or is **heavily influenced by the private interests of groups or elites**. It might be that social welfare is maximized if Congress has the authority to terminate the war, but public constitutional sentiment nonetheless places that authority with the president. Our focus is not on whether public constitutional sentiment is optimal but what, given that sentiment, is the optimal way for Congress and the president to act. We will bracket the possibility that Congress and the president may care sufficiently about the public interest, while knowing that **public constitutional sentiment is uninformed and bad for the country**, that they would **cooperate in allocating powers and avoid impasses** which would be resolved by public constitutional sentiment. This possibility is not absurd: it is reflected in the views of people who oppose proposals for constitutional conventions because of the risk that the constitution that emerges will be worse than the constitution that we have. However, if Congress and the president can maintain such an allocation of powers **voluntarily**, then, by definition, showdowns do not occur. Thus, we can ignore this possibility for purposes of our discussion.

If public constitutional sentiment will ultimately settle the question of whether Congress or the president has the power to terminate the war, why do showdowns occur? One might think that Congress and the president will simply resolve their dispute by consulting public constitutional settlement. The alternative would only be a **showdown** that would last long enough to rouse the public, and the **paralysis of government during this interval** could damage both institutions and ruin the electoral chances of their occupants. Pg. 16 -17,

**The expansion will include AUMF 2.0 that increases US drone strikes and undermines the rule of law**

**Brooks 13**—Professor of Law @ Georgetown University [Rosa Brooks (Senior Fellow @ New America Foundation, Former Counselor to the Undersecretary of Defense for Policy @ Department of Defense, Former Special Coordinator for Rule of Law and Humanitarian Policy @ DOD and Recipient of the Secretary of Defense Medal for Outstanding Public Service), “Mission Creep in the War on Terror” Foreign Policy | MARCH 14, 2013, pg. http://www.foreignpolicy.com/articles/2013/03/14/mission\_creep\_in\_the\_war\_on\_terror?page=0,0]

With Option 3 -- lie, lie, lie -- off the table, and fudging and obfuscation growing harder to comfortably sustain, the thoughts of administration officials turn naturally to Option 2: change the law. Thus, as the Washington Post reported last weekend, some administration officials are apparently considering asking Congress for a new, improved "**AUMF 2.0**," one that would place U.S. drone policy on firmer legal footing.

Just who is behind this notion is unclear, but the idea of a revised AUMF has been gaining considerable **bipartisan traction** outside the administration. In a recent Hoover Institution publication, for instance, Bobby Chesney, who served in the Obama Justice Department, teams up with Brookings's Ben Wittes and Bush administration veterans Jack Goldsmith and Matt Waxman to argue for a revised AUMF -- one that can provide "a new legal foundation for next-generation terrorist threats."

I'm as fond of the rule of law as the next gal, so in a general sense, I applaud the desire to ensure that future executive branch counterterrorist activities are consistent with the laws passed by Congress. But "laws" and "the rule of law" are two different animals, and an expanded new AUMF is a bad idea.

Sure, legislative authorization for the use of force against "next generation" terrorist threats would give an additional **veneer of legality to U.S. drone policy**, and make congressional testimony less uncomfortable for John Brennan and Eric Holder. But an expanded AUMF would also likely lead to **thoughtless** further **expansion of targeted killings**. This would be strategically foolish, and would further **undermine the rule of law**.

**Terror**

No impact – the closest their internal link to Israeli-iran and Saudi wars comes to saying anything is that instability “**is likely to affect Israeli and Iranian calculations”**

**No nuke terror---super unlikely**

**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 vanishinglysmall" 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.

**Terrorists don’t have the technical know-how or resources for nuclear weapons**

**Umana 11 –** Felipe Umana is a contributor to Foreign Policy In Focus, from the Institute for Policy Studies. August 17, 2011, "Loose Nukes: Real Threat?" http://www.fpif.org/articles/loose\_nukes\_real\_threat

Actors seeking to acquire an atomic weapon – or the capability to produce one – generally do not have the essential training, knowledge, or materials. Nor do they generally have the necessary resources to achieve nuclear capabilities. In fact, for non-state actors, smuggling already-manufactured weapons or available materials is the only practical way to go nuclear. Terrorist organizations like Aum Shinrikyo (now known as Aleph) and al-Qaeda are typically **composed of men with little scientific training** and ersatz scientific knowledge, if any. Unless they steal blueprints, these actors can't construct a usable fissile weapon. Moreover, it's not easy to move such sensitive materials around. Anatoly Bulochnikov, director of the Center for Export Controls in Moscow, contrasted nuclear materials with mundane goods: “[These items are] not potatoes, not something you can keep anywhere.” Another hindrance is a lack of steady funds and resources. Non-state actors simply don't have the money to purchase bomb-grade nuclear material (in 1991, a kilogram of enriched uranium went for $700,000), the means to enrich uranium, or the storage facilities to contain the material.

**Their ev doesn’t say nuclear terrorism will cause extinction, just that it will “alter the existence of our planet”**

**Economics drive AQAP recruitment in Yemen, not drone strikes**

**Swift 12**—Christopher Swift is a fellow at the University of Virginia's Center for National Security Law [July 1, 2012, “The Drone Blowback Fallacy,” Foreign Affairs, http://www.foreignaffairs.com/articles/137760/christopher-swift/the-drone-blowback-fallacy?page=show]

Al Qaeda exploits U.S. errors, to be sure. As the Yemen scholar Gregory Johnsen correctly observes, the death of some 40 civilians in the December 2009 cruise missile strike on Majala infuriated ordinary Yemenis and gave AQAP an unexpected propaganda coup. But the fury produced by such tragedies is not systemic, not sustained, and, ultimately, **not sufficient**. As much as al Qaeda might play up civilian casualties and U.S. intervention in its recruiting videos, the Yemeni tribal leaders I spoke to reported that the **factors driving young men into the insurgency are overwhelmingly economic**.

From al Hudaydah in the west to Hadhramaut in the east, AQAP is building complex webs of dependency within Yemen's rural population. It gives idle teenagers cars, khat, and rifles -- the symbols of Yemeni manhood. It pays salaries (up to $400 per month) that lift families out of poverty. It supports weak and marginalized sheikhs by digging wells, distributing patronage to tribesmen, and punishing local criminals. As the leader of one Yemeni tribal confederation told me, "**Al Qaeda attracts those who can't afford to turn away**."

Religious figures echoed these words. Though critical of the U.S. drone campaign, none of the Islamists and Salafists I interviewed believed that drone strikes explain al Qaeda's burgeoning numbers. "The driving issue is development," an Islamist parliamentarian from Hadramout province said. "Some districts are so poor that joining al Qaeda represents the best of several bad options." (Other options include criminality, migration, and even starvation.) A Salafi scholar engaged in hostage negotiations with AQAP agreed. "Those who fight do so because of the injustice in this country," he explained. "A few in the north are driven by ideology, but in the south it is mostly about poverty and corruption."

**Despite Yemenis' antipathy toward drones**, my conversations also revealed a surprising degree of pragmatism. Those living in active conflict zones drew clear distinctions between earlier U.S. operations, such as the Majala bombing, and more recent strikes on senior al Qaeda figures. "Things were very bad in 2009," a tribal militia commander from Abyan province told me, "but **now the drones are seen as helping us**." He explained that Yemenis could "accept [drones] as long as there are no more civilian casualties." An Islamist member of the separatist al-Harak movement offered a similar assessment. "Ordinary people have become **very practical about drones**," he said. "If the United States focuses on the leaders and civilians aren't killed, then drone strikes will hurt al Qaeda more than they help them."

Some of the men I interviewed admitted that they had changed their minds about drone strikes. Separatists in Aden who openly derided AQAP as a proxy of Yemen's recently deposed president, Ali Abdullah Saleh, privately acknowledged the utility of the U.S. drone campaign. "Saleh created this crisis in order to steal from America and stay in power," a former official from the now-defunct People's Democratic Republic of Yemen told me. "Now it is our crisis, and we need every tool to solve it."

Yemeni journalists, particularly those with firsthand exposure to AQAP, shared this view: "I opposed the drone campaign until I saw what al Qaeda was doing in Jaar and Zinjibar," an independent reporter in Aden said. "Al Qaeda hates the drones, they're absolutely terrified of the drones ... and **that is why we need them**."

**Prefer Swift—his evidence comes from comprehensive, on the ground interviews with a breadth of Yemeni leaders**

**Swift 12**—Christopher Swift is a fellow at the University of Virginia's Center for National Security Law [July 1, 2012, “The Drone Blowback Fallacy,” Foreign Affairs, http://www.foreignaffairs.com/articles/137760/christopher-swift/the-drone-blowback-fallacy?page=show]

Last month, I traveled to Yemen to study how AQAP operates and whether the conventional understanding of the relationship between drones and recruitment is correct. While there, I conducted 40 interviews with tribal leaders, Islamist politicians, Salafist clerics, and other sources. These subjects came from 14 of Yemen's 21 provinces, most from rural regions. Many faced insurgent infiltration in their own districts. Some of them were actively fighting AQAP. Two had recently visited terrorist strongholds in Jaar and Zinjibar as guests. I conducted each of these in-depth interviews using structured questions and a skilled interpreter. I have withheld my subjects' names to protect their safety -- a necessity occasioned by the fact that some of them had survived assassination attempts and that others had recently received death threats.

These men had little in common with the Yemeni youth activists who capture headlines and inspire international acclaim. As a group, they were older, more conservative, and more skeptical of U.S. motives. They were less urban, less wealthy, and substantially less secular. But to my astonishment, **none** of the individuals I interviewed **drew a causal relationship between U.S. drone strikes and al Qaeda recruiting**. Indeed, of the 40 men in this cohort, only five believed that U.S. drone strikes were helping al Qaeda more than they were hurting it.

**Not reverse causal – Muslims won’t forgive the US for two wars and a protracted drone war because we stop strikes in the future**

**Drone prolif**

**1NC A2 modelling**

**No reverse casual modeling internal link --- we can’t reverse the precedent that has already been set**

**Boot 11** (Max Boot, Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations in New York, leading military historian and foreign-policy analyst, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, October 9, 2011, http://www.commentarymagazine.com/2011/10/09/drone-arms-race/)

The New York Times engages in some scare-mongering today about a drone arms race. Scott Shane notes correctly other nations such as China are building their own drones and in the future U.S. forces could be attacked by them–our forces will not have a monopoly on their use forever. Fair enough, but he goes further, suggesting our current use of drones to target terrorists will backfire:

If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them.

“The problem is that we’re creating an international norm” — asserting the right to strike preemptively against those we suspect of planning attacks, argues Dennis M. Gormley, a senior research fellow at the University of Pittsburgh and author of Missile Contagion, who has called for tougher export controls on American drone technology. “The copycatting is what I worry about most.”

This is a familiar trope of liberal critics who are always claiming we should forego “X” weapons system or capability, otherwise our enemies will adopt it too. We have heard this with regard to ballistic missile defense, ballistic missiles, nuclear weapons, chemical and biological weapons, land mines, exploding bullets, and other fearsome weapons. Some have even suggested the U.S. should abjure the first use of nuclear weapons–and cut down our own arsenal–to encourage similar restraint from Iran.

**The argument falls apart rather quickly because it is founded on a false premise: that other nations will follow our example.** In point of fact, Iran is hell-bent on getting nuclear weapons no matter what we do; China is hell-bent on getting drones; and so forth. Whether and under what circumstances they will use those weapons remains an open question–but there is little reason to think self-restraint on our part will be matched by equal self-restraint on theirs. Is Pakistan avoiding nuking India because we haven’t used nuclear weapons since 1945? Hardly. The reason is that India has a powerful nuclear deterrent to use against Pakistan. If there is one lesson of history it is a strong deterrent is a better upholder of peace than is unilateral disarmament–which is what the New York Times implicitly suggests.

Imagine if we did refrain from drone strikes against al-Qaeda–what would be the consequence? If we were to stop the strikes, would China really decide to take a softer line on Uighurs or Russia on Chechen separatists? That seems unlikely given the viciousness those states already employ in their battles against ethnic separatists–which at least in Russia’s case already includes the suspected assassination of Chechen leaders abroad. What’s the difference between sending a hit team and sending a drone?

While a decision on our part to stop drone strikes would be unlikely to alter Russian or Chinese thinking, it would have one immediate consequence: al-Qaeda would be strengthened and could regenerate the ability to attack our homeland. Drone strikes are the only effective weapon we have to combat terrorist groups in places like Pakistan or Yemen where we don’t have a lot of boots on the ground or a lot of cooperation from local authorities. We cannot afford to give them up in the vain hope it will encourage disarmament on the part of dictatorial states.

**No impact --- drones are ineffective and there’s no incentive for them be used on a wide-scale --- they’ll be easily countered even if they are with limited escalation**

**Lewis 11** (Michael W. Lewis, professor of international law and the law of war at Ohio Northern University School of Law, former Navy fighter pilot, and coauthor of ‘The War on Terror and the Laws of War: A Military Perspective,’ “Unfounded Drone Fears,” Los Angeles Times, October 17, 2011, http://articles.latimes.com/2011/oct/17/opinion/la-oe--lewis-drones-20111017)

Almost since the United States began using the unmanned aerial vehicles known as drones, their use has drawn criticism. The latest criticism, which has received considerable attention in the wake of the drone strike on Anwar Awlaki, is that America's use of drones has sparked a new international arms race.

While it is true that some other nations have begun developing their own unmanned aerial vehicles, the extent of the alarm is unjustified. Much of it rests on myths that are easily dispelled.

Myth 1: Drones will be a threat to the United States in the hands of other nations. Drones are surveillance and counter-terrorism tools; they are **not effective weapons** of conventional warfare. The unmanned aerial vehicles are slow and **extremely vulnerable** to even basic air defense systems, illustrated by the fact that a U.S. surveillance drone was shot down by a 1970s-era MIG-25 Soviet fighter over Iraq in 2002. Moreover, drones are dependent on constant telemetry signals from their ground controllers to remain in flight. Such signals can be easily jammed or disrupted, causing the drone to fall from the sky. It's even possible that a party sending stronger signals could take control of the drone. The drones, therefore, have limited usefulness. And certainly any drone flying over the U.S. while being controlled by a foreign nation could be easily detected and either destroyed or captured.

Myth 2: Terrorists could effectively use drones to strike targets that are otherwise safe. Though it would be preferable if terrorist groups did not acquire drones, the technology required to support them is not particularly advanced. If organizations such as Al Qaeda were intent on acquiring the technology, they probably could. One of the reasons Al Qaeda may not have spent the time and resources necessary to do so is that drones would be of limited value. In addition to being very vulnerable to even basic air defense systems, drones require a great deal of logistical support. They have to be launched, recovered and controlled from a reasonably large and secure permanent facility. Wherever Al Qaeda's drones landed would immediately become a target.

It is true that a small, hand-launched drone capable of delivering a small warhead over a reasonably short distance could be, like radio-controlled model airplanes, launched in a public park or other open area and flown to a target several miles away. However, the amount of explosives that such a drone can carry is very limited (at most a few pounds) and pales in comparison to the amount of explosives that can be delivered by a vehicle or even a suicide bomber. It seems likely that terrorist groups will continue to deliver their explosives by vehicle or suicide bomber.

Myth 3: The U.S. use of drones in cases such as the Awlaki killing in Yemen serves to legitimize their use by China or Russia. International law places the same restrictions on the use of drones that it places on any other use of military force. The U.S. used a drone on Yemeni territory to kill Awlaki because it was given permission to do so by the Yemeni government, and because Awlaki was an active member of an Al Qaeda affiliate who had repeatedly been involved in operations designed to kill Americans at home and abroad. With such permission, the U.S. could instead have employed special forces or a conventional airstrike.

Numerous commentators have suggested that U.S. drone use legitimizes Russian drone use in Chechnya or Chinese drone use against the Uighurs. If China or Russia were facing genuine threats from Chechen or Uighur separatists, they might be allowed under international law to use drones in neighboring states if those states gave them permission to do so. However, given the fact that Chechen separatists declared an end to armed resistance in 2009, and that the greatest concern Russians currently have with Chechnya is with the lavish subsidies that Russia is currently providing it, the likelihood of armed Russian drones over Chechnya seems **remote at best.**

Likewise, there is no Uighur separatist organization that even remotely resembles Al Qaeda. Uighur unrest has taken the form of uprisings in Urumqi and other areas, similar to the Tibetan unrest of a few years ago. The Chinese eliminated such unrest with widespread arrests and disappearances, which raised serious human rights concerns. But there has been no time in which Uighur opposition has met the threshold established by international law that would allow for the use of armed drones in response to Uighur actions.

It is important to recognize drones for what they are: slow, relatively low-tech anti-terrorism tools that would be of limited use on most modern battlefields and are particularly unsuited to use by terrorist organizations.

**1nc – at: china drones**

**No impact to Chinese drones --- not advanced enough, no manpower, and no experience**

**Zhou 12** (Dillon Zhou, graduate of the International Relations Program at the University of Massachusetts Boston, “China Drones Prompts Fears of a Drone Race With the US,” Policymic, December 2012, http://www.policymic.com/articles/19753/china-drones-prompt-fears-of-a-drone-race-with-the-us)

There are several facts that provide some solace to the U.S. as China's drones are far from being a real challenge to the American drone program.

First, the Chinese drones are nowhere as sophisticated as U.S. drones in their range and proper hardware for optic systems and motors to power the "dragons." The DSB report notes that the U.S. technical systems are almost unrivaled at present.

Second, China lacks the manpower to properly support their new fleet of drones. Whereas the U.S. has been training and honing a large force of UAV pilots, technicians and operation managers for 15 years.

Finally, the U.S. drone program is about 20 years ahead of the Chinese program. The current models on show are considered to be prototypes and not finished products. The Chinese also have not had a chance to gain real experience with their drones during real operation.

**Even with the tech, China won’t use drones dangerously --- they fear international backlash and setting a precedent for US drone use in East Asia**

**Erickson and Strange 13** (Andrew Erickson, associate professor at the Naval War College, Associate in Research at Harvard University's Fairbank Centre, Austin Strange, researcher at the Naval War College's China Maritime Studies Institute, graduate student at Zhejiang University, “China Has Drones. Now How Will it Use Them?” Foreign Affairs, May 29, 2013, http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html)

Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China's rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China's Defence Ministry.

**The internal link is not reverse causal – their impact ev says Japan will provoke a conflict**

**Eland 7/29**/13, Ivan, Senior Fellow and Director of the Center on Peace & Liberty, The Independent Institute, “Why U.S. Policy in East Asia is Dangerous”, http://www.huffingtonpost.com/ivan-eland/why-us-policy-in-east-asi\_b\_3671931.html

Even in the more advanced regions during the Cold War, was it rational for the United States to protect these nations with an American nuclear umbrella-- one that ultimately pledged to incur destruction of American cities to save London, Paris, Berlin, and Tokyo from the communist hordes? A communist takeover of any of these places would have not have been a good day, but incineration of American cities would have been even worse. **Yet long after the Cold War is over, the American nuclear shield extends even wider to include a number of countries in Europe and East Asia.** In East Asia, the American nuclear backstop protects Japan, South Korea, Australia, and the Philippines formally, and Taiwan and other nations informally. **But what if a local conflict between the Chinese and a U.S. ally inadvertently escalates into a nuclear stand off between China and the United States? And it easily could**. A rising China is an ally of South Korea's nemesis, North Korea. China also claims Taiwan and has disputes with U.S. allies over islands in the South China Sea (with the Philippines) and in the East China Sea (with Japan). In the last case, China has recently upgraded its coast guard. Meanwhile, **a new conservative government in Japan is making noises about scrapping Japan's pacifist constitution and obtaining offensive weapons, and recent dangerous confrontations have occurred between Japanese and Chinese forces near the disputed islands.** **With a new hawkish and more aggressive government, Japan--like a mouthy little brother standing behind his huge sibling and taunting the opponent--could easily drag the United States into an undesired war with nuclear-armed China. During World War I, outdated alliances dragged the major European powers into a cataclysmic war that nobody wanted. Outdated Cold War alliances could do the same to the United States now in East Asia.**

**China will not risk war—economics and diplomacy**

**Fravel 12**—Associate Professor of Political Science and member of the Security Studies Program at MIT. Taylor is a graduate of Middlebury College and Stanford University, where he received his PhD. He has been a Postdoctoral Fellow at the Olin Institute for Strategic Studies at Harvard University, a Predoctoral Fellow at the Center for International Security and Cooperation at Stanford University, a Fellow with the Princeton-Harvard China and the World Program and a Visiting Scholar at the American Academy of Arts and Sciences(M. Taylor, “All Quiet in the South China Sea,” March 22nd, 2012, <http://www.foreignaffairs.com/articles/137346/m-taylor-fravel/all-quiet-in-the-south-china-sea>)

Little noticed, however, has been China's recent adoption of a new -- and much more moderate -- approach. The primary goals of the friendlier policy are to restore China's tarnished image in East Asia and to reduce the rationale for a more active U.S. role there.

Beijing is also **unlikely** to be more assertive if that sustains Southeast Asian countries' desires to further deepen ties with the United States.

The first sign of China's new approach came last June, when Hanoi dispatched a special envoy to Beijing for talks about the countries' various maritime disputes. The visit paved the way for an agreement in July 2011 between China and the ten members of the Association of Southeast Asian Nations (ASEAN) to finally implement a declaration of a code of conduct they had originally drafted in 2002 after a series of incidents in the South China Sea. In that declaration, they agreed to "exercise self-restraint in the conduct of activities that would complicate or escalate disputes."

Since the summer, senior Chinese officials, especially top political leaders such as President Hu Jintao and Premier Wen Jiabao, have repeatedly reaffirmed the late Deng Xiaoping's guidelines for dealing with China's maritime conflicts to focus on **economic cooperation** while delaying the final resolution of the underlying claims. In August 2011, for example, Hu echoed Deng's approach by stating that "the countries concerned may put aside the disputes and actively explore forms of common development in the relevant sea areas."

Authoritative Chinese-language media, too, has begun to underscore the importance of cooperation. Since August, the international department of People's Daily (under the pen name Zhong Sheng) has published several columns stressing the need to be less confrontational in the South China Sea. In January 2012, for example, Zhong Sheng discussed the importance of "pragmatic cooperation" to achieve "concrete results." Since the People's Daily is the official paper of the Central Committee of the Chinese Communist Party, such articles should be interpreted as the party's attempts to explain its new policy to domestic readers, especially those working lower down in party and state bureaucracies.

In terms of actually setting aside disputes, China has made progress. In addition to the July consensus with ASEAN, in October China reached an agreement with Vietnam on "basic principles guiding the settlement of maritime issues." The accord stressed following international law, especially the UN Convention on the Law of the Sea. Since then, China and Vietnam have begun to implement the agreement by establishing a working group to demarcate and develop the southern portion of the Gulf of Tonkin near the disputed Paracel Islands.

China has also initiated or participated in several working-level meetings to address regional concerns about Beijing's assertiveness. Just before the East Asian Summit last November, China announced that it would establish a three billion yuan ($476 million) fund for China-ASEAN maritime cooperation on scientific research, environmental protection, freedom of navigation, search and rescue, and combating transnational crimes at sea. The following month, China convened several workshops on oceanography and freedom of navigation in the South China Sea, and in January it hosted a meeting with senior ASEAN officials to discuss implementing the 2002 code of conduct declaration. The breadth of proposed cooperative activities indicates that China's new approach is probably more than just a mere stalling tactic.

Beyond China's new efforts to demonstrate that it is ready to pursue a more cooperative approach, the country has also halted many of the more assertive behaviors that had attracted attention between 2009 and 2011. For example, patrol ships from the Bureau of Fisheries Administration have rarely detained and held any Vietnamese fishermen since 2010. (Between 2005 and 2010, China detained 63 fishing boats and their crews, many of which were not released until a hefty fine was paid.) And Vietnamese and Philippine vessels have been able to conduct hydrocarbon exploration without interference from China. (Just last May, Chinese patrol ships cut the towed sonar cable of a Vietnamese ship to prevent it from completing a seismic survey.) More generally, China has not obstructed any recent exploration-related activities, such as Exxon's drilling in October of an exploratory well in waters claimed by both Vietnam and China. Given that China retains the capability to interfere with such activities, its failure to do so suggests a conscious choice to be a friendlier neighbor.

The question, of course, is why did the Chinese shift to a more moderate approach? More than anything, Beijing has come to realize that its assertiveness was harming its broader foreign policy interests. One principle of China's current grand strategy is to maintain good ties with great powers, its immediate neighbors, and the developing world. Through its actions in the South China Sea, China had undermined this principle and tarnished the cordial image in Southeast Asia that it had worked to cultivate in the preceding decade. It had created a shared interest among countries there in countering China -- and an incentive for them to seek support from Washington. In so doing, China's actions provided a strong rationale for greater U.S. involvement in the region and inserted the South China Sea disputes into the U.S.-Chinese relationship.

By last summer, China had simply recognized that it had **overreached**. Now, Beijing wants to project a more benign image in the region to prevent the formation of a group of Asian states allied against China, reduce Southeast Asian states' desire to further improve ties with the United States, and weaken the rationale for a greater U.S. role in these disputes and in the region.

So far, Beijing's new approach seems to be working, especially with Vietnam. China and Vietnam have deepened their political relationship through frequent high-level exchanges. Visits by the Vietnamese Communist Party general secretary, Nguyen Phu Trong, to Beijing in October 2011 and by the Chinese heir apparent, Xi Jinping, to Hanoi in December 2011 were designed to soothe spirits and protect the broader bilateral relationship from the unresolved disputes over territory in the South China Sea. In October, the two also agreed to a five-year plan to increase their bilateral trade to $60 billion by 2015. And just last month, foreign ministers from both countries agreed to set up working groups on functional issues such as maritime search and rescue and establish a hotline between the two foreign ministries, in addition to starting talks over the demarcation of the Gulf of Tonkin.

Even if it is smooth sailing now, there could be choppy waters ahead. Months of poor weather have held back fishermen and oil companies throughout the South China Sea. But when fishing and hydrocarbon exploration activities resume in the spring, incidents could increase. In addition, China's new approach has raised expectations that it must now meet -- for example, by negotiating a binding code of conduct to replace the 2002 declaration and continuing to refrain from unilateral actions.

Nevertheless, because the new approach reflects a strategic logic, it might endure, signaling a more significant Chinese foreign policy shift. As the 18th Party Congress draws near, Chinese leaders want a stable external environment, lest an international crisis upset the arrangements for this year's leadership turnover. And even after new party heads are selected, they will likely try to avoid international crises while consolidating their power and focusing on China's domestic challenges.

China's more moderate approach in the South China Sea provides further evidence that China will seek to **avoid** the type of **confrontational policies** that it had adopted toward the United States in 2010. When coupled with Xi's visit to Washington last month, it also suggests that the United States need not fear Beijing's reaction to its strategic pivot to Asia, which entails enhancing U.S. security relationships throughout the region. Instead, China is more likely to rely on conventional diplomatic and economic tools of statecraft than attempt a direct military response. Beijing is also unlikely to be more assertive if that sustains Southeast Asian countries' desires to further deepen ties with the United States. Whether the new approach sticks in the long run, it at least demonstrates that China, when it wants to, can recalibrate its foreign policy. **That is good news for stability in the region**.

**No military aggression**

**Goldstein 11**—Professor and Director of the China Maritime Studies Institute @ US Naval War College [Dr. Lyle J. Goldstein, “Resetting the US–China Security Relationship,” Survival | vol. 53 no. 2 | April–May 2011 | pp. 89–116]

Weighed in the aggregate, China’s rise remains a peaceful process, and the record to date should engender **significant confidence**. Beijing has not resorted to a significant use of force against another state in more than **three decades**. Its deployments of troops as UN peacekeepers to hot spots such as Lebanon and the Democratic Republic of the Congo have played a helpful role, as have the counter-piracy operations of its fleet in the Gulf of Aden. When dealing with weak and occasionally unstable states on its borders, such as Kyrgyzstan or Tajikistan, Beijing has **not resorted to military intervention**, nor even flexed its military muscles to gain advantage. Chinese maritime claims, whether in the South or the East China seas, are generally being enforced by **unarmed patrol cutters**, a clear signal that Beijing does not seek escalation to a major crisis on these matters. Contrary to the perception that China’s senior military officers are all irreconcilable hawks, one influential People’s Liberation Army Navy (PLAN) admiral recently said in an interview, with reference to lessons learned from recent border negotiations on China’s periphery: ‘If there are never any concessions or compromises, there is simply no possibility of reaching a breakthrough in border negotiations.’2 pg. 90

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# 2NC CP

#### OLC rulings are binding on the executive branch.

Arthur Garrison, 2013. Assistant Professor of Criminal Justice at Kutztown University. Dr. Garrison received a B.S. from Kutztown University, a M.S. from West Chester University, and a Doctor of Law and Policy from Northeastern University. “THE OPINIONS BY THE ATTORNEY GENERAL AND THE OFFICE OF LEGAL COUNSEL: HOW AND WHY THEY ARE SIGNIFICANT,” Albany Law Review, 76 Alb. L. Rev. 217, Lexis.

The OLC receives "requests for opinions and legal advice from the Counsel to the President; general counsels of [the] O[ffice of] M[anagement and] Budget and other Executive Office of the President components; general counsels of Executive Branch departments and agencies; the Attorney General and other Department of Justice officials," [n71](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n71) all of which have significant impact on how the executive branch interprets the law. [n72](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n72) Although the OLC is a small government agency (a total of thirty-seven full-time employees, twenty-five of whom are attorneys with a budget of 7.6 million dollars), [n73](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n73) the OLC wields significant inter-branch power due to its authority to review and opine on the constitutionality of proposed legislation, [n74](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n74) specifically regarding separation of powers issues [n75](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n75) pending within Congress, as well as its quasi-judicial  [\*237]  power [n76](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n76) to issue binding determinations of the law within the executive branch and adjudicate executive branch intra-agency legal disputes. [n77](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n77) The foundation of the OLC's authority to issue binding opinions on the rest of the executive branch is based on the authority of the Attorney General to issue such opinions, and administrative traditions within the Department of Justice and the executive branch. [n78](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n78)

As a constitutional matter, the power of the Attorney General to issue opinions flows from the Article II power of the President. [n79](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n79) In a 2007 opinion by Steven Bradbury, the OLC explained the Article II power as follows:  
We nonetheless believe that an interpretation issued by the President that has not been repudiated (even if, as explained below, it is no longer formally in effect) should have  [\*238]  particular weight in our analysis of the position to be taken by the Executive Branch. Under Article II of the Constitution, the President has the authority to determine the Executive Branch's interpretation of the law: [n80](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true" \l "n80)  
The ordinary duties of officers prescribed by statute come under the general administrative control of the President by virtue of the general grant to him of the executive power, and he may properly supervise and guide their construction of the statutes under which they act in order to secure that unitary and uniform execution of the laws which Article II of the Constitution evidently contemplated in vesting general executive power in the President alone. [n81](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true" \l "n81)  
As discussed above, the Judiciary Act of 1789 established the position of the Attorney General,  
whose duty it shall be to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by the heads of any of the departments, touching any matters that may concern their departments... . [n82](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true" \l "n82)  
This responsibility has been codified [n83](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n83) and transferred to the OLC. [n84](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n84) The exclusive authority held by the OLC to determine the interpretation of the law for the executive branch is based on the authority historically and statutorily bestowed upon the Attorney General - "because the Attorney General's opinions are treated as "final and conclusive' they necessarily become the executive branch interpretation of the law." [n85](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true#n85)

During World War I, President Wilson issued Executive Order No. 2877 (May 31, 1918), in which he ordered, among other things, "that any opinion or ruling by the Attorney General upon any question of law arising in any Department, executive bureau, agency or office shall be treated as binding upon all departments,  [\*239]  bureaus, agencies or offices therewith concerned." [n86](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true" \l "n86)Although the executive order was based on an Act of Congress, [n87](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true" \l "n87) which lapsed six months after the end of World War I, the order continued to support the traditional foundation for the legal exclusivity and binding authority of Attorneys General opinions on the rest of the executive branch. [n88](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.47081.33858445962&target=results_DocumentContent&returnToKey=20_T18153716325&parent=docview&rand=1379281447712&reloadEntirePage=true" \l "n88)

#### Executive self-binding solves credibility.

Eric A. Posner and Adrian Vermeule, Summer 2007. Kirkland & Ellis Professor of Law, The University of Chicago Law School; and Professor of Law, Harvard Law School. “The Credible Executive,” University of Chicago Law Review, http://lawreview.uchicago.edu/sites/lawreview.uchicago.edu/files/uploads/74.3/74\_3\_Posner\_Vermeule.pdf.

Our aim in this Article is to identify this dilemma of credibility that afflicts the well-motivated executive and to propose mechanisms for ameliorating it. We focus on emergencies and national security but cast the analysis within a broader framework. Our basic claim is that the credibility dilemma can be addressed by executive signaling. Without any new constitutional amendments, statutes, or legislative action, law and executive practice already contain resources to allow a well-motivated executive to send a credible signal of his motivations, committing to use increased discretion in public-spirited ways. By tying policies to institutional mechanisms that impose heavier costs on ill-motivated actors than on well-motivated ones, the well-motivated executive can credibly signal his good intentions and thus persuade voters that his policies are those that voters would want if fully informed. We focus particularly on mechanisms of executive self-binding that send a signal of credibility by committing presidents to actions or policies that only a well-motivated president would adopt.

#### The CP solves --- internationalization of legal norms.

Curtis A. Bradley and Trevor W. Morrison, 2013. William Van Alstyne Professor of Law, Duke Law School; and Liviu Librescu Professor of Law, Columbia Law School. “PRESIDENTIAL POWER, HISTORICAL PRACTICE, AND LEGAL CONSTRAINT,” Columbia Law Review Volume 113, http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5451&context=faculty\_scholarship.

Perhaps the most obvious way that law can have a constraining effect is if the relevant actors have internalized the legal norms, whether those norms are embodied in authoritative text, judicial decisions, or institutional practice. As a general matter, the internalization of legal norms is a phenomenon that can potentially take place wherever the law is thought to operate, in both the private and public sectors. But precisely how that internalization operates, including how it affects actual conduct, depends heavily on institutional context. When speaking of legal norm internalization as it relates to the presidency, it is important first to note that Presidents act through a wide array of agencies and departments, and that presidential decisions are informed—and often made, for all practical purposes—by officials other than the President. In most instances involving presidential power, therefore, the relevant question is whether there has been an internalization of legal norms by the executive branch. The executive branch contains thousands of lawyers. 124 The President and other executive officials are regularly advised by these lawyers, and sometimes they themselves are lawyers. Although lawyers serve in a wide variety of roles throughout the executive branch, their experience of attending law school means that they have all had a common socialization—a socialization that typically entails taking law seriously on its own terms. 125 Moreover, the law schools attended by virtually all U.S. government lawyers are American law schools, which means that the lawyers are socialized in an ethos associated with the American polity and the American style of law and government. 126 These lawyers are also part of a professional community (including the state bars to which they are admitted) with at least a loosely shared set of norms of argumentative plausibility. Certain legal offices within the executive branch have developed their own distinctive law-internalizing practices. This is particularly true in places like OLC, which, as noted above, provides legal advice based on its best view of the law. OLC has developed a range of practices and traditions—including a strong norm of adhering to its own precedents even across administrations—that help give it some distance and relative independence from the immediate political and policy preferences of its clients across the executive branch**,** and that make it easier for OLC to act on its own internalization of legal norms. 127 Another example is the State Department Legal Adviser’s Office, which often takes the lead within the executive branch on matters of international law and which has developed its own set of traditions and practices that help protect it from undue pressure from its clients. 128 More broadly, government legal offices may internalize legal norms even if they do not regularly focus on identifying the best view of the law. For example, an office committed not to seeking the best view of the law but to providing professionally responsible legal defenses of certain already-determined policy positions could still operate under legal constraints if it took the limits of professional responsibility seriously. That may well describe the typical posture of agency general counsel offices across the executive branch. As noted above, although it can be difficult to identify with consistent precision the outer boundaries of legal plausibility, a commitment to remaining within those boundaries is a commitment to a type of legal constraint. If executive branch legal offices operate on the basis of certain internalized norms that treat law as a constraint, the next question is whether those offices have any effect on the actual conduct of the executive branch. In the case of OLC, there are two key points. First, although OLC possesses virtually no “mandatory” jurisdiction, there is a general expectation that, outside the litigation context, legal questions of special complexity, controversy, or importance will be put to OLC to address. 129 Second, established traditions treat OLC’s legal conclusions as presumptively binding within the executive branch, unless overruled by the Attorney General or the President (which happens extremely rarely). 130 Combined, these practices make OLC the most significant source of centralized legal advice within the Executive Branch. Still, OLC addresses only a very small fraction of all the legal questions that arise within the executive branch, and a complete picture of the extent to which executive officials internalize legal norms (or are affected by others who internalize such norms) must extend well beyond that office. 131 Looking across the executive branch more broadly, there may be a practical imperative driving at least some measure of legal norm internalization. The executive branch is a vast bureaucracy, or series of bureaucracies. Executive officials responsible for discharging the government’s various policy mandates cannot act effectively without a basic understanding of who is responsible for what, and how government power is to be exercised—all topics regulated by law, including practicebased law. 132 Some of the understandings produced by those allocations are probably so internalized that the relevant actors cannot even imagine (at least in any serious way) a different regime. 133 Even on the more high-profile policy questions that receive the attention of the White House itself, the internalization of law may have a constraining effect. There are lawyers in the White House, of course, including the Office of Counsel to the President (otherwise known as the White House Counsel’s Office). Some commentators—most notably Bruce Ackerman, as part of his general claim that the executive branch tends toward illegality—have characterized that office as populated by “superloyalists” who face “an overwhelming incentive to tell [the President] that the law allows [him] to do whatever [he] want[s] to do.” 134 If that were an accurate portrayal, it would suggest that there is little to no internalization of the law in the White House Counsel’s Office. But there are serious descriptive deficiencies in that account. 135 Still, the White House Counsel’s immediate proximity to and close working relationship with the President and his senior political advisors surely do cause politics to suffuse much of the work of that office in a way that is not true of all of the executive branch. The more fundamental point, however, is that it is in the nature of modern government that the President’s power to act often depends at least in part on the input and actions of offices and departments outside the White House. That commonly includes the input of legal offices from elsewhere across the executive branch. 136 Many of those offices are headed by political appointees, and thus politics are not likely to be wholly absent from their work either. But many of those offices are also populated primarily by nonpolitical “career” civil servants, whose work as government lawyers across presidential administrations likely increases the internalization of relevant legal norms. To the extent that the input and actions of such offices affect the President’s ability to act, he may be constrained by law without regard to whether he or his most senior White House advisers think about the law. Internalization of legal norms may at least partially explain the nowfamous standoff during the George W. Bush Administration between high-ranking lawyers in the Justice Department and various White House officials over the legality of a then-secret warrantless surveillance program. The program was deeply important to the White House, but the Attorney General, Deputy Attorney General, and head of OLC all refused to certify the legality of the program unless certain changes were made. When the White House threatened to proceed with the program without certification from the Justice Department, the leaders of the Department (along with the Director of the FBI and others) all prepared to resign. Ultimately, the White House backed down and acceded to the changes. 137 Some substantial part of the explanation for why the Justice Department officials acted as they did seems to lie in their internalization of a set of institutional norms that not only takes law seriously as a constraint, but that insists on a degree of independence in determining what the law requires. 138 Buckling under pressure from the White House was evidently inconsistent with the Justice Department officials’ understanding of their professional roles.

#### Mandatory disclosure doesn’t link either --- changes in agency design are not as controversial as specific policies because of a lack of interest groups and constituency effect.

Neal Kumar Katyal, 2006. Professor of Law @ Georgetown University. “Internal Separation of Powers: Checking Today's Most Dangerous Branch from Within,” Yale Law Journal 115.9, The Most Dangerous Branch? Mayors, Governors, Presidents, and the Rule of Law: A Symposium on Executive Power (2006), pp. 2314-2349.

Before getting into the substance of the proposals, it is worth taking up a criticism that might be present off the bat. Aren't all proposals for bureaucratic reform bedeviled by the very forces that promote legislative inertia? If Congress can't be motivated to regulate any particular aspect of the legal war on terror, then how can it be expected to regulate anything more far-reaching? The answer lies in the fact that sometimes broad design choices are easier to impose by fiat than are specific policies.23

Any given policy proposal can get mired in a competition of special interests; indeed, that danger leads many to prefer executive action. Institutional design changes differ from these specific policy proposals because they cut across a plethora of interest groups and because the effects on constituencies are harder to assess due to the multiplicity of changes. The benefits of faction that Madison discussed in The Federalist No. 51 therefore arise; multitudes of interest groups find things to embrace in the system change. It is therefore not surprising that at the same time that Congress dropped the ball overseeing the legal war on terror it enacted the most sweeping set of changes to the executive branch in a half-century in the form of the Homeland Security Act of 2002.4 Indeed, as we shall see, that Act provides an object lesson: Design matters. And by altering bureaucratic arrangements, stronger internal checks can emerge.

# 2NC Gender K

**Without questioning gender, it is impossible to justify your epistemology**

**Peterson 96** [V. Spike, professor of political science at the University of Arizona “the gender of rhetoric, reason, and realism”]

I focus on gender because this is where realism is most exclusionary. It must be underscored that gender is not only about Women: it is about masculinity and femininity as a dichotomy that structures the identities, discursive practices, and material conditions of all men and women. Neither is feminism limited to documenting women's exclusion from and/or trivialization within malestream accounts. While analyses that “add women” and privilege their Ways of knowing and being are valuable as “Corrective” contributions, the transformative power of feminist critiques lies in understanding gender as a theoretical category, not only an empirical marker.“

From this perspective, **gender and its effects are pervasive (in** our ways of **being and** ways of **knowing) and their exclusion from theoretical projects renders such projects** structurally **biased and** therefore **systemically flawed**. In particular, feminists argue that the oppositional terms of male-female and masculine/feminine are not symmetrical but, like other Western dichotomies, the first term is accorded primacy and dominance. As a consequence, characteristics identified closely with hegemonic masculinity (reason, agency, autonomy, freedom, transcendence) are privileged over those associated with femininity (e.g., emotion, passivity, interdependence, necessity, contingency). Finally, feminists locate masculinism at the “roots of Western epistemology, even Western culture itself” and argue that “the fundamental dichotomies" between subject-object, rational-irrational, culture-nature, and reason-emotion age all derived from the basic male/masculine-female/ feminine “hierarchy that is central to patriarchal thought and scoeiety.”6

Feminists are thus arguing that gender hierarchy is not coincidental to but in a significant sense constitutive of Western philosophy's objectivist metaphysics and its corollary expressions of instrumental reason, binary logic, and positivist science. Insofar as objectivist meta- physics marks the turning point from rhetoric to reason. this paper focuses on the institutionalization of that metaphysics, the hierarchical dichotomies it constituted, and their effects on the theory and practice of realism.

**Gender relations are a prime driver of war/root cause**

**Cockburn 10** [Cynthia, visiting prof in the Dept of Sociology at the City University London and honorary prof at the Center for the Study of Women and Gender at U Warwick, "Gender Relations as Causal in Militarization and War" International Feminist Journal of Politics 12.2 Jun]

By contrast, patriarchal gender relations as a cause of war, I would suggest, must often fall in the 'root cause' or 'favourable conditions' category, and here we have to pay attention to culture. With the exception of the abduction of the mythical Helen of Troy (and the spurious attempt of George W. and Laura Bush to portray the invasion of Afghanistan in 2001 as a war to save Afghan women from repression by the Taliban) wars are not fought 'for' gender issues in the way they are sometimes fought 'for' oil resources, or 'for' national autonomy. Instead, they foster militarism and militarization. They make war thinkable. They make peace difficult to sustain. As noted above, women close to militarization and war are observant of cultures, cultures as they manifest themselves in societies before, in and after armed conflicts. If we think of the war system as having a cyclical or spiralling life, as a continuum over time, proceeding from the discourse of militarist ideology, through material investment in militarization, aggressive policy-making, outbreaks of war, short firefights, prolonged stalemates, ceasefires, demobilization, periods of provisional peace, anxieties about security, rearmament and so on, and if we look closely at the social relations in which individuals and groups enact these various steps, that is where it is possible to see gender relations at work, pushing the wheel around. The above account of a feminist standpoint, generating an understanding of war that contradicts the hegemonic view, is derived first and foremost from my empirical research among women's antiwar organizations and networks. But, closely involved with that movement, there is a world of feminist scholars (men as well as women) who have striven over the past three decades to articulate in a growing library of written work in the understandings arising among women war survivors and activists. Many collected editions bring together research and reporting from a range of different countries and periods (for instance, Cooke and Woollacott 1993; Lorentzen and Turpin 1998; Moser and Clark 2001; Giles and Hyndman 2004). Research-based monographs show the influence of gender relations at points along the continuum of militarization and war. Robert Dean (201), for instance, in his study of the Kennedy administration taking the USA to war in Vietnam, shows masculinism at work in preparation for war. Susan Jeffords (1989) in The Remasculinization of America, shows, through an analysis of films and novels, national efforts to salvage masculine pride after such a defeat. Many firsthand accounts show in painful detail how, in military training, patriarchal masculinity lends itself to exploitation for war-fighting, and how violence is eroticized in masculine fantasy (Theweleit 1987). Together such studies articulate the feminist perception that patriarchal gender relations are among the 'root causes' of militarism and war.

**The use of fear both destroy the ability to truly limit the president AND create worst atrocity – historical movements prove**

**Rana 11** Aziz RANA Law @ Cornell ’11 “Who Decides on Security?” Cornell Law Faculty Working Papers. Paper 87. http://scholarship.law.cornell.edu/clsops\_papers/87 p. 1-7

Today politicians and legal scholars routinely invoke fears that the balance between liberty and security has swung drastically in the direction of government’s coercive powers. In the post-September 11 era, such worries are so commonplace that in the words of one commentator, “it has become part of the drinking water of this country that there has been a trade-off of liberty for security.”1 According to civil libertarians, centralizing executive power and removing the legal constraints that inhibit state violence (all in the name of heightened security) mean the steady erosion of both popular deliberation and the rule of law. For Jeremy Waldron, current practices, from coercive interrogation to terrorism surveillance and diminished detainee rights, provide government the ability not only to intimidate external enemies but also internal dissidents and legitimate political opponents. As he writes, “We have to worry that the very means given to the government to combat our enemies will be used by the government against its enemies.”2 Especially disconcerting for many commentators, executive judgments – due to fears of infiltration and security leaks – are often cloaked in secrecy. This lack of transparency undermines a core value of democratic decisionmaking: popular scrutiny of government action. As U.S. Circuit Judge Damon Keith famously declared in a case involving secret deportations by the executive branch, “Democracies die behind closed doors. . . . When government begins closing doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation.”3 In the view of no less an establishment figure than Neal Katyal, now the Principal Deputy Solicitor General, such security measures transform the current presidency into “the most dangerous branch,” one that “subsumes much of the tripartite structure of government.”4 Widespread concerns with the government’s security infrastructure are by no means a new phenomenon. In fact, such voices are part of a sixty-year history of reform aimed at limiting state (particularly presidential) discretion and preventing likely abuses. What is remarkable about these reform efforts is that, every generation, critics articulate the same basic anxieties and present virtually identical procedural solutions. These procedural solutions focus on enhancing the institutional strength of both Congress and the courts to rein in the unitary executive. They either promote new statutory schemes that codify legislative responsibilities or call for greater court activism. As early as the 1940s, Clinton Rossiter argued that only a clearly established legal framework in which Congress enjoyed the power to declare and terminate states of emergency would prevent executive tyranny and rights violations in times of crisis.5 After the Iran-Contra scandal, Harold Koh, now State Department Legal Adviser, once more raised this approach, calling for passage of a National Security Charter that explicitly enumerated the powers of both the executive and the legislature, promoting greater balance between the branches and explicit constraints on government action.6 More recently, Bruce Ackerman has defended the need for an “emergency constitution” premised on congressional oversight and procedurally specified practices.7 As for increased judicial vigilance, Arthur Schlesinger argued nearly forty years ago, in his seminal book The Imperial Presidency (1973), that the courts “had to reclaim their own dignity and meet their own responsibilities” by abandoning deference and by offering a meaningful check to the political branches.8 Today, Lawrence Tribe and Patrick Gudridge once more imagine that, by providing a powerful voice of dissent, the courts can play a critical role in balancing the branches. They write that adjudication can “generate[]—even if largely (or, at times, only) in eloquent and cogently reasoned dissent—an apt language for potent criticism.”9 The hope – returned to by constitutional scholars for decades – has been that by creating clear legal guidelines for security matters and by increasing the role of the legislative and judicial branches, government abuse can be stemmed. Yet despite this reformist belief, presidential and military prerogatives continue to expand even when the courts or Congress intervene. Indeed, the ultimate result has primarily been to entrench further the system of discretion and centralization. In the case of congressional legislation (from the 200 standby statutes on the books to the postSeptember 11 and Iraq War Authorizations for the Use of Military Force to the Detainee Treatment Act and the Military Commissions Acts), this has often entailed Congress self-consciously playing the role of junior partner – buttressing executive practices by providing its own constitutional imprimatur to them. Thus, rather than rolling back security practices, greater congressional involvement has tended to further strengthen and internalize emergency norms within the ordinary operation of politics.10 As just one example, the USA PATRIOT Act, while no doubt controversial, has been renewed by Congress a remarkable ten consecutive times without any meaningful curtailments.11 Such realities underscore the dominant drift of security arrangements, **a drift** unhindered by scholarly suggestions and reform initiatives. Indeed, if anything, today’s scholarship finds itself mired in an argumentative loop, re-presenting inadequate remedies and seemingly incapable of recognizing past failures. What explains both the persistent expansion of the federal government’s security framework as well as the inability of civil libertarian solutions to curb this expansion? In this article I argue that the current reform debate ignores the broader ideological context that shapes how the balance between liberty and security is struck. In particular, the very meaning of security has not remained static but rather has changed dramatically since World War II and the beginning of the Cold War. This shift has principally concerned the basic question of who decides on issues of war and emergency. And as the following pages explore, at the center of this shift has been a transformation in legal and political judgments about the capacity of citizens to make informed and knowledgeable decisions in security domains. Yet, while underlying assumptions about popular knowledge – its strengths and limitations – have played a key role in shaping security practices in each era of American constitutional history, this role has not been explored in any sustained way in the scholarly literature. As an initial effort to delineate the relationship between knowledge and security, I will argue that throughout most of the American experience, the dominant ideological perspective saw security as grounded in protecting citizens from threats to their property and physical well-being (especially those threats posed by external warfare and domestic insurrection). Drawing from a philosophical tradition extending back to John Locke, politicians and thinkers – ranging from Alexander Hamilton and James Madison at the founding to Abraham Lincoln and Roger Taney – maintained that most citizens understood the forms of danger that imperiled their physical safety. The average individual knew that securing collective life was in his or her own interest, and also knew the institutional arrangements and practices that would fulfill this paramount interest. A widespread knowledge of security needs was presumed to be embedded in social experience, indicating that citizens had the skill to take part in democratic discussion regarding how best to protect property or to respond to forms of external violence. Thus the question of who decides was answered decisively in favor of the general public and those institutions – especially majoritarian legislatures and juries – most closely bound to the public’s wishes. What marks the present moment as distinct is an increasing repudiation of these assumptions about shared and general social knowledge. Today the dominant approach to security presumes that conditions of modern complexity (marked by heightened bureaucracy, institutional specialization, global interdependence, and technological development) mean that while protection from external danger remains a paramount interest of ordinary citizens, these citizens rarely possess the capacity to pursue such objectives adequately. Rather than viewing security as a matter open to popular understanding and collective assessment, in ways both small and large the prevailing concept sees threat as sociologically complex and as requiring elite modes of expertise. Insulated decision-makers in the executive branch, armed with the specialized skills of the professional military, are assumed to be best equipped to make sense of complicated and often conflicting information about safety and self-defense.12 The result is that the other branches – let alone the public writ large – face a profound legitimacy deficit whenever they call for transparency or seek to challenge presidential discretion. Not surprisingly, the tendency of procedural reform efforts has been to place greater decision-making power in the other branches and then to watch those branches delegate such power back to the very same executive bodies. How did the governing, expertise-oriented concept of security gain such theoretical and institutional dominance and what alternative formulations exist to challenge its ideological supremacy? In offering an answer to these questions, I begin in Part II by examining the principal philosophical alternatives that existed prior to the emergence of today’s approach, one of which grounded early American thought on security issues. I refer to these alternatives in the Anglo-American tradition as broadly ‘Hobbesian’ and ‘Lockean’ and develop them through a close reading of the two thinkers’ accounts of security. For all their internal differences, what is noteworthy for my purposes is that each approach rejected the idea – pervasive at present – that there exists a basic divide between elite understanding and mass uncertainty. In other words, John Locke and even Thomas Hobbes (famous as the philosopher of absolutism) presented accounts of security and self-defense that I argue were normatively more democratic than the current framework. Part III will then explore how the Lockean perspective in particular took constitutional root in early American life, focusing especially on the views of the founders and on the intellectual and legal climate in the mid nineteenth century. In Part IV, I will continue by detailing the steady emergence beginning during the New Deal of our prevailing idea of security, with its emphasis on professional expertise and insulated decision-making. This discussion highlights the work of Pendleton Herring, a political scientist and policymaker in the 1930s and 1940s who co-wrote the National Security Act of 1947 and played a critical role in tying notions of elite specialization to a new language of ‘national security.’ Part V will then show how Herring’s ‘national security’ vision increasingly became internalized by judicial actors during and after World War II. I argue that the emblematic figure in this development was Supreme Court Justice Felix Frankfurter, who not only defended security expertise but actually sought to redefine the very meaning of democracy in terms of such expertise. For Frankfurter, the ideal of an ‘open society’ was one premised on meritocracy, or the belief that decisions should be made by those whose natural talents make them most capable of reaching the technically correct outcome. According to Frankfurter, the rise of security expertise meant the welcome spread of meritocratic commitments to a critical and complex arena of policymaking. In this discussion, I focus especially on a series of Frankfurter opinions, including in Ex parte Quirin (1942), Hirabayashi v. United States (1943), Korematsu v. United States (1944), and Youngstown Steel & Tube Co. v. Sawyer (1952), and connect these opinions to contemporary cases such as Holder v. Humanitarian Law Project (2010). Finally, by way of conclusion, I note how today’s security concept – normatively sustained by Frankfurter’s judgments about merit and elite authority – shapes current discussions over threat and foreign policy in ways that often inhibit rather than promote actual security. I then end with some reflections on what would be required to alter governing arrangements. As a final introductory note, a clarification of what I mean by the term ‘security’ is in order. Despite its continuous invocation in public life, the concept remains slippery and surprisingly under-theorized. As Jeremy Waldron writes, “Although we know that ‘security’ is a vague and ambiguous concept, and though we should suspect that its vagueness is a source of danger when talk of trade-offs is in the air, still there has been little or no attempt in the literature of legal and political theory to bring any sort of clarity to the concept.”13 As a general matter, security refers to protection from those threats that imperil survival – both of the individual and of a given society’s collective institutions or way of life. At its broadest, these threats are multidimensional and can result from phenomena as wide-ranging as environmental disasters or food shortages. Thus, political actors with divergent ideological commitments defend the often competing goals of social security, economic security, financial security, collective security, human security, food security, environmental security, and – the granddaddy of them all – national security. But for my purposes, when invoked without any modifier the word ‘security’ refers to more specific questions of common defense and physical safety. These questions, emphasizing issues of war and peace, are largely coterminous with what Franklin Delano Roosevelt famously referred to in his “Four Freedoms” State of the Union Adresss as “the freedom from fear”: namely ensuring that citizens are protected from external and internal acts of “physical aggression.”14 This definitional choice is meant to serve two connected theoretical objectives. First, as a conceptual matter it is important to keep the term security analytically separate from ‘national security’ – a phrase ubiquitous in current legal and political debate. While on the face of it, both terms might appear synonymous, my claim in the following pages is that ‘national security’ is in fact a relatively novel concept, which emerged in the mid twentieth century as a particular vision of how to address issues of common defense and personal safety. Thus national security embodies only one of a number of competing theoretical and historical approaches to matters of external violence and warfare. Second, and relatedly, it has become a truism in political philosophy that the concept of liberty is plural and multifaceted.15 In other words, different ideals of liberty presuppose distinct visions of political life and possibility. Yet far less attention has been paid to the fact that security is similarly a plural concept, embodying divergent assumptions about social ordering. In fact, competing notions of security – by offering different answers to the question of “who decides?” – can be more or less compatible with democratic ideals. If anything, the problem of the contemporary moment is the dominance of a security concept that systematically challenges those sociological and normative assumptions required to sustain popular involvement in matters of threat and safety.

**Ignore relations WITHIN the state – their reliance on restrictions miss the fact that we must question the structures and NOT the law**

**Margulies and Metcalf 11** [\*Joseph Margulies is a Clinical Professor, Northwestern University School of Law. He was counsel of record for the petitioners in Rasul v. Bush and Munaf v. Geren. He now is counsel of record for Abu Zubaydah, for whose torture (termed harsh interrogation by some) Bush Administration officials John Yoo and Jay Bybee wrote authorizing legal opinions. Earlier versions of this paper were presented at workshops at the American Bar Foundation and the 2010 Law and Society Association Conference in Chicago. Margulies expresses his thanks in particular to Sid Tarrow, Aziz Huq, Baher Azmy, Hadi Nicholas Deeb, Beth Mertz, Bonnie Honig, and Vicki Jackson. \*\*Hope Metcalf is a Lecturer, Yale Law School. Metcalf is co-counsel for the plaintiffs/petitioners in Padilla v. Rumsfeld, Padilla v. Yoo, Jeppesen v. Mohammed, and Maqaleh v. Obama. She has written numerous amicus briefs in support of petitioners in suits against the government arising out of counterterrorism policies, including in Munaf v. Geren and Boumediene v. Bush. Metcalf expresses her thanks to Muneer Ahmad, Stella Burch Elias, Margot Mendelson, Jean Koh Peters, and Judith Resnik for their feedback, as well as to co-teachers Jonathan Freiman, Ramzi Kassem, Harold Hongju Koh and Michael Wishnie, whose dedication to clients, students and justice continues to inspire.] “Terrorizing Academia” http://www.swlaw.edu/pdfs/jle/jle603jmarguilies.pdf

But by framing the Bush Administration’s response as the latest in a series of regrettable but temporary deviations from a hypothesized liberal norm, the legal academy ignored the more persistent, and decidedly illiberal, authoritarian tendency in American thought to demonize communal “others” during moments of perceived threat. Viewed in this light, what the dominant narrative identified as a brief departure caused by a military crisis is more accurately seen as part of a recurring process of intense stigmatization tied to periods of social upheaval, of which war and its accompanying repressions are simply representative (and particularly acute) illustrations. It is worth recalling, for instance, that the heyday of the Ku Klux Klan in this country, when the organization could claim upwards of 3 million members, was the early-1920s, and that the period of greatest Klan expansion began in the summer of 1920, almost immediately after the nation had “recovered” from the Red Scare of 1919–20.7 Klan activity during this period, unlike its earlier and later iterations, focused mainly on the scourge of the immigrant Jew and Catholic, and flowed effortlessly from the anti-alien, anti-radical hysteria of the Red Scare. Yet **this period is almost entirely unaccounted for in the dominant post-9/11 narrative of deviation and redemption**, which in most versions glides seamlessly from the madness of the Red Scare to the internment of the Japanese during World War II.8

**And because we were studying the elephant with the wrong end of the telescope, we came to a flawed understanding of the beast**. In Part IV, we argue that the interventionists and unilateralists came to an incomplete understanding by focusing almost exclusively on what Stuart Scheingold called “the myth of rights”—the belief that if we can identify, elaborate, and secure judicial recognition of the legal “right,” political structures and policies will adapt their behavior to the requirements of the law and change will follow more or less automatically.9 Scholars struggled to define the relationship between law and security primarily through exploration of structural10 and procedural questions, and, to a lesser extent, to substantive rights. And they examined the almost limitless number of subsidiary questions clustered within these issues. Questions about the right to habeas review, for instance, generated a great deal of scholarship about the handful of World War II-era cases that the Bush Administration relied upon, including most prominently Johnson v. Eisentrager and Ex Parte Quirin. 11

Regardless of political viewpoint, a common notion among most unilateralist and interventionist scholars was that when law legitimized or delegitimized a particular policy, this would have a direct and observable effect on actual behavior. The premise of this scholarship, in other words, was that policies “struck down” by the courts, or credibly condemned as lawless by the academy, would inevitably be changed—and that this should be the focus of reform efforts. Even when disagreement existed about the substance of rights or even which branch should decide their parameters, **it reflected shared acceptance of the primacy of law**, often **to the exclusion of underlying social or political dynamics**. Eric Posner and Adrian Vermeule, for instance, may have thought, unlike the great majority of their colleagues, that the torture memo was “standard fare.”12 But their position nonetheless accepted the notion that if the prisoners had a legal right to be treated otherwise, then the torture memo authorized illegal behavior and must be given no effect.13

**Recent developments, however, cast doubt on two grounding ideas** of interventionist and unilateralist scholarship—viz., that post-9/11 policies were best explained as responses to a national crisis (and therefore limited in time and scope), and that the problem was essentially legal (and therefore responsive to condemnation by the judiciary and legal academy). **One might have** reasonably **predicted that in the wake of a string of Supreme Court decisions limiting executive power**, apparently widespread and bipartisan support for the closure of Guantánamo during the 2008 presidential campaign, and the election of President Barack Obama, which itself heralded a series of executive orders that attempted to dismantle many Bush-era policies, **the nation would be “returning” to a period of respect for individual rights and the rule of law. Yet the period following Obama’s election has been marked by an increasingly retributive and venomous narrative surrounding Islam and national security**. Precisely **when the dominant narrative would have predicted change and redemption, we have seen retreat and retrenchment**.

This conundrum is not adequately addressed by dominant strands of post-9/11 legal scholarship. In retrospect, **it is surprising that much post-9/11 scholarship appears to have set aside critical lessons from previous decades as to the relationship among law, society and politics**.14 Many scholars have long argued in other contexts that rights—or at least the experience of rights—are subject to political and social constraints, particularly for groups subject to historic marginalization. Rather than self-executing, rights are better viewed as contingent political resources, capable of mobilizing public sentiment and generating social expectations.15

**From that view, a victory in Rasul or Boumediene no more guaranteed that prisoners at Guantánamo would enjoy the right to habeas corpus than a victory in Brown v. Board**16 **guaranteed that** schools in **the South would be desegregated**.17 Rasul and Boumediene, therefore, should be seen as part (and probably only a small part) of a varied and complex collection of events, including the fiasco in Iraq, the scandal at the Abu Ghraib prison, and the use of warrantless wiretaps, as well as seemingly unrelated episodes like the official response to Hurricane Katrina. These and other events during the Bush years merged to give rise to a powerful social narrative critiquing an administration committed to lawlessness, content with incompetence, and engaged in

behavior that was contrary to perceived “American values.”18 Yet the very success of this narrative, culminating in the election of Barack Obama in 2008, produced quiescence on the Left, even as it stimulated massive opposition on the Right. The result has been the emergence of a counter-narrative about national security that has produced a vigorous social backlash such that most of the Bush-era policies will continue largely unchanged, at least for the foreseeable future.19

Just as we see a widening gap between judicial recognition of rights in the abstract and the observation of those rights as a matter of fact, there appears to be an emerging dominance of proceduralist approaches, which take as a given that rights dissolve under political pressure, and, thus, are best protected by basic procedural measures. But that stance falls short in its seeming readiness to trade away rights in the face of political tension. **First**, it accepts the tropes du jour surrounding radical Islam—namely, that it is a unique, and uniquely apocalyptic, threat to U.S. security. In this, proceduralists do not pay adequate heed to the lessons of American history and sociology. And **second**, it endorses too easily the idea that procedural and structural protections will protect against substantive injustice in the face of popular and/or political demands for an outcome-determinative system that cannot tolerate acquittals. Procedures only provide protection, however, if there is sufficient political support for the underlying right. Since the premise of the proceduralist scholarship is that such support does not exist, it is folly to expect the political branches to create meaningful and robust protections. **In short, a witch hunt does not become less a mockery of justice when the accused is given the right to confront witnesses. And a separate system (especially when designed for demonized “others,” such as Muslims) cannot, by definition, be equal.**

**This proves their methodology is flawed – favoring solutions to law ignore the broader political environment which creates the issue**

**Rana 11** Aziz RANA Law @ Cornell ’11 “Who Decides on Security?” Cornell Law Faculty Working Papers. Paper 87. http://scholarship.law.cornell.edu/clsops\_papers/87 p. 45-51

If both objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the relationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars – emphasizing new statutory frameworks or greater judicial assertiveness – is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants – danger too complex for the average citizen to comprehend independently – it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Th

us, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that no popular base exists to raise these questions. Unless such a base emerges, we can expect our prevailing security arrangements to become ever more entrenched.

**The discourse of instability is based upon representations that devalue the feminine—its used to deploy violence against the feminine other**

**Tickner 99** [Professor of International Relations at USC, 1999 (J. Ann, 21 Harvard International Review 44, Fall, 47]

When women are absent from foundational theories, established gender biases extend into contemporary international theory. The two theorists mentioned earlier, Hobbes and Machiavelli, have constructed some traditional stories of international politics. Although Hobbes's description of human behavior in the state of nature refers explicitly to that of adult males, contemporary realism has taken this behavior as constitutive of human nature as a whole. Such analogies have appealed to international relations' gloomy picture of the unsocialized behavior of states in an international system of anarchy. But as feminists remind us, if life was to go on for more than one generation in the state of nature, other more cooperative activities, such as child rearing, must have also taken place. Bringing this assumption to contemporary international politics, we might conclude that states are engaged in cooperative as well as competitive activities. Returning to Machiavelli, we find danger not in the unsocialized behavior of men in the state of nature, but in the wild spaces inhabited by the capricious goddess Fortuna. The feminization of dangerous spaces outside the territory of the state has been a metaphor frequently called upon to justify defense budgets or the policies of expansionary states. Feminist theorist Cynthia Enloe describes pictures of native women on posfeards sent home from Africa and Asia in the early part of this century, which depicted appealing images, while making clear that these alien societies needed the civilizing government that only whites could bestow. Former colonial states and their leaders have frequently been portrayed as emotional and unpredictable, characteristics also associated with women.

This discourse, which associates danger with those on the outside, is frequently framed in gendered terms. Feminists have suggested that, in today's world of advanced technologies, overly militaristic definitions of security may actually decrease the security of both women and men, directly due to the likely level of destruction should war break out, and indirectly as it decreases resources for other uses.

**The discourse of Middle Eastern instability upholds orientalist hierarchies. They construct a peaceful west versus an irrational and unstable east.**

Valbjørn 4—Morten Valbjørn, PhD in the Department of Political Science @ Aarhus [*Middle East and Palestine: Global Politics and Regional Conflict,* “Culture Blind and Culture Blinded: Images of Middle Eastern Conflicts in International Relations,” p. 63-4]

From this perspective, it is irrelevant to discuss whether the Middle East should be regarded as a region like all the others, as it is the case in the IR mainstream, or as a region like no other, as the essentialists would claim. Rather, regions should be seen as social constructions that are produced through specific discursive practices just like the international system and its various actors. Instead of discussing what the Middle East is, the relational conception of culture regards the Middle East as an imaginary region, where, first and foremost, it is important to focus on how the Middle East has been constructed through discursive practices and how this has extensive consequences on its international relations.

This focus characterizes Edward Said's Orientalism (1995), one of the principal works dealing with the Middle East in applying a relational conception of culture. Despite his principle recognition of the mere existence of societies with a location southeast of the Mediterranean, Said almost completely refrains from dealing with what characterizes these societies (1995: 5). Instead, he focuses on how European and American contexts have described and imagined the Middle East and how a particular "orientalist" way of thinking has functioned as a filter through which the Middle East is constructed as a unique oriental cultural entity. Even though the orientalist representations of the Middle East should have less to do with the Middle East than with the orientalists' own context (1995: 12), this does not mean that these representations are innocent or ineffectual. The European and American identity and way of performing power are thus closely interwoven with the conception of the Middle East as oriental and alien.

The orientalist conception of the Middle East functions as a constituting counterimage of European and American identity, of a so-called occidental culture whose supposedly democratic, rational, and enlightened character is contrasted by the depictions of a despotic, irrational, arid barbaric Orient. According to Said, "the Orient has helped to define Europe (or the West) as its contrasting image" (Said, 1995: 1-2). But orientalism also formed a central element of "a western style for dominating, restructuring, and having authority over the Orient" (Said, 1995: 3). The French and British colonial representation of Middle Eastern societies as passive, backward, and inferior justified and subsequently legitimized their colonization. This close connection between orientalist descriptions of the Middle East and different kinds of performance of power allegedly does not belong only to the past. According to Said, the situation of today bears a lot of resemblance to the time of British and French colonialism. He points to how U.S. military interventions, the Carter Doctrine, and the establishment of Rapid Deployment Forces often have been preceded by popular and academic discussions on the threat from "political Islam" and the like (Said, 1997: 28; see also Farmanfarrnaian, 1992; Sidaway, 1998; McAlister, 2001).

As a consequence of this very different approach to international relations in the Middle East, subscribers to a relational conception of culture, instead of asking what makes the Middle Eastern international relations conflict-ridden, will ask how representations of the Middle East as an unstable "Arc of Crises"-to phrase Zbigniew Brezezinski, President Carter's National Security Advisor-have made "the West" appear impressively peaceful, and made Western military engagement in this part of the world possible, necessary, and for the benefit of the people of the Middle East themselves.

# 2NR Card

**Owen = neg**

**Owen 2**(David, Reader of Political Theory at the Univ. of Southampton, Millennium, Vol 31, No 3, Sage)

 Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a] frenzy for words like “epistemology” and “ontology” often signals this philosophical turn’, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn.

# 1NR Politics Cards

**growth is a universal conflict dampener—it eliminates war-fighting incentives.**

**Gartzke 11**—Erik Gartzke is an associate professor of political science at the University of California, San Diego. Gartzke holds a Ph.D.in political science from the University of Iowa and a B.A. in history from the University of San Francisco. [February 9, 2011, “Security in an Insecure World,” Cato Unbound, http://www.cato-unbound.org/2011/02/09/erik-gartzke/security-in-an-insecure-world/]

Almost as informative as the decline in warfare has been where this decline is occurring. Traditionally, nations were constrained by opportunity. Most nations did not fight most others because they could not physically do so. Powerful nations, in contrast, tended to fight more often, and particularly to fight with other powerful states. Modern “zones of peace” are dominated by powerful, militarily capable countries. These countries could fight each other, but are not inclined to do so. At the same time, weaker developing nations that continue to exercise force in traditional ways are incapable of projecting power against the developed world, with the exception of unconventional methods, such as terrorism.

The world is thus divided between those who could use force but prefer not to (at least not against each other) and those who would be willing to fight but lack the material means to fight far from home. Warfare in the modern world has thus become an activity involving weak (usually neighboring) nations, with intervention by powerful (geographically distant) states in a policing capacity. So, the riddle of peace boils down to why capable nations are not fighting each other. There are several explanations, as Mack has pointed out.

The easiest, and I think the best, explanation has to do with an absence of motive. Modern states find little incentive to bicker over tangible property, since armies are expensive and the goods that can be looted are no longer of considerable value. Ironically, this is exactly the explanation that Norman Angell famously supplied before the World Wars. Yet, today the evidence is abundant that the most prosperous, capable nations prefer to buy rather than take. Decolonization, for example, divested European powers of territories that were increasingly expensive to administer and which contained tangible assets of limited value.

Of comparable importance is the move to substantial consensus among powerful nations about how international affairs should be conducted. The great rivalries of the twentieth century were ideological rather than territorial. These have been substantially resolved, as Francis Fukuyama has pointed out. The fact that remaining differences are moderate, while the benefits of acting in concert are large (due to economic interdependence in particular) means that nations prefer to deliberate rather than fight. Differences remain, but for the most part the capable countries of the world have been in consensus, while the disgruntled developing world is incapable of acting on respective nations’ dissatisfaction.

While this version of events explains the partial peace bestowed on the developed world, it also poses challenges in terms of the future. The rising nations of Asia in particular have not been equal beneficiaries in the world political system. These nations have benefited from economic integration, and this has proved sufficient in the past to pacify them. The question for the future is whether the benefits of tangible resources through markets are sufficient to compensate the rising powers for their lack of influence in the policy sphere. The danger is that established powers may be slow to accommodate or give way to the demands of rising powers from Asia and elsewhere, leading to divisions over the intangible domain of policy and politics. Optimists argue that at the same time that these nations are rising in power, their domestic situations are evolving in a way that makes their interests more similar to the West. Consumerism, democracy, and a market orientation all help to draw the rising powers in as fellow travelers in an expanding zone of peace among the developed nations. Pessimists argue instead that capabilities among the rising powers are growing faster than their affinity for western values, or even that fundamental differences exist among the interests of first- and second-wave powers that cannot be bridged by the presence of market mechanisms or McDonald's restaurants.

**If the peace** observed among western, developed nations **is to prove durable**, it must be because warfare proves **futile** as nations transition to **prosperity**. Whether this will happen depends on the rate of change in interests and capabilities, a difficult thing to judge. We must hope that the optimistic view is correct, that what ended war in Europe can be exported globally. Prosperity has made war expensive, while the fruits of conflict, both in terms of tangible and intangible spoils have declined in value. These forces are not guaranteed to prevail indefinitely. Already, research on robotic warfare promises to lower the cost of conquest. If in addition, fundamental differences among capable communities arise, then warfare over ideology or policy can also be resurrected. We must all hope that the consolidating forces of prosperity prevail, that war becomes a durable anachronism.

**Decline turns yemen collapse and terrorism**

**Warrick 8**—Joby Warrick, Washington Post Staff Writer [November 15, 2008, “Experts Warn of Security Risks in Financial Downturn,” http://www.washingtonpost.com/wp-dyn/content/article/2008/11/14/AR2008111403864.html]

Intelligence officials are warning that the deepening global financial crisis could weaken fragile governments in the world's most dangerous areas and undermine the ability of the United States and its allies to respond to a new wave of security threats.

U.S. government officials and private analysts say the economic turmoil has heightened the short-term risk of a terrorist attack, as radical groups probe for weakening border protections and new gaps in defenses. A protracted financial crisis could threaten the survival of friendly regimes from Pakistan to the Middle East while forcing Western nations to cut spending on defense, intelligence and foreign aid, the sources said.

The crisis could also accelerate the shift to a more Asia-centric globe, as rising powers such as China gain more leverage over international financial institutions and greater influence in world capitals.

Some of the more troubling and immediate scenarios analysts are weighing involve nuclear-armed Pakistan, which already was being battered by inflation and unemployment before the global financial tsunami hit. Since September, Pakistan has seen its national currency devalued and its hard-currency reserves nearly wiped out.

Analysts also worry about the impact of plummeting crude prices on oil-dependent nations such as Yemen, which has a large population of unemployed youths and a history of support for militant Islamic groups.

The underlying problems and trends -- especially regional instability and the waning influence of the West -- were already well established, but they are now "being accelerated by the current global financial crisis," the nation's top intelligence official, Director of National Intelligence Mike McConnell, said in a recent speech. McConnell is among several top U.S. intelligence officials warning that deep cuts in military and intelligence budgets could undermine the country's ability to anticipate and defend against new threats.

Annual spending for U.S. intelligence operations currently totals $47.5 billion, a figure that does not include expensive satellites that fall under the Pentagon's budget. At a recent gathering of geospatial intelligence officials and contractors in Nashville, the outlook for the coming fiscal cycles was uniformly grim: fewer dollars for buying and maintaining sophisticated spy systems.

"I worry where we'll be five or 10 years from now," Charles Allen, intelligence director for the Department of Homeland Security, said in an interview. "I am deeply worried that we will not have the funding necessary to operate and build the systems already approved."

Intelligence officials say they have no hard evidence of a pending terrorist attack, and CIA Director Michael V. Hayden said in a news conference Thursday that his agency has not detected increased al-Qaeda communications or other signs of an imminent strike.

But many government and private terrorism experts say the financial crisis has given al-Qaeda an opening, and judging from public statements and intercepted communications, senior al-Qaeda leaders are elated by the West's economic troubles, which they regard as a vindication of their efforts and a sign of the superpower's weakness.

"Al-Qaeda's propaganda arm is constantly banging the drum saying that the U.S. economy is on the precipice -- and it's the force of the jihadists that's going to push us over the edge," said Bruce Hoffman, a former scholar-in-residence at the CIA and now a professor at Georgetown University.

Whether terrorist leader Osama bin Laden is technically capable of another Sept. 11-style attack is unclear, but U.S. officials say he has traditionally picked times of transition to launch major strikes. The two major al-Qaeda-linked attacks on U.S. soil -- the World Trade Center bombing in 1993 and the 2001 hijackings -- occurred in the early months of new administrations.

This year, the presidential transition is occurring as American households and financial institutions are under severe economic strain, and political leaders are devoting great time and effort to that crisis. Frances Fragos Townsend, who previously served as Bush's homeland security adviser, told a gathering of terrorism experts last month that the confluence of events is "not lost" on bin Laden.

"We know from prior actions that this is a period of vulnerability," Townsend said.

As bad as economic conditions are in the United States and Europe, where outright recessions are expected next year, they are worse in developing countries such as Pakistan, a state that was already struggling with violent insurgencies and widespread poverty. Some analysts warn that a prolonged economic crisis could trigger a period of widespread unrest that could strengthen the hand of extremists and threaten Pakistan's democratically elected government -- with potentially grave consequences for the region and perhaps the planet.

Pakistanis were hit by soaring food and energy prices earlier in the year, and the country's financial problems have multiplied since late summer. Islamabad's currency reserves have nearly evaporated, forcing the new government to seek new foreign loans or risk defaulting on the country's debt. The national currency, the rupee, has been devalued, and inflation is squeezing Pakistan's poor and middle class alike.

Shahid Javed Burki, a native Pakistani and former World Bank official, said job cuts and higher food costs are behind much of the anger and desperation he witnessed during a recent trip. "I'm especially worried about the large urban centers," said Burki, author of several books on Pakistan's economy. "If they are badly hurt, it creates incentives for people to look to the extremists to make things better. It's a very dicey situation."

U.S. officials are following developments with particular concern because of Pakistan's critical role in the campaign against terrorism, as well as the country's arsenal of dozens of nuclear weapons. Al-Qaeda has appealed directly to Pakistanis to overthrow their government, and its Taliban allies have launched multiple suicide bombings, some aimed at economic targets such as the posh Marriott hotel in Islamabad, hit in September.

Economic and social unrest has helped **drive recruiting for militant groups** that cross into Afghanistan to attack U.S. troops.

**Turns china war**

**Ockham Research 8**—Ockham Research is an independent equity research provider based in Atlanta, Georgia. Ockham covers an expansive universe of stocks mostly in the US, but also from a variety of exchanges throughout the world. [November 18, 2008, http://seekingalpha.com/article/106562-economic-distress-and-geopolitical-risks]

China too is threatened by the global economic downturn. There is no doubt that China has emerged during the past decade as a major economic power. Parts of the country have been transformed by its meteoric growth. However, in truth, only about a quarter of the nation’s billion plus inhabitants—those living in the thriving cities on the coast and in Beijing—have truly felt the impact of the economic boom. Many of these people have now seen a brutal bear market and are adjusting to economic loss and diminished future prospects. However, the vast majority of China’s population did not benefit from the economic boom and could become increasingly restive in an economic slowdown. Enough economic hardship could conceivably threaten the stability of the regime and would more than likely make China more bellicose and unpredictable in its behavior, with dangerous consequences for the U.S. and the world.

**Economic decline will spark multiple scenarios for Asian war.**

**Auslin 9**—Michael Auslin is a resident scholar at the American Enterprise Institute. [February 5, 2009, “Averting Disaster,” *The Weekly Standard*, http://www.weeklystandard.com/Content/Public/Articles/000/000/016/115jtnqw.asp]

AS THEY DEAL WITH a collapsing world economy, policymakers in Washington and around the globe must not forget that when a depression strikes, war can follow. Nowhere is this truer than in Asia, the most heavily armed region on earth and riven with ancient hatreds and territorial rivalries. Collapsing trade flows can lead to political tension, nationalist outbursts, growing distrust, and ultimately, military miscalculation. The result would be disaster on top of an already dire situation.

No one should think that Asia is on the verge of conflict. But it is also important to remember what has helped keep the peace in this region for so long. Phenomenal growth rates in Japan, South Korea, Hong Kong, Singapore, China and elsewhere since the 1960s have naturally turned national attention inward, to development and stability. This has gradually led to increased political confidence, diplomatic initiatives, and in many nations the move toward more democratic systems. America has directly benefited as well, and not merely from years of lower consumer prices, but also from the general conditions of peace in Asia.

Yet policymakers need to remember that even during these decades of growth, moments of economic shock, such as the 1973 Oil Crisis, led to instability and bursts of terrorist activity in Japan, while the uneven pace of growth in China has led to tens of thousands of armed clashes in the poor interior of the country.

Now imagine such instability multiplied region-wide. The economic collapse Japan is facing, and China's potential slowdown, dwarfs any previous economic troubles, including the 1998 Asian Currency Crisis. Newly urbanized workers rioting for jobs or living wages, conflict over natural resources, further saber-rattling from North Korea, all can take on lives of their own. This is the nightmare of governments in the region, and particularly of democracies from newer ones like Thailand and Mongolia to established states like Japan and South Korea. How will overburdened political leaders react to internal unrest? What happens if Chinese shopkeepers in Indonesia are attacked, or a Japanese naval ship collides with a Korean fishing vessel? Quite simply, Asia's political infrastructure may not be strong enough to resist the slide towards confrontation and conflict.

This would be a political and humanitarian disaster turning the clock back decades in Asia. It would almost certainly drag America in at some point, as well. First of all, we have alliance responsibilities to Japan, South Korea, Australia, and the Philippines should any of them come under armed attack. Failure on our part to live up to those responsibilities could mean the end of America's credibility in Asia.

Secondly, peace in Asia has been kept in good measure by the continued U.S. military presence since World War II. There have been terrible localized conflicts, of course, but nothing approaching a systemic conflagration like the 1940s. Today, such a conflict would be far more bloody, and it is unclear if the American military, already stretched too thin by wars in Afghanistan and Iraq, could contain the crisis. Nor is it clear that the American people, worn out from war and economic distress, would be willing to shed even more blood and treasure for lands across the ocean.

The result could be a historic changing of the geopolitical map in the world's most populous region. Perhaps China would emerge as the undisputed hegemon. Possibly democracies like Japan and South Korea would link up to oppose any aggressor. India might decide it could move into the vacuum. All of this is guess-work, of course, but it has happened repeatedly throughout history. There is no reason to believe we are immune from the same types of miscalculation and greed that have destroyed international systems in the past.

**Economic collapse triggers Russian adventurism.**

**Ferguson 9** [Niall, Laurence A. Tisch Professor of History at Harvard University, Author of War of the World and The Ascent of Money, *Introducing the axis of upheaval*, The Times, The Times Online]

The other region suffering acute pressure at the moment is Eastern Europe, where many former Communist countries are paying the price of a reckless borrowing binge. Already the Latvian Government has been toppled as a consequence of the financial crisis. But the most troubling case is Ukraine, where economic collapse threatens to trigger political disintegration. While President Yushchenko leans towards Europe, his ally-turned-rival, the Prime Minister Yuliya Tymoshenko, now favors a Russian orientation. This reflects the widening gap between the Ukrainian West of the country and its Russian East. Meanwhile, in Moscow, Mr Putin talks menacingly of “ridding the Ukrainian people of all sorts of swindlers and bribe-takers”. The Crimean peninsula, with its ethnic Russian majority, is the part of the “near abroad” (meaning the former Soviet Union) that Mr Putin covets most. The wrangle over gas supplies may well have been just the first phase of a Russian bid to destabilize and even break up Ukraine. The Soviet Union may be gone, but it has left a legacy of Russian minorities all over Eastern Europe, the Caucasus and Central Asia. Adding economic volatility to the mix of ethnic disintegration and post imperial conflict is a recipe for upheaval.

**AND – THE LINK DETERMINES the way you read Uniqueness - Obama’s POLITICAL STANDING determines the momentum – it’s conclusive – he’s trying to set the agenda and will succeed. Plan flips uniqueness.**

**PACE 9 – 12 – 13** AP White House Correspondent [Julie Pace, Syria debate on hold, Obama refocuses on agenda, <http://www.fresnobee.com/2013/09/12/3493538/obama-seeks-to-focus-on-domestic.html>

With a military strike against Syria on hold, President Barack Obama tried Thursday to reignite momentum for his second-term domestic agenda**. But his progress could hinge on the strength of his standing on Capitol Hill** after what even allies acknowledge were missteps in the latest foreign crisis.

"It is still important to recognize that we have a lot of things left to do here in this government," Obama told his Cabinet, starting a sustained White House push to refocus the nation on matters at home as key benchmarks on the budget and health care rapidly approach.

"The American people are still interested in making sure that our kids are getting the kind of education they deserve, that we are putting people back to work," Obama said.

The White House plans to use next week's five-year anniversary of the 2008 financial collapse to warn Republicans that shutting down the government or failing to raise the debt limit could drag down the still-fragile economy. With Hispanic Heritage Month to begin Monday, Obama is also expected to press for a stalled immigration overhaul and urge minorities to sign up for health care exchanges beginning Oct. 1.

Among the events planned for next week is a White House ceremony highlighting Americans working on immigrant and citizenship issues. Administration officials will also promote overhaul efforts at naturalization ceremonies across the country. On Sept. 21, Obama will speak at the Congressional Black Caucus Gala, where he'll trumpet what the administration says are benefits of the president's health care law for African-Americans and other minorities.

Two major factors are driving Obama's push to get back on track with domestic issues after three weeks of Syria dominating the political debate. Polls show the economy, jobs and health care remain Americans' top concerns. And Obama has a limited window to make progress on those matters in a second term, when lame-duck status can quickly creep up on presidents, particularly if they start losing public support.

Obama already is grappling with some of the lowest approval ratings of his presidency. A Pew Research Center/USA Today poll out this week put his approval at 44 percent. That's down from 55 percent at the end of 2012.

Potential military intervention in Syria also is deeply unpopular with many Americans, with a Pew survey finding that 63 percent opposing the idea. And the president's publicly shifting positions on how to respond to a deadly chemical weapons attack in Syria also have confused many Americans and congressional lawmakers.

"In times of crisis, the more clarity the better," said Sen. Lindsey Graham, R-S.C., a strong supporter of U.S. intervention in Syria. "This has been confusing. For those who are inclined to support the president, it's been pretty hard to nail down what the purpose of a military strike is."

For a time, the Obama administration appeared to be barreling toward an imminent strike in retaliation for the Aug. 21 chemical weapons attack. But Obama made a sudden reversal and instead decided to seek congressional approval for military action.

Even after administration officials briefed hundreds of lawmakers on classified intelligence, there appeared to be limited backing for a use-of-force resolution on Capitol Hill. Rather than face defeat, Obama asked lawmakers this week to postpone any votes while the U.S. explores the viability of a deal to secure Syria's chemical weapons stockpiles.

That pause comes as a relief to Obama and many Democrats eager to return to issues more in line with the public's concerns. The most pressing matters are a Sept. 30 deadline to approve funding to keep the government open — the new fiscal year begins Oct. 1 — and the start of sign-ups for health care exchanges, a crucial element of the health care overhaul.

On Wednesday, a revolt by tea party conservatives forced House Republican leaders to delay a vote on a temporary spending bill written to head off a government shutdown. Several dozen staunch conservatives are seeking to couple the spending bill with a provision to derail implementation of the health care law.

The White House also **may face a fight with Republicans over raising the** nation's **debt ceiling** this fall. While Obama has insisted he won't negotiate over the debt limit, House Speaker John Boehner on Thursday said the GOP will insist on curbing spending.

"You can't talk about increasing the debt limit unless you're willing to make changes and reforms that begin to solve the spending problem that Washington has," the Ohio Republican said.

A. Obama controls the message

**EASLEY 9 – 18 – 13 Politics USA Staff** [Jason Easley, Obama’s Genius Labeling of GOP Demands Extortion Has Already Won The Debt Ceiling Fight, <http://www.politicususa.com/2013/09/18/obamas-genius-labeling-gop-demands-extortion-won-debt-ceiling-fight.html>]

Obama use of the term extortion to describe the House Republican debt ceiling demands was a step forward in a strategy that has already made it a near certainty that he will win this standoff.

President Obama effectively ended any Republican hopes of getting a political victory on the debt ceiling when he called their demands extortion. Nobody likes being extorted. The American people don’t like feeling like they are being shaken down. The White House knows this, which is why they are using such strong language to criticize the Republicans. Obama is doing the same thing to House Republicans that he has been doing to the entire party for the last few years. The president is defining them before they can define themselves.

Obama is taking the same tactics that he used to define Mitt Romney in the summer of 2012 and applying them to John Boehner and his House Republicans. While Republicans are fighting among themselves and gearing up for another pointless run at defunding Obamacare, the president is already winning the political battle over the debt ceiling. His comments today were a **masterstroke of strategy** that will pay political dividends now and in the future. If the president is successful anytime a Republican talks about defunding Obamacare, the American people will think extortion. Republicans keep insisting on unconstitutional plots to kill Obamacare, and the president is calling them out on it.

Republicans haven’t realized it yet, but while they are chasing the fool’s gold of defunding Obamacare they have already lost on the debt ceiling. By caving to the lunatic fringe in his party, John Boehner may have handed control of the House of Representatives back to Democrats on a silver platter.

While Republicans posture on Obamacare, **Obama is routing them on the debt ceiling.**

B. The House will fold

**BOLTON 9 – 12** – 13 [Alexander Bolton, "Reid 'really frightened' over potential for government shutdown ," The Hill, <http://thehill.com/homenews/senate/321923-reid-really-frightened-of-possible-government-shutdown-after-meeting-with-boehner>]

Senate Majority Leader Harry Reid (D-Nev.) said he is scared of a possible government shutdown after meeting with Speaker John Boehner (R-Ohio) Thursday morning. “I’m really frightened,” he told reporters after a press conference to discuss the morning meeting he had with Boehner, Senate Republican Leader Mitch McConnell (R-Ky.) and House Democratic Leader Nancy Pelosi (D-Calif.). “I think they’re looking like the House is having trouble controlling themselves,” he said. Earlier in the day, Reid declared that the lower chamber had been taken over by anarchists after an energy efficiency bill stalled on the Senate floor. “We’re diverted totally from what this bill is about. Why? Because the anarchists have taken over,” he said. “They’ve taken over the House and now they’ve taken over the Senate. Reid on Thursday delivered a blunt message to Boehner that he will not delay the 2010 Affordable Care Act in exchange for keeping the government open past the end of the month. Reid also made clear he will not grant Republicans any concessions in order to pass legislation to raise the debt limit. Reid told reporters that he will strip out any language defunding or delaying the new healthcare law included in House-passed legislation funding government beyond Sept. 30. “Go to something else, get away from ObamaCare. Send us something else,” he said. He plans to pass a “clean” stopgap spending measure to keep the government open through year’s end. Reid characterized Thursday morning’s bicameral leadership meeting as cordial and said he offered to help Boehner circumvent Tea Party-affiliated conservatives who are threatening a government shutdown. “I said to him, ‘What can I do to help?’,” Reid said. “It was not a yelling-at-each-other meeting. It was a very nice meeting we had. Hey listen, I like John Boehner.” Sen. Charles Schumer (N.Y.), the third-ranking Senate Democratic leader, predicted House Republican leaders **will fold** before allowing the government to shut down. “I still think at the last minute they’ll have to blink,” Schumer said. “The fact that Boehner came up with his sort-of concoction shows that he knows that a government shutdown plays badly for him,” he added, referring to the stopgap spending measure House GOP leaders presented to their colleagues on Tuesday. “Should he go forward and let the Tea Party win on the government shutdown, then everyone will come down on him and say, ‘Why’d you allow them to do it?’.”

C. Tea party placated – majority will come together

**BUSINESSWEEK 9 – 18** – 13 Boehner Gets It Over With, Agrees to Tie Overall Budget to Obamacare Funding, <http://www.businessweek.com/articles/2013-09-18/boehner-gets-it-over-with-agrees-to-tie-overall-budget-to-obamacare-funding>

Bad news for anybody hoping to avoid another budget crisis: Late Tuesday afternoon, National Review‘s Robert Costa broke the news that House Speaker John Boehner (R-Ohio) will cave to the Republican Party’s right wing and introduce a continuing resolution that strips funding for Obamacare. Senate Democrats will block this, and then … well, nobody knows for sure. If somebody doesn’t figure out something by Sept. 30, the government will shut down.

Here’s the good news about the bad news: Boehner ‘s latest move was almost preordained. It doesn’t necessarily mean that national parks, DMVs, or the U.S. Army will have to put up “Closed” signs, come Oct. 1.

It isn’t that Boehner and House GOP leaders prefer to put their names behind a measure that stands almost no chance of becoming law. It’s that they never had a choice. Enough Tea Party conservatives are adamant about attaching a defunding provision to any continuing resolution that they can stymie any Boehner alternative. (They did so last week.) When I spoke to Representative Tom Graves (R-Ga.) shortly before this news broke on Tuesday, he said that more than 60 Republicans had signed on to his one-year defunding plan.

The reason this development isn’t as bad as first appears is that **it was bound to happen** at some point in the process—and there’s still time to pass the Graves plan (or some variant), see it fail in the Senate, and then come up with a more palatable alternative to keep everything running smoothly. **That probably won’t happen without lots of threats, drama and anger.** This is Congress, after all. But at least theoretically, **indulging the right wing’s desire** to pursue its defunding strategy ought to make it easier for Boehner to cobble together a majority for whatever funding bill comes in its wake.

B. Investors optimistic

**FT 9 – 18 – 13** <http://www.ft.com/intl/cms/s/0/5a7b6c58-2065-11e3-b8c6-00144feab7de.html#axzz2fJ6iQF48>

Chris Krueger of Guggenheim Securities, a financial services and advisory firm, said his group was raising “our odds of a government shutdown in 14 days **to 40 per cent** from a one to three probability”.

“We are basing the 60 per cent odds that there will not be a government shutdown on blind faith because there is little to no evidence to suggest that the House, Senate, and White House can agree to a stopgap measure in time.”

The two issues – the budget and the debt ceiling – may be dealt with together, or Congress may agree to pass a temporary budget extension, setting the stage for the Obamacare fight over approval for new borrowings.

The House Republicans have already voted about 40 times to repeal or emasculate Obamacare since early 2011, to no end.

Republicans, and conservative activist groups, are split over the tactics the Tea Party in the House have forced on Mr Boehner, with many saying they will not work.

Some of the most conservative Republican senators, including Jeff Flake (Arizona), Tom Coburn (Oklahoma) and Pat Toomey (Pennsylvania), have opposed the “defund Obamacare” push, because they say it raises unrealistic expectations it can be achieved.

**Shutdown hurts the economy – every delay matters**

**CNN 9 – 18 – 13** <http://money.cnn.com/2013/09/18/news/economy/congress-shutdown-economy/index.html>

Congress' budget chief warned on Wednesday that a federal shutdown could hurt the economy.

A long, broad shutdown of the federal government could drag an already weak economy, said Congressional Budget Office Director Douglas Elmendorf. Employees would lose paychecks, federal contractors receive fewer contract dollars and consumers and businesses would lose confidence in leaders' ability to govern.

Elmendorf said even **the mere possibility of a shutdown can affect the larger economy**, in that it makes government less efficient.

"We have now started to prepare for the possibility of a shutdown at CBO -- taking time and energy that we'd otherwise spend in serving Congress more directly," he said. "At agencies that are larger and more complicated, the planning for the shutdown is much more involved."

**Budget talks remain at a standstill**. Republicans are pushing for spending cuts and a repeal of the 2010 health care law, and the president is insisting he will not negotiate over that law. If no deal is reached by the end of the fiscal year on Sept. 30, the federal government could shut down for business.

The White House budget office on Wednesday has already ordered all agencies to be in full shutdown preparation.

**Elmendorf said economic damage would "scale up."**

"The effects build over time: Two weeks is worse than one week, and three works is still worse than two weeks, and four is still worse than that," he said.

Elmendorf said only President Obama would be able to cushion the effect, because he has leeway to decide how broad any shutdown is. He can decide which agencies, departments and employees are "essential" to public service or serve a mandatory function, meaning they would continue to work during a federal shutdown.

In past shutdowns during the mid-1990s, for example, leaders realized that social security benefits are a key public service. In the longest shutdown, which lasted 21 days, many employees of the Social Security Administration stayed on the job and benefit checks were issued mostly on time.

Even so, Elmendorf said economists believe those federal shutdowns also hurt the economy.

AND – Obama needs a strong hand to keep them focused

**LANGENKAMP 13 Global political analyst at ECR Research and Interest & Currency Consultants** [Andy Langenkamp, Obama to Take Over Baton From Fed?, 7-12-13, <http://www.huffingtonpost.com/andy-langenkamp/obama-to-take-over-baton-_b_3571885.html>]

Risky fiscal fall

As the U.S. Fed is not planning to boost the asset markets for much longer, growth will have to come from the private sector albeit with help from the government. However, it remains to be seen if politicians in the United States will be able to contribute to a healthy base for economic growth later this year.

As growth has picked up, concerns over the fiscal health of the United States have receded into the background. The fiscal problems may be out of the limelight, but they have not gone away. A relatively quiet summer will be followed by a hectic fall. **Democrats and Republicans will cross fiscal swords**. On October 1st, the U.S. federal budget runs out, the sequester for the fiscal year 2014 takes effect, and the U.S. will hit the debt ceiling. In 2014 too, the U.S. federal government may well need a so-called "continuing resolution" just to keep going.

Political hot potatoes

The fiscal debate is not the only "interesting" item on the agenda in the last part of the year. Political issues that could make waves in Q4 are the Keystone XL pipeline from Canada to the U.S., immigration law reform, the ongoing story of Obamacare, and the nomination of the next Fed chairperson.

The above issues give the president some bargaining chips as he attempts to strike a fiscal deal. Maybe he can deliver a grand bargain via package deals. But equally, debate will then spiral out of control and create an (even more) poisonous atmosphere in Washington.

Scandals threat to Obama?

Lately, Obama has been under attack from various sides. Several scandals threaten to undermine his reputation. AP and Fox journalists have been spied upon and the Internal Revenue Service has deliberately targeted organizations linked to the Tea Party for extra scrutiny. Meanwhile, the effects of the affair surrounding the deadly assault on the U.S. consulate in Benghazi (Libya) are lingering on. The latest uproar of course concerns the National Security Agency's snooping activities. This has led to a global outcry and has undermined Obama's reputation and political power abroad.

**Obama's weakened hand reduces the chance that he can move the fiscal agenda forward.** Meanwhile, Mr. Obama seems increasingly preoccupied with his legacy. U.S. presidents want to leave their mark on world affairs as the end of their last term approaches. Several have tried to solve the thorny Israeli-Palestinian problem (Clinton made a brave but ultimately naive and fruitless attempt). Obama appears to focus on, among others, reducing the world's nuclear stockpile -- witness his recent speech in Berlin -- and closing Guantánamo Bay.

Still some cards up his sleeves?

The U.S. **president still has some political capital at his disposal.** His approval rating (50 percent) may not be spectacular but it exceeds the dismal endorsement of Congress (15 percent). Many voters still give him the benefit of the doubt; just 26 percent of Americans are satisfied with the direction the U.S. is taking, but Obama's ratings indicate many do not believe he is to blame for their disappointment. In any case, the presidential "approval premium" has not been this high since Reagan. Perhaps this will give Mr. Obama the courage to get down to business in Q4 and take decisive steps towards restoring the fiscal health of America.

**AND – he’s pressuring businesses to keep the GOP in line – so none of their the GOP doesn’t care about Obama cards make any sense**

**NYT 9 – 19** – 13 <http://www.nytimes.com/2013/09/19/us/politics/obama-will-highlight-fiscal-risks-in-addressing-business-group.html>

President Obama tried to raise the pressure on Republicans in Congress on Wednesday, telling a national business group that threats of a fiscal default by his political adversaries risk throwing the United States economy back into crisis.

Mr. Obama used an appearance before the group, the Business Roundtable, to call out House Republicans who have said they will not raise the nation’s debt ceiling unless they succeeded in repealing Mr. Obama’s signature health care law.

In his remarks, Mr. Obama accused what he called “a faction” of Republicans in the House of trying to “extort” him by refusing to raise the nation’s debt ceiling unless the president’s health care plan is repealed.

“You have never in the history of the United States seen the threat of not raising the debt ceiling to extort a president or a governing party,” Mr. Obama said. “It’s irresponsible.”

Mr. Obama called upon the business leaders to try to convince lawmakers to avoid the kind of “brinks~~man~~ship” that would lead to promises of “apocalypse” every few months.

“What I will not do is to create a habit, a pattern whereby the full faith and credit of the united states ends up being a bargaining chip to make policy,” he said.

“I’m tired of it,” he added. “And I suspect you are too.”

Congress will soon face two major budget deadlines. The stopgap “continuing resolution” that finances the federal government runs out at the end of September, and the Treasury Department has said that unless Congress raises the debt ceiling, it expects to lose the ability to pay the government’s bills in mid-October.

The Republican House speaker, John A. Boehner, has argued that the debt limit should be increased only as part of broader concessions by the president to reduce the deficit and make other spending reforms.

But a group of conservative Tea Party Republicans want to go further by explicitly refusing to raise the debt ceiling without repealing the health care law. Mr. Obama made it clear on Wednesday that he had no intention of negotiating over the debt limit.

Mr. Obama also raised the specter of another economic downturn if Republicans do not raise the debt ceiling, aides said, and he noted that in 2011 — the last time Washington clashed over a debt ceiling increase — the stock market dropped 17 percent, the country’s credit rating was downgraded and consumer confidence dropped.

“no negotiation is rhetoric”

**AP 8 – 24** – 13 http://www.huffingtonpost.com/2013/08/24/government-shutdown\_n\_3810148.html

**Corker said the "no negotiation" stance of the White House is merely rhetorical**.

"Why are we talking right now?" he asked. "Deadlines help focus people's minds. We don't sit around talking about the deadlines. But let's face, it, the funding of government next year and the debt ceiling issue, of course that's what driving these conversations to take place."

**Obama dodged a bullet on Syria – We’re Reading a Harvard Professor to answer their thumper**

**BAUM 9 – 16 – 13 Professor of Global Communication Harvard University John F. Kennedy School of Government** [Matthew A. Baum, Obama's good fortune on Syria, <http://america.aljazeera.com/articles/2013/9/16/obama-opinion-pollingsyria.html>]

Secretary of State John Kerry's announcement Saturday morning of a framework agreement with Russia on dismantling Syrian President Bashar al-Assad's chemical weapons arsenal capped (for now, at least) what undoubtedly has been one of the most bizarre episodes in memory for U.S. foreign policy.

In the span of two weeks, U.S. plans caromed from the seemingly imminent use of force to a surprise time-out for consultation with Congress to a full-throttled presidential media blitz on the need for military strikes to slamming on the brakes and calling off the congressional vote in favor of renewed diplomacy with Russia, the U.S.'s erstwhile nemesis on Syria.

The Obama administration undoubtedly **dodged a very large domestic political bullet**, at least **in the short term.** The president took a calculated but substantial risk when he decided to slow the seemingly inexorable march toward military action against Syria and invite Congress to weigh in on the matter. All available evidence suggests that even if he somehow managed to persuade a reluctant Senate to go along, House approval was improbable at best. Had he lost a congressional vote on a military strike, the costs in political capital at home and credibility abroad, as well as to the executive branch itself, could have been severe.

The administration did not help its case or its public image by issuing cringe-worthy pronouncements, such as Kerry's promise that any military strike would be "unbelievably small." This forced Obama to reassure the American people that the U.S. military "does not do pinpricks." Satirists from "The Daily Show" to "Saturday Night Live" were doubtless exchanging high fives.

On the other hand, Kerry's seemingly off-the-cuff offer to call off military action if Assad agreed to surrender his chemical weapons **turned out to be extraordinarily good political fortune**. Surely Kerry did not anticipate that Russia and Syria would call his bluff. Yet they did, thereby takin**g the impending congressional vote -- and with it a potentially epic domestic political** and international diplomatic **fiasco** -- off the table and the front pages.

For the president, **this change of subject came not a moment too soon**. In a CNN/ORC International poll taken on the eve of his Sept. 10 prime-time television address on Syria, public approval for his handling of foreign affairs reached a new low of 40 percent, while only 31 percent approved of his handling of the situation in Syria. At the same time, numerous surveys found fewer than 30 percent of Americans supported U.S. military action in Syria, and Obama's overall approval rating dipped to 43.5 percent in Gallup's tracking poll. One should not make too much of opinion polls taken prior to a military intervention, yet these numbers make Syria among the least popular proposed U.S. military interventions in recent memory. By comparison, in several surveys leading up to the 2011 U.S.-led intervention in Libya, half or more of the public supported the plan to establish a no-fly zone, and 43 percent approved of the administration's handling of that crisis.

Despite the surreal nature of the past two weeks' events, it is worth considering that had the administration announced such a diplomatic breakthrough before the decision to consult Congress, the media likely would have been abuzz with stories of Obama's diplomatic prowess. As it is, a more positive media narrative may yet replace or at least challenge the current dominant media representation of a feckless president stumbling and improvising his way through a crisis. Revisionist accounts have already arisen, asserting that Kerry's comments actually represented a policy option that the U.S. and Russia had been discussing for over a year.

Granted, whatever the origins of the deal, it is far from done. The U.S. and Russia are already bickering over the number of Syrian-government-controlled chemical weapons sites to be disarmed. Assad may engage in a Saddam Hussein–like cat-and-mouse game with U.N. inspectors, attempting to thwart or at least delay their efforts. And the consequences if Assad fails to fully cooperate are uncertain at best. Referral to the U.N. Security Council faces veto by Russia and China of any resolution to authorize military force. Even if every dispute can be resolved, safely dismantling all of Assad's chemical weapons would be a daunting task even absent an ongoing civil war.

Regardless, unless the deal with Russia collapses, the chances are very good that a month from now the media and public will have moved on from Syria to focus on an array of pressing domestic issues, including looming showdowns between the White House and congressional Republicans over the budget and the debt ceiling and the launch of critical elements of the Affordable Care Act. According to a Sept. 11 Gallup poll, despite all the attention heaped on Syria, Americans rate it as only the fifth most important problem facing the nation, well behind a host of domestic concerns. Whether or not Syria is ultimately disarmed and if the process drags on for many months or years, the ultimate success or failure of Obama's second term may rest far less on Syria than on those imminent domestic political battles and, of course, the state of the economy, where his approval rating stood at a precarious 43 percent in the CNN/ORC International poll -- just one percentage point higher than his approval rating on health care policy.

**They don’t want the accountability**

**Yoo 13** John, Former Deputy Assistant Attorney General and Law Professor @ Cal Berkley, has written several books on presidential powers, ABA Law Journal, “War Powers Belong to the President”, http://www.abajournal.com/magazine/article/war\_powers\_belong\_to\_the\_president

Common sense does not support replacing the way our Constitution has worked in wartime with a radically different system that mimics the peacetime balance of powers between president and Congress. If the issue were the environment or Social Security, Congress would enact policy first and the president would faithfully implement it second. But the Constitution does not duplicate this system in war. Instead, our framers decided that the president would play the leading role in matters of national security.

Those in the pro-Congress camp call upon the anti-monarchical origins of the American Revolution for support. If the framers rebelled against King George III’s dictatorial powers, surely they would not give the president much authority. It is true that the revolutionaries rejected the royal prerogative, and they created weak executives at the state level. Americans have long turned a skeptical eye toward the growth of federal powers. But this may mislead some to resist the fundamental difference in the Constitution’s treatment of domestic and foreign affairs. For when the framers wrote the Constitution in 1787 they rejected these failed experiments and restored an independent, unified chief executive with its own powers in national security and foreign affairs.

The most important of the president’s powers are commander in chief and chief executive. As Alexander Hamilton wrote in Federalist 74, “The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority.” Presidents should conduct war, he wrote, because they could act with “decision, activity, secrecy and dispatch.” In perhaps his most famous words, Hamilton wrote: “Energy in the executive is a leading character in the definition of good government. ... It is essential to the protection of the community against foreign attacks.”

The framers realized the obvious. Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation. Instead, they can demand swift, decisive action—sometimes under pressured or even emergency circumstances—that is best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. Congress is too large and unwieldy to take the swift and decisive action required in wartime. Our framers replaced the Articles of Confederation, which had failed in the management of foreign relations because they had no single executive, with the Constitution’s single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, Congress’ loose, decentralized structure would paralyze American policy while foreign threats grow.

Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure.