## \*\*\* 1NC

### Vagueness

#### Statutory restrictions are 5 things—they don’t specify

KAISER 80—the Official Specialist in American National Government, Congressional Research Service, the Library of Congress [Congressional Action to Overturn Agency Rules: Alternatives to the Legislative Veto; Kaiser, Frederick M., 32 Admin. L. Rev. 667 (1980)]

In addition to direct statutory overrides, there are a variety of statutory and nonstatutory techniques that have the effect of overturning rules, that prevent their enforcement, or that seriously impede or even preempt the promulgation of projected rules. For instance, a statute may alter the jurisdiction of a regulatory agency or extend the exemptions to its authority, thereby affecting existing or anticipated rules. Legislation that affects an agency's funding may be used to prevent enforcement of particular rules or to revoke funding discretion for rulemaking activity or both. Still other actions, less direct but potentially significant, are mandating agency consultation with other federal or state authorities and requiring prior congressional review of proposed rules (separate from the legislative veto sanctions). These last two provisions may change or even halt proposed rules by interjecting novel procedural requirements along with different perspectives and influences into the process.

It is also valuable to examine nonstatutory controls available to the Congress:

1. legislative, oversight, investigative, and confirmation hearings;

2. establishment of select committees and specialized subcommittees to oversee agency rulemaking and enforcement;

3. directives in committee reports, especially those accompanying legislation, authorizations, and appropriations, regarding rules or their implementation;

4. House and Senate floor statements critical of proposed, projected, or ongoing administrative action; and

5. direct contact between a congressional office and the agency or office in question.

Such mechanisms are all indirect influences; unlike statutory provisions, they are neither self-enforcing nor legally binding by themselves. Nonetheless, nonstatutory devices are more readily available and more easily effectuated than controls imposed by statute. And some observers have attributed substantial influence to nonstatutory controls in regulatory as well as other matters.3

It is impossible, in a limited space, to provide a comprehensive and exhaustive listing of congressional actions that override, have the effect of overturning, or prevent the promulgation of administrative rules. Consequently, this report concentrates upon the more direct statutory devices, although it also encompasses committee reports accompanying bills, the one nonstatutory instrument that is frequently most authoritatively connected with the final legislative product. The statutory mechanisms surveyed here cross a wide spectrum of possible congressional action:

1. single-purpose provisions to overturn or preempt a specific rule;

2. alterations in program authority that remove jurisdiction from an agency;

3. agency authorization and appropriation limitations;

4. inter-agency consultation requirements; and

5. congressional prior notification provisions.

#### Vote neg—lack of specification eviscerates DA links, CP competition, and high tech solvency arguments—this wrecks both neg ground and topic education which is all based on offense. Lack of clarification in the plan makes preround preparation impossible.

### 1NC DA

#### 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”, pg. 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.

### 1NC CP

#### Text: The Office of Legal Counsel should determine that the Executive Branch lacks the legal authority to conduct signature strikes. 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.

#### Mandatory publishing requirements prevent OLC deferral to presidential pressure—can be self-imposed—avoids SOP concerns with congressional interference.

Ross L. Weiner, February 2009. JD May 2009 @ George Washington University Law School. “THE OFFICE OF LEGAL COUNSEL AND TORTURE: THE LAW AS BOTH A SWORD AND SHIELD,” THE GEORGE WASHINGTON LAW REVIEW, 77 Geo. Wash. L. Rev. 524, Lexis.

The Torture Memo exposed serious deficiencies in how the OLC operates. For two years, interrogators were given erroneous legal advice regarding torture, with two adverse results. First, American interrogators behaved in ways contrary to traditional American values, possibly leading in part to the Abu Ghraib scandal n147 and to a decline in American reputation around the globe. n148 Second, agents on the  [\*549]  frontlines were given advice that, if followed, might be the basis for prosecution one day. n149 More importantly, when the Torture Memo was leaked to the public, it exposed the OLC to charges of acting as an enabler to the executive branch. John Yoo, the author of the Torture Memo, was known as "Dr. Yes" for his ability to author memos asserting exactly what the Bush Administration wanted to hear. n150 To ensure that this situation does not repeat itself in the future, it is critical for changes to be implemented at the OLC by mandating publication and increasing oversight.

A. Mandated Publishing
One explanation for the Torture Memo and its erroneous legal arguments was the OLC authors' belief that the Memo would remain secret forever. When he worked in the OLC, Harold Koh was often told that we should act as if every opinion might be [sic] some day be on the front page of the New York Times. Almost as soon as the [Torture Memo] made it to the front page of the New York Times, the Administration repudiated it, demonstrating how obviously wrong the opinion was. n151
Furthermore, James B. Comey, a Deputy Attorney General in the OLC, told colleagues upon his departure from the OLC that they would all be "ashamed" when the world eventually found out about other opinions that are still classified today on enhanced interrogation techniques. n152 This suggests that OLC lawyers, operating in relative obscurity, felt somewhat protected by the general veil of secrecy surrounding their opinions.

[\*550]  For many opinions, some of which are already published on the OLC's Web site, n153 this will not be a controversial proposition. Publication has three advantages: (1) accessibility; (2) letting people see the factual predicate on which an opinion is based; and (3) eliminating people's ability to strip an OLC opinion of nuance in favor of saying "OLC says we can do it." n154 Koh provides a telling illustration of the problems associated with the absence of mandated publishing as he found an OLC opinion placed in the Territorial Sea Journal that was critical to a case he was trying on behalf of a group of Haitians seeking to enter the United States. n155 He was incredulous that on a matter "of such consequence," n156 he literally had to be lucky to find the opinion. n157

Secrecy in government facilitates abuse, and nowhere is the need for transparency more important than the OLC, whose opinions are binding on the entire executive branch. In a telling example, on April 2, 2008, the Bush Administration declassified a second Torture Memo. n158 In eighty-one pages, John Yoo presented legal arguments that effectively allowed military interrogators carte blanche to abuse prisoners without any fear of prosecution. n159 While the Memo was classified at the "secret" level, it is clear that there was no strategic rationale for classifying it beyond avoiding public scrutiny. n160 According  [\*551]  to J. William Leonard, the nation's top classification oversight official from 2002-2007, "There is no information contained in this document which gives an advantage to the enemy. The only possible rationale for making it secret was to keep it from the American people." n161

To address this problem, the OLC should be required to publish all of its opinions, with a few limited exceptions. John F. Kennedy once said, "The very word 'secrecy' is repugnant in a free and open society." n162 Justice Potter Stewart, in New York Times Co. v. United States, n163 laid out the inherent dangers of secrecy in the realm of foreign affairs:
I should suppose that moral, political, and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained. n164

The proposal to require the OLC to publish its opinions has been advocated by many, including former heads of the OLC. n165 [\*552]

1. Process for Classification
In certain situations, an opinion may have to remain confidential for national security purposes, but mechanisms can be designed to deal with this scenario. First, in order to deem a memorandum classified as a matter of national security, another agency in the executive branch with expertise on the subject should be required to sign off on such a classification. The Torture Memo exposed an instance of the OLC acting secretively not only for national security purposes, but also because it knew the Torture Memo could not withstand scrutiny. n166 Thus, only opinions dealing with operational matters that give aide to the enemy should be classified. Opinions that consist solely of legal reasoning on questions of law clearly would not pass that test.

If there is a disagreement between those in the OLC who choose to classify something and those in the other executive agency who believe it should be published, then the decision should be sent back to the OLC to review the potential for publishing a redacted version of the opinion. For example, consider a memo from the OLC on the different interrogation techniques allowable under the law. While it would be harmful for the OLC to publish specific activities, and thus alert the country's enemies as to interrogation tactics, publishing the legal analysis that gives the President this authority would not be harmful. Publishing would restore legitimacy to the work the OLC is doing and help remove the taint the Torture Memo has left on the office.

2. Exceptions
There are a few necessary exceptions to a rule requiring publication, and the former OLC attorneys who wrote a series of guidelines for the OLC are clear on them:
Ordinarily, OLC should honor a requestor's desire to keep confidential any OLC advice that the proposed executive action would be unlawful, where the requestor then does not take the action. For OLC routinely to release the details of all contemplated action of dubious legality might deter executive branch actors from seeking OLC advice at sufficiently early stages in policy formation. n167
 [\*553]  This reasoning stems directly from the attorney-client privilege and the need for candor in government. It is imperative that the executive branch seek information on potential action that may or may not be legal (or constitutional), and this type of inquiry should not be discouraged. This exception is only to be applied when the President does not go ahead with the policy in question. If the OLC were to opine that something is illegal or unconstitutional, and the President were to disregard that advice and proceed with the action anyway, this type of opinion should be made public. n168

If the OLC tells a President he can ignore a statute, and the President follows that advice, that opinion should be available to the public. One of the foundations of American governance is that nobody is above the law; advice that a statute should not be enforced contradicts this maxim. The Torture Memo asserted that violations of U.S. law would probably be excused by certain defenses, including necessity and self-defense. n169 Additionally, the Torture Memo argued that "Congress can no more interfere with the President's conduct of the interrogation of enemy combatants than it can dictate strategic or tactical decisions on the battlefield." n170 The OLC thus told the President that he does not have to enforce any congressional statutes that infringe on his Commander in Chief power. For both the purposes of good government and accountability, this type of claim should be made in public, rather than in secret, so Americans know how the President is interpreting the laws.

3. Oversight of Secret Opinions
Increased oversight at the OLC is most important for opinions that are classified as secret pursuant to the above procedures, and are unlikely to ever be heard in a court of law. According to former OLC attorneys:
The absence of a litigation threat signals special need for vigilance: In circumstances in which judicial oversight of executive branch action is unlikely, the President - and by extension  [\*554]  OLC - has a special obligation to ensure compliance with the law, including respect for the rights of affected individuals and the constitutional allocation of powers. n171
How can oversight be ensured?

First, memos that are both secret and unlikely to be heard in court must be reviewed by others with an expertise in the field. In 2002, there were two major issues with the OLC: first, almost nobody outside a group of five attorneys was allowed to read the secret opinions, n172 and second, there was a lack of expertise in the office on matters of national security. n173 As Goldsmith later confessed, "I eventually came to believe that [the immense secrecy surrounding these memoranda] was done [not for confidentiality, but] to control outcomes in the opinions and minimize resistance to them."n174

For opinions that are classified as secret, at least one other legal department in the federal government, with a similar level of expertise, should be asked to review a secret opinion in order to take a [\*555]  substantive look at the legal work in question. According to Jack Goldsmith, this process was traditionally how things worked; n175 when the Bush Administration started "pushing the envelope," n176 however, nearly all outside opinion was shut out under the guise of preventing leaks. n177 It is now apparent that the concern stemmed more from a fear of objections than from the national security concern of a leak. n178 Based on the declassification of the Torture Memo, along with the subsequent declassification of another memo on torture, n179 there was no national security purpose for keeping the memos secret.

The reason an outside review of memos labeled as classified is important is that in times of crisis, proper oversight mechanisms need to be in place. It is in times of emergency when the country is most vulnerable to decisions that it might later regret. n180 Based on the legal reasoning exposed in both the Torture Memo and the released Yoo opinion from March 2003, it is reasonable to surmise that other opinions written in the aftermath of September 11 are similarly flawed. n181 Currently, there are a number of classified memoranda that have been referenced in declassified OLC opinions, but have never been declassified themselves. n182 What these memoranda assert, and whether President Bush decided to follow them, are currently unknown. In a recently declassified opinion, however, there is a footnote indicating that the Fourth Amendment's protection against unreasonable searches and seizures is not applicable to domestic military operations related to the war on terror.n183 Because this would be a novel assertion  [\*556]  of authority, the American public should be able to evaluate the merits of such a legal argument.

Different agencies of government have personnel with different expertise, so it will be incumbent upon those in the OLC to determine which department, and which individual in the department, has the required security clearance and knowledge to review an opinion. Thus, when an opinion has been deemed classified, before it can be forwarded outside of the OLC, it would have to go to another agency for approval.

The question that the reviewer should have to answer is whether the work he or she is analyzing is an "accurate and honest appraisal of applicable law." n184 If it is, then there is no problem with the opinion, and the second agency will sign off on it. If it is not, then the reviewer should prepare a minority report. What is most critical is that both the Attorney General and the President - who might not be an attorney - understand exactly what their lawyers are saying. For a controversial decision, it should not be sufficient for someone in the OLC like John Yoo to write an inaccurate legal memo that asserts one thing, while the law and precedent say another, with the eventual decisionmaker - the President - only viewing the flawed opinion. The minority report will serve two purposes: first, it will encourage lawyers to avoid dressing up a shoddy opinion in "legalese" to make it look legitimate when in reality it is not; and second, it will ensure that the opinion truly is a full and fair accounting of the law.

The most important by-product from mandated review of secret opinions will be that lawyers in the OLC will no longer be able to hide behind a wall of total confidentiality. n185 Rather than acting as if the OLC is above the law and answerable to no one, the knowledge that every classified opinion will be reviewed by someone with an expertise in the field should give pause to any OLC attorney who lacks independence and serves as a yes-man for the President.

 [\*557]

B. Mechanisms for Implementing Changes

1. Self-Imposed by Executive
The easiest way to implement such a change in OLC requirements would be for the President to impose them on the OLC. The OLC's authority stems from the Attorney General, who has delegated some of his power to the OLC. n186 The Attorney General is in the executive branch, which means that the President has the authority to order these changes.

It is unlikely that the executive branch would self-impose constraints on the OLC, because Executives from both parties have historically exhibited a strong desire to protect the levers of power. n187One of the reasons lawyers at the OLC were able to write documents like the Torture Memo without anyone objecting was because the results were in line with what the Bush Administration wanted to hear. n188 Thus, it was unlikely that the Bush Administration would make any changes during its final year in office, and as it turned out, the Bush Administration ended on January 20, 2009, without making any changes.

Nevertheless, in light of the OPR's publicly announced investigation of the OLC's conduct, n189 and the release of another John Yoo memorandum on torture, n190 the lack of oversight at the OLC could come to the forefront of the public's attention. n191 Thus, it is possible that through public pressure, President Bush could be persuaded to mandate these changes himself. n192

2. Congressional Mandate
Alternatively, Congress could step into the void and legislate. Any potential congressional interference, however, would be fraught with separation of powers concerns, which would have to be dealt with directly. First, the President is entitled to advice from his advisors. n193 Second, a great deal of deference is owed to the President when he is operating in the field of foreign affairs. n194 Any attempt by Congress to limit either of these two powers will most likely be met with resistance. n195

### 1NC K

#### Using national security to justify restraints on the executive is self-defeating. Security discourse consolidates authoritarian politics.

Aziz RANA Law at 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.

#### National security frame justifies extinction in the name of saving human life.

Dillon 96—Michael, University of Lancaster [October 4, 1996, “Politics of Security: Towards a Political Philosophy of Continental Thought”]

The way of sharpening and focusing this thought into a precise question is first provided, however, by referring back to Foucault; for whom Heidegger was the philosopher. Of all recent thinkers, Foucault was amongst the most committed to the task of writing the history of the present in the light of the history of philosophy as metaphysics. 4 That is why, when first thinking about the prominence of security in modern politics, I first found Foucault’s mode of questioning so stimulating. There was, it seemed to me, a parallel to be drawn between what he saw the technology of disciplinary power/knowledge doing to the body and what the principle of security does to politics.

What truths about the human condition, he therefore prompted me to ask, are thought to be secreted in security? What work does securing security do for and upon us? What power-effects issue out of the regimes of truth of security? If the truth of security compels us to secure security, why, how and where is that grounding compulsion grounded? How was it that seeking security became such an insistent and relentless (inter)national preoccupation for humankind? What sort of project is the pursuit of security, and how does it relate to other modern human concerns and enterprises, such as seeking freedom and knowledge through representative-calculative thought, technology and subjectification? Above all, how are we to account—amongst all the manifest contradictions of our current (inter)national systems of security: which incarcerate rather than liberate; radically endanger rather than make safe; and engender fear rather than create assurance—for that terminal paradox of our modern (inter)national politics of security which Foucault captured so well in the quotation that heads this chapter. 5 A terminal paradox which not only subverts its own predicate of security, most spectacularly by rendering the future of terrestrial existence conditional on the strategies and calculations of its hybrid regime of sovereignty and governmentality, but which also seems to furnish a new predicate of global life, a new experience in the context of which the political has to be recovered and to which it must then address itself: the globalisation of politics of security in the global extension of nihilism and technology, and the advent of the real prospect of human species extinction.

#### Alternative—Challenge to *conceptual* framework of national security. Only our alternative displaces the source of executive overreach. Legal restraint without conceptual change is futile.

Aziz RANA Law at 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. Thus, 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.

### 1NC Solvency

#### Turn—war powers fight—wartime will force Obama to resist. The intractable battle creates a national diversion and impairs military wartime decisions

Lobel 8—Professor of Law @ University of Pittsburgh [Jules Lobel, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War,” Ohio State Law Journal, Vol. 69, 2008, pg. 391]

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly embolden the President to ignore Congress’s strictures. The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53

The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—wartime reality often favors a strong President who will overwhelm both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and ignore legislative enactments that seek to restrict their wartime authority.

Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an intractable dispute over the statute’s constitutionality that saps the nation’s energy, diverts focus from the political issues in dispute, and endangers the rule of law.

Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary.

If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the crisis, chaos, and stalemate that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute.

Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so essential to success in wartime. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, modern social science research suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This self-serving bias hardens each side’s position and allows the dispute to drag on, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

#### Stalemate creates an antiwar congressional coalition that guts our commitment to Afghanistan

Lieberman 10—Independent Democratic senator from Connecticut [Joseph I. Leiberman, “Back to a Bipartisan Foreign Policy,” Wall Street Journal, November 16, 2010, pg. http://tinyurl.com/m5z623w]

This year's midterm elections marked the first time since 9/11 that national security was not a major consideration for American voters. But it is precisely in the realm of foreign policy and national security that we may have the greatest opportunities for bipartisan cooperation between President Obama and resurgent Republicans in Congress.

Seizing these opportunities will require both parties to break out of a destructive cycle that has entrapped them since the end of the Cold War and caused them to depart from the principled internationalist tradition that linked Democratic presidents like Truman and Kennedy with Republican presidents like Nixon and Reagan.

During the 1990s, too many Republicans in Congress reflexively opposed President Clinton's policies in the Balkans and elsewhere. Likewise, during the first decade of the 21st century, too many Democrats came to view the post-9/11 exercise of American power under President Bush as a more pressing danger than the genuine enemies we faced in the world.

The larger truth was that the foreign policy practices and ideals of both President Clinton and Bush were within the mainstream of American history and values. And if one can see through the fog of partisanship that has continued to choke Washington since President Obama was elected in 2008, the same is true of the new administration as well.

President Obama has moved to the internationalist center on several key issues of national security. Although both parties are hesitant to acknowledge it, the story of the Obama administration's foreign policy is as much continuity as change from the second term of the Bush administration—from the surge in Afghanistan to the reauthorization of the Patriot Act, and from drone strikes against al Qaeda to a long-term commitment to Iraq.

Republicans have also stayed loyal to the internationalist policies they supported under President Bush. When they have criticized the Obama administration, it has reflected this worldview—arguing that the White House has not been committed enough in its prosecution of the war in Afghanistan or done enough to defend human rights and democracy in places like Iran and China.

The critical question now, as we look forward to the next two years, is whether this convergence of the two parties towards the internationalist center can be sustained and strengthened. There are three national security priorities where such a consensus is urgently needed.

The first is the war in Afghanistan. To his credit, President Obama last December committed more than 30,000 additional troops to Afghanistan as part of a comprehensive counterinsurgency campaign, despite opposition within the Democratic Party.

Having just returned from Afghanistan, I am increasingly confident that the tide there is turning in our favor, with growing signs of military progress. But as Gen. David Petraeus, the top U.S. commander in Afghanistan, has warned, success will come neither quickly nor easily, and there is still much tough fighting ahead. It is all but certain that no more than a small number of U.S. forces will be able to withdraw responsibly in July 2011, and that success in Afghanistan is going to require a long-term commitment by the U.S. beyond this date.

Sustaining political support for the war in Afghanistan therefore will increasingly require President Obama and Republicans in Congress to stand together. Failure to sustain this bipartisan alliance runs the risk that an alternative coalition will form in Congress, between antiwar Democrats and isolationist Republicans. That would be the single greatest political threat to the success of the war effort in Afghanistan, which remains critical to our security at home.

#### Afghanistan’s future will be determined by decisions made during US withdrawal. A botched withdrawal destabilizes Pakistan, fuels Afghani reprisal murders and encourages Russian adventurism.

Miller 12—Professor of International Security Affairs & Director for the Afghanistan-Pakistan program @ National Defense University [Paul D. Miller (Former Director for Afghanistan on the National Security Council staff under Presidents Bush and Obama), “It’s Not Just Al-Qaeda: Stability in the Most Dangerous Region,” World Affairs Journal, March-April 2012, pg. http://tinyurl.com/lnplsb7]

In fact, the war is only now entering its culminating phase, indicated by the willingness of both US and Taliban officials to talk openly about negotiations, something parties to a conflict do only when they see more benefit to stopping a war than continuing it. That means the war’s ultimate outcome is likely to be decided by the decisions, battles, and bargaining of the next year or so. And its outcome will have huge implications for the future of US national security. In turn, that means the collective decision to ignore the war and its consequences is foolish at best, dangerous at worst. While Americans have lost interest in the war, the war may still have an interest in America. Now is the time, more than ten years into the effort, to remind ourselves what is at stake in Afghanistan and why the United States must secure lasting stability in South Asia.

It was, of course, al-Qaeda’s attack on the US homeland that triggered the intervention in Afghanistan, but wars, once started, always involve broader considerations than those present at the firing of the first shot. The war in Afghanistan now affects all of America’s interests across South Asia: Pakistan’s stability and the security of its nuclear weapons, NATO’s credibility, relations with Iran and Russia, transnational drug-trafficking networks, and more. America leaves the job in Afghanistan unfinished at its peril.

The chorus of voices in the Washington policy establishment calling for withdrawal is growing louder. In response to this pressure, President Obama has pledged to withdraw the surge of thirty thousand US troops by September 2012—faster than US military commanders have recommended—and fully transition leadership for the country’s security to the Afghans in 2013. These decisions mirror the anxieties of the electorate: fifty-six percent of Americans surveyed recently by the Pew Research Center said that the US should remove its troops as soon as possible.

But it is not too late for Obama (who, after all, campaigned in 2008 on the importance of Afghanistan, portraying it as “the good war” in comparison to Iraq) to reformulate US strategy and goals in South Asia and explain to the American people and the world why an ongoing commitment to stabilizing Afghanistan and the region, however unpopular, is nonetheless necessary.

The Afghanistan Study Group, a collection of scholars and former policymakers critical of the current intervention, argued in 2010 that al-Qaeda is no longer in Afghanistan and is unlikely to return, even if Afghanistan reverts to chaos or Taliban rule. It argued that three things would have to happen for al-Qaeda to reestablish a safe haven and threaten the United States: “1) the Taliban must seize control of a substantial portion of the country, 2) Al Qaeda must relocate there in strength, and 3) it must build facilities in this new ‘safe haven’ that will allow it to plan and train more effectively than it can today.” Because all three are unlikely to happen, the Study Group argued, al-Qaeda almost certainly will not reestablish a presence in Afghanistan in a way that threatens US security.

In fact, none of those three steps are necessary for al-Qaeda to regain its safe haven and threaten America. The group could return to Afghanistan even if the Taliban do not take back control of the country. It could—and probably would—find safe haven there if Afghanistan relapsed into chaos or civil war. Militant groups, including al-Qaeda offshoots, have gravitated toward other failed states, like Somalia and Yemen, but Afghanistan remains especially tempting, given the network’s familiarity with the terrain and local connections. Nor does al-Qaeda, which was never numerically overwhelming, need to return to Afghanistan “in strength” to be a threat. Terrorist operations, including the attacks of 2001, are typically planned and carried out by very few people. Al-Qaeda’s resilience, therefore, means that stabilizing Afghanistan is, in fact, necessary even for the most basic US war aims. The international community should not withdraw until there is an Afghan government and Afghan security forces with the will and capacity to deny safe haven without international help.

Setting aside the possibility of al-Qaeda’s reemergence, the United States has other important interests in the region as well—notably preventing the Taliban from gaining enough power to destabilize neighboring Pakistan, which, for all its recent defiance, is officially a longstanding American ally. (It signed two mutual defense treaties with the United States in the 1950s, and President Bush designated it a major non-NATO ally in 2004.) State failure in Pakistan brokered by the Taliban could mean regional chaos and a possible loss of control of its nuclear weapons. Preventing such a catastrophe is clearly a vital national interest of the United States and cannot be accomplished with a few drones.

Alarmingly, Pakistan is edging toward civil war. A collection of militant Islamist groups, including al-Qaeda, Tehrik-e Taliban Pakistan (TTP), and Tehrik-e Nafaz-e Shariat-e Mohammadi (TNSM), among others, are fighting an insurgency that has escalated dramatically since 2007 across Khyber Pakhtunkhwa, the Federally Administered Tribal Areas, and Baluchistan. According to the Brookings Institution’s Pakistan Index, insurgents, militants, and terrorists now regularly launch more than one hundred and fifty attacks per month on Pakistani government, military, and infrastructure targets. In a so far feckless and ineffectual response, Pakistan has deployed nearly one hundred thousand regular army soldiers to its western provinces. At least three thousand soldiers have been killed in combat since 2007, as militants have been able to seize control of whole towns and districts. Tens of thousands of Pakistani civilians and militants—the distinction between them in these areas is not always clear—have been killed in daily terror and counterterror operations.

The two insurgencies in Afghanistan and Pakistan are linked. Defeating the Afghan Taliban would give the United States and Pakistan momentum in the fight against the Pakistani Taliban. A Taliban takeover in Afghanistan, on the other hand, will give new strength to the Pakistani insurgency, which would gain an ally in Kabul, safe haven to train and arm and from which to launch attacks into Pakistan, and a huge morale boost in seeing their compatriots win power in a neighboring country. Pakistan’s collapse or fall to the Taliban is (at present) unlikely, but the implications of that scenario are so dire that they cannot be ignored. Even short of a collapse, increasing chaos and instability in Pakistan could give cover for terrorists to increase the intensity and scope of their operations, perhaps even to achieve the cherished goal of stealing a nuclear weapon.

Although our war there has at times seemed remote, Afghanistan itself occupies crucial geography. Situated between Iran and Pakistan, bordering China, and within reach of Russia and India, it sits on a crossroads of Asia’s great powers. This is why it has, since the nineteenth century, been home to the so-called Great Game—in which the US should continue to be a player.

Two other players, Russia and Iran, are aggressive powers seeking to establish hegemony over their neighbors. Iran is seeking to build nuclear weapons, has an elite military organization (the Quds Force) seeking to export its Islamic Revolution, and uses the terror group Hezbollah as a proxy to bully neighboring countries and threaten Israel. Russia under Vladimir Putin is seeking to reestablish its sphere of influence over its near abroad, in pursuit of which it (probably) cyber-attacked Estonia in 2007, invaded Georgia in 2008, and has continued efforts to subvert Ukraine.

Iran owned much of Afghan territory centuries ago, and continues to share a similar language, culture, and religion with much of the country. It maintains extensive ties with the Taliban, Afghan warlords, and opposition politicians who might replace the corrupt but Western-oriented Karzai government. Building a stable government in Kabul will be a small step in the larger campaign to limit Tehran’s influence.

Russia remains heavily involved in the Central Asian republics. It has worked to oust the United States from the air base at Manas, Kyrgyzstan. It remains interested in the huge energy reserves in Kazakhstan and Turkmenistan. Russia may be wary of significant involvement in Afghanistan proper, unwilling to repeat the Soviet Union’s epic blunder there. But a US withdrawal from Afghanistan followed by Kabul’s collapse would likely embolden Russia to assert its influence more aggressively elsewhere in Central Asia or Eastern Europe, especially in the Ukraine.

A US departure from Afghanistan will also continue to resonate for years to come in the strength and purpose of NATO. Every American president since Harry Truman has affirmed the centrality of the Atlantic Alliance to US national security. The war in Afghanistan under the NATO-led International Security Assistance Force (ISAF), the Alliance’s first out-of-area operation in its sixty-year history, was going poorly until the US troop surge. Even with the limited success that followed, allies have complained that the burden in Afghanistan has been distributed unevenly. Some, like the British, Canadians, and Poles, are fighting a shooting war in Kandahar and Helmand, while others, like the Lithuanians and Germans, are doing peacekeeping in Ghor and Kunduz. The poor command and control—split between four regional centers—left decisionmaking slow and poorly coordinated for much of the war. ISAF’s strategy was only clarified in 2008 and 2009, when Generals David McKiernan and Stanley McChrystal finally developed a more coherent campaign plan with counterinsurgency-appropriate rules of engagement.

A bad end in Afghanistan could have dire consequences for the Atlantic Alliance, leaving the organization’s future, and especially its credibility as a deterrent to Russia, in question. It would not be irrational for a Russian observer of the war in Afghanistan to conclude that if NATO cannot make tough decisions, field effective fighting forces, or distribute burdens evenly, it cannot defend Europe. The United States and Europe must prevent that outcome by salvaging a credible result to its operations in Afghanistan—one that both persuades Russia that NATO is still a fighting alliance and preserves the organization as a pillar of US national security.

For some critics, organizing US grand strategy around the possible appearance of Russian tanks across the Fulda Gap is the perfect example of generals continuing to fight the last war. For them, the primary threat to US national security comes from terrorists, insurgency, state failure, ecological disaster, infectious pandemic disease, cyber attacks, transnational crime, piracy, and gangs.

But if that view of the world is right, it is all the more reason to remain engaged in Afghanistan, because it is the epicenter of the new, asymmetric, transnational threats to the US and allied national security. Even those who deny al-Qaeda could regain safe haven in Afghanistan cannot deny how much power, and capacity for damage, the drug lords have acquired there. In some years they have controlled wealth equivalent to fifty percent of Afghanistan’s GDP and produced in excess of ninety percent of the world’s heroin. Today, their products feed Europe’s endemic heroin problem, and the wealth this trade generates has done much to undermine nine years of work building a new and legitimate government in Kabul. In their quest for market share, the drug lords will expand wherever there is demand for their product or potential to grow a secure supply, almost certainly starting in Pakistan, where the trade was centered in the 1980s. Where the drug lords go, state failure, along with its accompanying chaos and asymmetric threats, will follow, as the violence and anarchy currently wracking parts of Mexico suggest. Imagine the Federally Administered Tribal Areas as a failed narco-state with the profits funding the revival of al-Qaeda or its many terror offshoots.

South Asia’s narcotics-smuggling cartels are dangerously close to seizing control of an entire state and using it to undermine law, order, and stability across an entire region. The poppy and heroin kingpins are fabulously wealthy and powerful; they oppose US interests, weaken US allies, and are headquartered in Afghanistan. Defeating them is a vital interest of the United States.

The allied mission in Afghanistan also aims to encourage the growth of democracy. Some cringe at the very thought of democratization being a part of US foreign policy, so discredited is the idea, for some, by the Iraq War, by the enduring corruption of the Afghan government, and by neoconservatives’ supposed naïveté and arrogance in assuming that this part of the world would yield so easily to democratic reform. But fostering democracy is still a vital American national security interest. However daunting the experience of trying to grow democracy in hostile soil may be, it is nonetheless true that genuine democratic change brings stability. Democracies tend to ally and trade with each other; they see the world in similar ways, and settle disputes peacefully. Spreading democracy decreases the frequency of war, creates potential allies, widens zones of stability, and as a consequence makes America safer. This is why we dare not give up on democracy promotion in South Asia.

The process of transitioning to democracy is hard, time-consuming, and even risky—it can temporarily increase the chances of instability as the experience in Iraq, among other recent examples, has shown. The difficulties of democratization are particularly well dramatized by events in Afghanistan, which has held four elections in ten years that have not made the country stable or the government honest. Continued inefficiency and corruption has undermined Afghans’ confidence in the government—although not their belief in the idea of democracy—with predictable results on voter turnout.

There is nothing inevitable about democracy’s success, as neoconservatives appeared to believe after the fall of the Soviet Union, the Taliban, or the Baathist regime in Iraq. But there is also nothing inevitable about its failure, as realists have argued in the years since these events. Democracies require longer time lines than an electoral cycle or deployment timetable, and they require security and institutional capacity, not just elections.

Afghanistan will not become a model of democracy within the foreseeable future, thanks to persistent problems of insecurity, corruption, and poverty. But the opportunity for some form of rough democracy in Afghanistan is real. Polling consistently shows that Afghans welcome greater accountability and representation in their government. Their main complaint is not that Kabul is too democratic, but that it is not democratic enough, failing to follow the rules of democratic fair play. That gives the United States the opportunity to continue to encourage genuinely local efforts to build a new democracy through capacity building, technical assistance, and training programs. Given the choice between planting democratic seeds today and accepting a tyranny imposed by a minority, the United States should choose the former every time.

Finally, the United States should remain involved in Afghanistan to prevent the reemergence of a humanitarian catastrophe. If Kabul collapses, civil war will almost certainly erupt and, at bare minimum, the warlords will reestablish their brutal fiefdoms. During Afghanistan’s civil wars, from 1992 to 2001, warlords at the head of sectarian militias regularly committed war crimes, crimes against humanity, and ethnic cleansing, as the Afghan Independent Human Rights Commission, Human Rights Watch, and the UN have well documented. The Taliban amassed a long record of massacring civilians and targeting the Hazara for ethnic cleansing, notably at Mazar-i-Sharif in 1998, Robatak Pass in 2000, and Yakawlang in 2001. But their crimes were not unique; Ittihad-e-Islami, for example, was accused of ethnic cleansing against the Hazara during a battle in the West Kabul neighborhood of Afshar in 1993. And if the Taliban take power over part or all of Afghanistan, reprisal murders against supporters of the Karzai government, including perhaps whole tribes, are likely to be widespread and swift, especially against women and religious minorities.

#### Their restriction is a smokescreen and will not be enforced

Nzelibe 7—Professor of Law @ Northwestern University [Jide Nzelibe, “Are Congressionally Authorized Wars Perverse?” Stanford Law Review, Vol. 59, 2007]

These assumptions are all questionable. As a preliminary matter, there is not much causal evidence that supports the institutional constraints logic. As various commentators have noted, Congress's bark with respect to war powers is often much greater than its bite. Significantly, skeptics like Barbara Hinckley suggest that any notion of an activist Congress in war powers is a myth and members of Congress will often use the smokescreen of "symbolic resolutions, increase in roll calls and lengthy hearings, [and] addition of reporting requirements" to create the illusion of congressional participation in foreign policy.' 0 Indeed, even those commentators who support a more aggressive role for Congress in initiating conflicts acknowledge this problem," but suggest that it could be fixed by having Congress enact more specific legislation about conflict objectives and implement new tools for monitoring executive behavior during wartime. 12

Yet, even if Congress were equipped with better institutional tools to constrain and monitor the President's military initiatives, it is not clear that it would significantly alter the current war powers landscape. As Horn and Shepsle have argued elsewhere: "[N]either specificity in enabling legislation ... nor participation by interested parties is necessarily optimal or self-fulfilling; therefore, they do not ensure agent compliance. Ultimately, there must be some enforcement feature-a credible commitment to punish ....Thus, no matter how much well-intentioned and specific legislation Congress passes to increase congressional oversight of the President's military initiatives, it will come to naught if members of Congress lack institutional incentives to monitor and constrain the President's behavior in an international crisis.

Various congressional observers have highlighted electoral disincentives that members of Congress might face in constraining the President's military initiatives. 14 Others have pointed to more institutional obstacles to congressional assertiveness in foreign relations, such as collective action problems. 15 Generally, lawmaking is a demanding and grueling exercise. If one assumes that members of Congress are often obsessed with the prospect of reelection, 16 then such members will tend to focus their scarce resources on district-level concerns and hesitate to second-guess the President's response in an international crisis. 17 Even if members of Congress could marshal the resources to challenge the President's agenda on national issues, the payoff in electoral terms might be trivial or non-existent. Indeed, in the case of the President's military initiatives where the median voter is likely to defer to the executive branch's judgment, the electoral payoff for members of Congress of constraining such initiatives might actually be negative. In other words, regardless of how explicit the grant of a constitutional role to Congress in foreign affairs might be, few members of Congress are willing to make the personal sacrifice for the greater institutional goal. Thus, unless a grand reformer is able to tweak the system and make congressional assertiveness an electorally palatable option in war powers, calls for greater congressional participation in war powers are likely to fall on deaf ears. Pg. 912-913

#### President will not abide. 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

### Allied Backlash

#### Credibility theory is wrong

**Drezner 9/16**/13 (Daniel, Swing and a Miss The Sabermetric spat about whether it's important for a president to appear "credible." http://www.foreignpolicy.com/articles/2013/09/16/swing\_and\_a\_miss\_credibility\_syria?print=yes&hidecomments=yes&page=full)

If nothing else, Barack Obama's Syria policy has succeeded in exposing the widening fissures in America's foreign policy community. Even with what looks to be a brokered deal that, if implemented, would remove Syria's chemical weapons stockpile, the administration's gyrations over Syria have generated significant consternation in the foreign policy community. The most intriguing divide, however, is over the question of whether President Obama must respond forcefully to Syria's use of chemical weapons because of concerns about credibility. Administration officials have repeatedly argued that if the president fails to follow through on his "red line" comment about chemical weapons by keeping military options at the ready, other actors in the world like Iran and Russia will view the United States as a paper tiger. Earlier this month, Secretary of State John Kerry pleaded with Congress to authorize the use of force in order to preserve the "core to American credibility in foreign policy." Secretary of Defense Chuck Hagel explicitly argued that acting on Syria was necessary to ensure U.S. credibility vis-à-vis Iran. And both Kerry and Hagel suggested in congressional testimony that a failure to act would embolden North Korea to use its chemical weapons stockpile. After rhetoric like this, it's not shocking that GOP Sen. Bob Corker took to CNN to blast the president for not caring more about U.S. credibility in the region after Obama reversed course.

Influential pundits have made similar points. The Council on Foreign Relations's Richard Haass tweeted the importance of making the military option a credible one. Ross Douthat at the New York Times warned that there would be, "unknowable consequences for the credibility of American foreign policy" if Obama failed to rally congressional support for military action, while Roger Cohen reported that, "In Berlin ... the change has been noted. It has also been noted in Tehran, Moscow, Beijing and Jerusalem." Here at Foreign Policy, David Rothkopf argued that action in Syria was essential: "we must also consider what the 'too little, too late' message sends to others in the region who might consider violating the most important norms of international behavior." It is not hard to find other former policymakers or even straight news stories that articulate this thesis.

The odd thing about all of this emphasis on "credibility" is that the trend in international relations scholarship has moved in the opposite direction. The notion that a country or its leader has a single reputation for resolve or credibility has been pretty much dismissed. As one recent literature review by University of Alabama political scientist Douglas Gibler noted, "empirical support for the effects of reputation has been lacking." Dartmouth professor Daryl Press's Calculating Credibility argues that the balance of forces on the ground matter far more in how leaders assess each other's intentions than past reputation. To be sure, reputation and credibility do matter in some well-defined circumstances. Countries that perpetually default on their foreign debts face higher interest rates because of bad prior reputation. Nevertheless, credibility doesn't matter nearly as much as policymakers claim.

#### Credibility Low- laundry list

**Younge 9/8**/13 (Gary, The Guardian, The US has little credibility left: Syria won't change that Obama's argument for intervention is a hollow one: America's use of chemical weapons in Falluja makes that clear http://www.theguardian.com/commentisfree/2013/sep/08/us-little-credibility-syria-chemical-weapons)

The problem for America in all of this is that its capacity to impact diplomatic negotiations is limited by the fact that its record of asserting its military power stands squarely at odds with its pretensions of moral authority. For all America's condemnations of chemical weapons, the people of Falluja in Iraq are experiencing the birth defects and deformities in children and increases in early-life cancer that may be linked to the use of depleted uranium during the US bombardment of the town. It also used white phosphorus against combatants in Falluja.

Its chief ally in the region, Israel, holds the record for ignoring UN resolutions, and the US is not a participant in the international criminal court – which is charged with bringing perpetrators of war crimes to justice – because it refuses to allow its own citizens to be charged. On the very day Obama lectured the world on international norms he launched a drone strike in Yemen that killed six people.

Obama appealing for the Syrian regime to be brought to heel under international law is a bit like Tony Soprano asking the courts for a restraining order against one of his mob rivals – it cannot be taken seriously because the very laws he is invoking are laws he openly flouts.

So his concerns about the US losing credibility over Syria are ill-founded because it has precious little credibility left. The call to bomb an Arab country without UN authority or widespread international support, on the basis of partial evidence before UN inspectors have had a chance to report their findings, sounds too familiar both at home and abroad. The claim that he should fight this war, not the last one, is undermined by the fact that the US is still fighting one of the last ones. And with a military solution proving elusive in Afghanistan, the US is trying to come to a political settlement with the Taliban before leaving.

#### US decline will not spark wars.

MacDonald & Parent 11—Professor of Political Science at Williams College & Professor of Political Science at University of Miami [Paul K. MacDonald & Joseph M. Parent, “Graceful Decline? The Surprising Success of Great Power Retrenchment,” International Security, Vol. 35, No. 4 (Spring 2011), pp. 7–44]

Our findings are directly relevant to what appears to be an impending great power transition between China and the United States. Estimates of economic performance vary, but most observers expect Chinese GDP to surpass U.S. GDP sometime in the next decade or two. 91 This prospect has generated considerable concern. Many scholars foresee major conflict during a Sino-U.S. ordinal transition. Echoing Gilpin and Copeland, John Mearsheimer sees the crux of the issue as irreconcilable goals: China wants to be America’s superior and the United States wants no peer competitors. In his words, “[N]o amount of goodwill can ameliorate the intense security competition that sets in when an aspiring hegemon appears in Eurasia.” 92

Contrary to these predictions, our analysis suggests some grounds for optimism. Based on the historical track record of great powers facing acute relative decline, the United States should be able to retrench in the coming decades. In the next few years, the United States is ripe to overhaul its military, shift burdens to its allies, and work to decrease costly international commitments. It is likely to initiate and become embroiled in fewer militarized disputes than the average great power and to settle these disputes more amicably. Some might view this prospect with apprehension, fearing the steady erosion of U.S. credibility. Yet our analysis suggests that retrenchment need not signal weakness. Holding on to exposed and expensive commitments simply for the sake of one’s reputation is a greater geopolitical gamble than withdrawing to cheaper, more defensible frontiers.

Some observers might dispute our conclusions, arguing that hegemonic transitions are more conflict prone than other moments of acute relative decline. We counter that there are deductive and empirical reasons to doubt this argument. Theoretically, hegemonic powers should actually find it easier to manage acute relative decline. Fallen hegemons still have formidable capability, which threatens grave harm to any state that tries to cross them. Further, they are no longer the top target for balancing coalitions, and recovering hegemons may be influential because they can play a pivotal role in alliance formation. In addition, hegemonic powers, almost by definition, possess more extensive overseas commitments; they should be able to more readily identify and eliminate extraneous burdens without exposing vulnerabilities or exciting domestic populations.

We believe the empirical record supports these conclusions. In particular, periods of hegemonic transition do not appear more conflict prone than those of acute decline. The last reversal at the pinnacle of power was the AngloAmerican transition, which took place around 1872 and was resolved without armed confrontation. The tenor of that transition may have been influenced by a number of factors: both states were democratic maritime empires, the United States was slowly emerging from the Civil War, and Great Britain could likely coast on a large lead in domestic capital stock. Although China and the United States differ in regime type, similar factors may work to cushion the impending Sino-American transition. Both are large, relatively secure continental great powers, a fact that mitigates potential geopolitical competition. 93 China faces a variety of domestic political challenges, including strains among rival regions, which may complicate its ability to sustain its economic performance or engage in foreign policy adventurism. 94

Most important, the United States is not in free fall. Extrapolating the data into the future, we anticipate the United States will experience a “moderate” decline, losing from 2 to 4 percent of its share of great power GDP in the five years after being surpassed by China sometime in the next decade or two. 95 Given the relatively gradual rate of U.S. decline relative to China, the incentives for either side to run risks by courting conflict are minimal. The United States would still possess upwards of a third of the share of great power GDP, and would have little to gain from provoking a crisis over a peripheral issue. Conversely, China has few incentives to exploit U.S. weakness. 96 Given the importance of the U.S. market to the Chinese economy, in addition to the critical role played by the dollar as a global reserve currency, it is unclear how Beijing could hope to consolidate or expand its increasingly advantageous position through direct confrontation. In short, the United States should be able to reduce its foreign policy commitments in East Asia in the coming decades without inviting Chinese expansionism. Indeed, there is evidence that a policy of retrenchment could reap potential benefits. The drawdown and repositioning of U.S. troops in South Korea, for example, rather than fostering instability, has resulted in an improvement in the occasionally strained relationship between Washington and Seoul. 97 U.S. moderation on Taiwan, rather than encouraging hard-liners in Beijing, resulted in an improvement in cross-strait relations and reassured U.S. allies that Washington would not inadvertently drag them into a Sino-U.S. conflict. 98 Moreover, Washington’s support for the development of multilateral security institutions, rather than harming bilateral alliances, could work to enhance U.S. prestige while embedding China within a more transparent regional order. 99 A policy of gradual retrenchment need not undermine the credibility of U.S. alliance commitments or unleash destabilizing regional security dilemmas. Indeed, even if Beijing harbored revisionist intent, it is unclear that China will have the force projection capabilities necessary to take and hold additional territory. 100 By incrementally shifting burdens to regional allies and multilateral institutions, the United States can strengthen the credibility of its core commitments while accommodating the interests of a rising China. Not least among the benefits of retrenchment is that it helps alleviate an unsustainable financial position. Immense forward deployments will only exacerbate U.S. grand strategic problems and risk unnecessary clashes. 101

#### The only comprehensive study proves no transition impact.

MacDonald & Parent 11—Professor of Political Science at Williams College & Professor of Political Science at University of Miami [Paul K. MacDonald & Joseph M. Parent, “Graceful Decline? The Surprising Success of Great Power Retrenchment,” International Security, Vol. 35, No. 4 (Spring 2011), pp. 7–44]

In this article, we question the logic and evidence of the retrenchment pessimists. To date there has been neither a comprehensive study of great power retrenchment nor a study that lays out the case for retrenchment as a practical or probable policy. This article fills these gaps by systematically examining the relationship between acute relative decline and the responses of great powers. We examine eighteen cases of acute relative decline since 1870 and advance three main arguments.

First, we challenge the retrenchment pessimists’ claim that domestic or international constraints inhibit the ability of declining great powers to retrench. In fact, when states fall in the hierarchy of great powers, peaceful retrenchment is the most common response, even over short time spans. Based on the empirical record, we find that great powers retrenched in no less than eleven and no more than fifteen of the eighteen cases, a range of 61–83 percent. When international conditions demand it, states renounce risky ties, increase reliance on allies or adversaries, draw down their military obligations, and impose adjustments on domestic populations.

Second, we find that the magnitude of relative decline helps explain the extent of great power retrenchment. Following the dictates of neorealist theory, great powers retrench for the same reason they expand: the rigors of great power politics compel them to do so.12 Retrenchment is by no means easy, but necessity is the mother of invention, and declining great powers face powerful incentives to contract their interests in a prompt and proportionate manner. Knowing only a state’s rate of relative economic decline explains its corresponding degree of retrenchment in as much as 61 percent of the cases we examined.

Third, we argue that the rate of decline helps explain what forms great power retrenchment will take. How fast great powers fall contributes to whether these retrenching states will internally reform, seek new allies or rely more heavily on old ones, and make diplomatic overtures to enemies. Further, our analysis suggests that great powers facing acute decline are less likely to initiate or escalate militarized interstate disputes. Faced with diminishing resources, great powers moderate their foreign policy ambitions and offer concessions in areas of lesser strategic value. Contrary to the pessimistic conclusions of critics, retrenchment neither requires aggression nor invites predation. Great powers are able to rebalance their commitments through compromise, rather than conflict. In these ways, states respond to penury the same way they do to plenty: they seek to adopt policies that maximize security given available means. Far from being a hazardous policy, retrenchment can be successful. States that retrench often regain their position in the hierarchy of great powers. Of the fifteen great powers that adopted retrenchment in response to acute relative decline, 40 percent managed to recover their ordinal rank. In contrast, none of the declining powers that failed to retrench recovered their relative position. Pg. 9-10

### Pakistan Stability

#### No impact to indo-pak war

**Williscroft, 2** (R.G., Former NOAA Officer and Commentator for Defense Watch, “Don't Fear an India-Pakistan Nuclear War”, June 12, <http://www.sftt.us/dw06122002.html#4)//different> architecture, not enough radiation, recovery in 2 to 3 weeks

What might be the consequences of such an exchange? We have only one historical example against which we can measure potential damage from a nuclear strike. Both Hiroshima and Nagasaki were "paper cities," in the sense that a large portion of the residential areas consisted of flimsy traditional Japanese domestic dwellings constructed of light wood and paper. The architectural infrastructure of likely target areas in both Pakistan and India are dramatically different. This opens our analysis to significant speculation, since brick-and-mortar structures can absorb a lot more blast energy than paper and wood, and offer dramatically increased protection against radiation. Furthermore, modern nukes typically do not produce as much hard radiation as their ancestors, except for specifically designed "neutron" devices. These are designed to produce a high-level flood of initial high energy neutrons intended to kill living beings quickly and efficiently, while leaving as much infrastructure intact as possible. Both India and Pakistan would gain the greatest benefit from neutron devices, because of the very large armies each can deploy on short notice. Intelligence estimates indicate, however, that only Pakistan is likely to have a neutron device, but the evidence is circumstantial, based primarily on the certain knowledge that Pakistan has received material assistance from China, and it is likely that China has such devices. From intelligence estimates we know that Pakistan probably has 15 or so nuclear devices, based upon its ability to manufacture highly enriched uranium, which forms the basis of its nuclear program. They all may be sufficiently small to fit inside their ballistic missiles, and at least half may be neutron devices. India may have as many as 50 nukes based upon its ability to produce weapons grade plutonium, employed by its design. These devices probably range from relatively unsophisticated devices manufactured in the 1970s to fairly complex systems of recent manufacture. From these numbers one can assume that a total nuclear exchange might produce over 40 actual nuclear explosions, which assumes an Indian preemptive strike followed by full-scale retaliation by Pakistan, with 60-70 percent of the weapons actually exploding with a yield near their design parameters. If one assumes that the Pakistani devices are primarily anti-personnel weapons, the overall projections regarding death and destruction are significantly less than the numbers typically tossed around by politicians and journalists ignorant of nuclear weapons effects. Instead of 20 million killed in the first two or three exchanges, it is much more likely that the number of those killed will range from the high hundreds of thousands to the low millions, depending on whether the Indian bombers make it through Pakistani defenses to Islamabad. Because all the devices on both sides are relatively modern when compared with the bombs dropped on Japan, the global impact will be relatively small. Regional fallout will follow local wind patterns. Sensitive measuring devices will be able to pick up radioactive debris on a worldwide basis during the following months, but only because of the distinctive character of this fallout. The level will be well below normal background radiation from the sun and cosmic rays, and will pose absolutely no hazard to world populations. While a nuclear exchange would be horrific to the soldiers and civilians caught in the cross-fire and would vastly complicate our ongoing war on terror, the one thing Americans, Europeans and most of the rest of the world don't have to worry about is radiation poisoning from such an exchange. Obviously, we would lose Pakistan as an active partner in our ongoing Afghanistan operations, but other than a place from which to launch, it is arguable whether we are getting any other real value from our partnership anyway. Whatever complications we would experience in prosecuting our offensive against al Qaeda, they would experience in spades. An international effort would certainly mount to assist survivors. We would clearly be part of that effort, and this would tend to distract us from the reason we are there in the first place. Since the probable outcome of a nuclear exchange between India and Pakistan would be considerably smaller than current public perceptions, our level of involvement would also be significantly smaller. Ironically, if the Pakistanis rely on neutron devices, which really do very little damage to the surrounding countryside, the net effect may be far less hungry mouths impacting a food supply that will not be very much different than before the conflict. Within two or three weeks following such an exchange, the world should come to realize that the situation really is not so catastrophic. The world stock markets should recover quickly, and **most of the world** probably will **go back to business as usual**.

#### Alt causes to stability

**Northam, 2012.**

(Jackie Northam is Foreign Affairs correspondent for NPR news. “Faltering Economy Threatens Pakistan’s Stability.” October 7, 2012. http://www.npr.org/2012/10/04/162232742/faltering-economy-threatens-pakistans-stability)

If you want to gain a good insight into Pakistan's economic situation, just look at a few of the country's newspaper headlines on any given day. The language says it all: prices soar, stocks plunge, budget deficit swells, foreign investment evaporates — and the list goes on.¶ Now, analysts are increasingly worried that the faltering economy could join Pakistan's pervasive insurgency and repeated political upheavals as another serious threat to the country's stability.¶ A recent report issued at the World Economic Forum says Pakistan ranks in the bottom 20 out of the world's economies. Nadeem Ul Haque, deputy chairman of the state Planning Commission, says nobody really wants to talk about economic reform, or draw up new fiscal policies.¶ "The debate is always so charged with religion and geopolitics and war on terror, just talking about economics takes second place — in fact fifth place, in fact seventh place, 10th place," Haque says. "Nobody really wants to talk about economics."¶ And while the government avoids making difficult economic policy decisions, key industries in Pakistan are taking a hit.¶ A Target For Extremist Recruitment¶ At the Sitara textile mill in the eastern city of Faisalabad, huge panels of cotton are imprinted with pictures of Spider-Man and Justin Bieber. They will be turned into duvet covers and sent to the U.S., says the plant's general manager, Ashfaq Ahmad.¶ He says his mill is the only one in Pakistan that has two machines for doing flatbed printing — but only one of them is running. The other is closed, he says, because of a gas shutdown.¶ Ahmad says serious gas and electricity shortages mean that this and other plants in Faisalabad can only operate four days a week. Power outages can last up to six hours a day.¶ Rehan Naseem Bharara, vice president of Faisalabad's Chamber of Commerce, says many textile factories have shut down, and another just recently reduced staff.¶ "They had about 13,000 people in their factory three years back, but now only 3,400 people are working," Bharara says.¶ He says the cutbacks have had a huge impact on the community, especially the jobless, who become an "easy target for ... people who promote terrorism in this country."¶ Western analysts say the decaying economy is as much of a threat to Pakistan's stability as the Taliban because widespread poverty and unemployment could lead to more political instability and an increase in extremism.

#### Deterrence checks war and regional escalation

**Malik, 3** (Mohan, Professor of Security Studies at the Asia-Pacific Center for Security Studies, Asian Affairs, An American Review, “The Stability of Nuclear Deterrence in South Asia: The Clash between State and Antistate Actors”, 30:3, Fall ,Proquest)

India and Pakistan's past behavior shows that there is little or no danger of either side firing a nuclear weapon in anger or because of miscalculation. "Gentlemanly wars" is the primary term used to describe past Indian-Pakistani wars. In all three wars, both sides avoided wars of attrition or deliberate targeting of population and industrial centers. Despite their penchant for inflammatory and bellicose rhetoric, no sane leader willingly would commit national suicide. The leaders in both capitals insist that nuclear weapons are only for deterrence and are not weapons of war. History shows that nuclear weapons are usable only against an opponent that does not have the ability to retaliate in kind-such as the United States against Japan in 194The only exception to this rule might be the case of a state that faced total imminent destruction. It is conceivable that Pakistan could use nuclear weapons if faced with total defeat by India. Indians argue, however, that they have no interest in destroying the Pakistani state and incorporating another 140 million Muslims into the Indian state. One Indian analyst argues, "Since the 1980s, Indian military doctrine has moved away from the seizure of Pakistani territory in recognition of the less significant role played by landmass in modern estimates of strategic strength. Not only does India not have any territorial ambitions on Pakistan, [India is] prepared to permanently concede Pakistan-occupied Kashmir to Islamabad, and would accept the 'line of control' in Kashmir as the international boundary."22 If New Delhi goes to war with Islamabad, the war will be over Kashmir, not the existence of Pakistan. Many Indians claim that the West consistently and deliberately has promoted the idea of a nuclear flashpoint to get India and Pakistan to establish a nuclear risk reduction regime concurrently with a sustained dialogue on Kashmir and their nonproliferation agenda. Pakistan long has subscribed to this idea and publicly articulated its intention to use nuclear weapons if India launches a conventional attack across the line of control in Pakistani Kashmir. The presence of nuclear weapons certainly makes states exceedingly cautious; notable examples are China and Pakistan's postnuclear behavior. The consequences of a nuclear war are too horrendous to contemplate. Policymakers in New Delhi and Islamabad have a sound understanding of each other's capabilities, intentions, policies, and, more important, red lines, which they are careful not to cross. This repeatedly has been demonstrated since the late 1980s. Despite the 1999 Kargil War and the post-September 11 brinkmanship that illustrate the "stability-instability" paradox that nuclear weapons have introduced to the equation in South Asia,23 proponents of nuclear deterrence in Islamabad and New Delhi believe that nuclear deterrence is working to prevent war in the region. They point to the fact that neither the 1999 Kargil conflict nor the post-September 11 military standoff escalated beyond a limited conventional engagement due to the threat of nuclear war. So the stability argument is based on the reasonable conclusion that nuclear weapons have served an Important purpose in the sense that India and Pakistan have not gone to an all-out war since 1971.24 just as nuclear deterrence maintained stability between the United States and the USSR during the cold war, so it can induce similar stabilizing effects in South Asia.

#### No loose or stolen nukes

**Kerr and Nikitin 12** (Paul K., Analyst in Nonproliferation; Mary Beth, Specialist in Nonproliferation. “Pakistan’s Nuclear Weapons: Proliferation and Security Issues.” Congressional Research Service, June 26, 2012. [http://www.fas.org/sgp/crs/nuke/RL34248.pdf.)//new](http://www.fas.org/sgp/crs/nuke/RL34248.pdf.%29//new) security measures in Pakistan, consensus of military experts
As the United States prepared to launch an attack on the Afghan Taliban after September 11, 2001, President Musharraf reportedly ordered that Pakistan’s nuclear arsenal be redeployed to “at least six secret new locations.” 105 This action came at a time of uncertainly about the future of the region, including the direction of U.S.-Pakistan relations. Islamabad’s leadership was uncertain whether the United States would decide to conduct military strikes against Pakistan’s nuclear assets if the government did not assist the United States against the Taliban. Indeed, President Musharraf cited protection of Pakistan’s nuclear and missile assets as one of the reasons for Islamabad’s dramatic policy shift. 106 These events, in combination with the 1999 Kargil crisis, the 2002 conflict with India at the Line of Control, and revelations about the A. Q. Khan proliferation network, inspired a variety of reforms to secure the nuclear complex. Risk of nuclear war in South Asia ran high in the 1999 Kargil crisis, when the Pakistani military is believed to have begun preparing nuclear-tipped missiles. 107 It should be noted that, even at the high alert levels of 2001 and 2002, there were no reports of Pakistan mating the warheads with delivery systems. 108 In the fall of 2007 and early 2008, some observers expressed concern about the security of the country’s arsenal if political instability were to persist. 109 Former Prime Minister Benazir Bhutto said in a November 5, 2007, interview that, although then-President Musharraf claimed to be in firm control of the nuclear arsenal, she feared this control could weaken due to instability in the country. 110 Similarly, Michael Krepon of the Henry L. Stimson Center has argued that “a prolonged period of turbulence and infighting among the country’s President, Prime Minister, and Army Chief” could jeopardize the army’s unity of command, which “is essential for nuclear security.” 111 During that time, U.S. military officials also expressed concern about the security of Pakistan’s nuclear weapons. 112 Then-IAEA Director General Mohamed ElBaradei also has expressed fears that a radical regime could take power in Pakistan, and thereby acquire nuclear weapons. 113 Experts also worry that while nuclear weapons are currently under firm control, with warheads disassembled, technology could be sold off by insiders during a worsened crisis. 114 However, U.S. intelligence officials have expressed greater confidence regarding the security of Islamabad’s nuclear weapons. Deputy Secretary of State John D. Negroponte in testimony to Congress on November 7, 2007, said he believed that there is “plenty of succession planning that’s going on in the Pakistani military” and that Pakistan’s nuclear weapons are under “effective technical control///

.” 115 Similarly, Donald Kerr, Principal Deputy Director of National Intelligence, told a Washington audience May 29, 2008, that the Pakistani military’s control of the nuclear weapons is “a good thing because that’s an institution in Pakistan that has, in fact, withstood many of the political changes over the years.” More recently, former DIA Director Maples stated March 10, 2009, that Islamabad “has taken important steps to safeguard its nuclear weapons,” although he pointed out that “vulnerabilities exist.” As noted, current DIA Director Burgess articulated a similar assessment in March 2011. As noted, other U.S. officials have also conveyed confidence in the security of Islamabad’s nuclear weapons. General Petraeus stated on May 10, 2009, that “[w]ith respect to the—the nuclear weapons and—and sites that are controlled by Pakistan … we have confidence in their security procedures and elements and believe that the security of those sites is adequate.” 116 Admiral Mullen echoed this assessment during a May 14, 2009, hearing before the Senate Armed Services Committee. More recently, Secretary of Defense Robert Gates stated in a January 21, 2010, interview that the United States is “very comfortable with the security of Pakistan’s nuclear weapons.” 117 Then-State Department spokesperson P.J. Crowley told reporters April 9, 2010, that Pakistan “has demonstrated that it can secure its own nuclear weapons program.” Similarly, Under Secretary of Defense Michele Flournoy stated during an April 29, 2010, hearing that “we believe that Pakistan has a very solid command-and-control system for their nuclear weapons,” adding that “they have made a great deal of investment in the security of their nuclear arsenal.” 118 As noted, this confidence has continued into 2011 and 2012. James Clapper, Director of National Intelligence, told the House Intelligence Committee February 10, 2011, that “our assessment is that the nuclear weapons in Pakistan are secure.” General Petraeus told the Senate Armed Services Committee March 15, 2011, that “[t]here is quite considerable security for the Pakistani nuclear weapons.” Asked about the security of Pakistan’s weapons following a May 2011 insurgent attack on a military installation in Karachi, Assistant Secretary of State Robert Blake stated June 21, 2011, that “there is much more heightened security around” Pakistan’s nuclear weapons facilities than at the Karachi installation. More recently, Clapper expressed confidence during a February 16, 2012, Senate Armed Services Committee hearing that Pakistan is willing and able to protect its nuclear arsenal.

## \*\*\* 2NC

### Overview

#### AND, Botched withdrawal shatters NATO’s credibility and encourages Russian aggression. NASA computer models and climatologist conclude that will cause extinction

Starr 10—Director of Clinical Laboratory Science Program @ University of Missouri [Steven Starr (Senior scientist @ Physicians for Social Responsibility.), “The climatic consequences of nuclear war” | Bulletin of the Atomic Scientists, 12 March 2010, Pg. http://www.thebulletin.org/web-edition/op-eds/the-climatic-consequences-of-nuclear-war]

This isn't a question to be avoided. Recent scientific studies have found that a war fought with the deployed U.S. and Russian nuclear arsenals would leave Earth virtually uninhabitable. In fact, NASA computer models have shown that even a "successful" first strike by Washington or Moscow would inflict catastrophic environmental damage that would make agriculture impossible and cause mass starvation. Similarly, in the January Scientific American, Alan Robock and Brian Toon, the foremost experts on the climatic impact of nuclear war, warn that the environmental consequences of a "regional" nuclear war would cause a global famine that could kill one billion people.

#### AND, Botched withdrawal is the greatest risk for nuclear war

Rubin 11—Director of Policy and Government Affairs @ Ploughshares Fund [Joel Rubin (Former congressional aide for two senior Democratic Senators on foreign policy, defense, and appropriations issues. Diplomat at the State Department in both Near Eastern Affairs and Political-Military Affairs, “Nuclear Concerns After the Afghanistan Withdrawal,” Huffington Post, Posted: 07/07/11 12:26 PM ET, pg. http://www.huffingtonpost.com/joel-rubin/middle-east-nuclear-threat\_b\_891178.html]

Yet many of the underlying sources of conflict and tension in South and Central Asia will remain after an American withdrawal. In a region that has deep experience on nuclear matters -- with nuclear aspirant Iran bordering Afghanistan on one side and nuclear-armed Pakistan and India on the other -- the United States must take into account the potential for regional nuclear insecurity caused by a poorly executed drawdown in Afghanistan.

As much as we may like to, we can't just cut and run. So as the United States draws down its forces, we must take care to leave stable systems and relationships in place; failure to do so could exacerbate historic regional tensions and potentially create new national security risks.
It is therefore essential that Washington policymakers create a comprehensive nuclear security strategy for the region as part of its Afghanistan withdrawal plans that lays the groundwork for regional stability.

We have only to look to our recent history in the region to understand the importance of this approach. In the 1980s, the U.S. supported the Mujahedeen against the Soviet Union. When that conflict ended, we withdrew, only to see the rise of al Qaeda -- and its resultant international terrorism -- in the 1990s because we didn't pull out responsibly from Afghanistan.

Our choices now in Afghanistan will determine the shape of our security challenges in the region for the foreseeable future. And we can't afford for nuclear weapons to become to South and Central Asia in the 21st century what al Qaeda was in the 1990s to Afghanistan. To avoid such an outcome, several key objectives must be included in any Afghanistan withdrawal plan.

First, current levels of regional insecurity -- which already are extremely high -- will continue to drive tensions, and quite possibly conflict, amongst the regional powers. Therefore, we must ensure the implementation of a regional approach to military withdrawal. These efforts must bring all relevant regional players to the table, particularly the nuclear and potentially nuclear states. Iran and all the countries bordering Afghanistan must be part of this discussion.

Second, the United States must be mindful to not leave a governance vacuum inside Afghanistan. While it is clear that the current counter-insurgency policy being pursued in Afghanistan is not working at a pace that meets either Western or Afghan aspirations, it is still essential that Afghanistan not be allowed to implode. We do not need 100,000 troops to do this, and as the Afghanistan Study Group has recommended, credible political negotiations that emphasize power-sharing and political reconciliation must take place to keep the country intact while the United States moves out.

Third, while the rationale for our presence in Afghanistan -- to defeat al Qaeda -- has dissipated, a major security concern justifying our continued involvement in the region -- potential nuclear conflict between India and Pakistan -- will remain and may actually rise in importance. It is crucial that we keep a particularly close eye on these programs to ensure that all is done to prevent the illicit transfer or ill-use of nuclear weapons.

Regardless of American troop levels in Afghanistan, the U.S. must maximize its military and intelligence relationships with these countries to continue to both understand their nuclear intentions and help prevent potential conflict. We must avoid a situation where any minor misunderstanding or even terrorist act, as happened in Mumbai in 2008, does not set off escalating tensions that lead to a nuclear exchange.

Ultimately, the U.S. will one day leave Afghanistan -- and it may be sooner than anyone expects. The key here is to leave in a way that promotes regional stability and cooperation, not a power vacuum that could foster proxy conflicts. To ensure that our security interests are protected and that the region does not get sucked in to a new level of insecurity and tension, a comprehensive strategy to enhance regional security, maintain a stable Afghanistan, and keep a watchful eye on Pakistan and India is essential. Taking such steps will help us to depart Afghanistan in a responsible manner that protects our security interests, while not exacerbating the deep strategic insecurities of a region that has the greatest risk of arms races and nuclear conflict in the world.

### 2NC Link Ext.—WP Fight

#### 6. Independently, this means they don’t solve—Presidents will resolve any doubt about constitutionality with noncompliance

Kelly 93—Judge Advocate General's Corps @ US Army [Major Michael P. Kelly (JD from University of California-Davis (87) and Graduate of The Judge Advocate General's School (92), “Fixing The War Powers,” Military Law Review, 141 Mil. L. Rev. 83, Summer 1993

(b) Critical Operative Provisions That Are Arguably Unconstitutional.-The questionable constitutionality of most law is not as problematic as it is with regard to the WPR. Its adversative nature exacerbates the slightest issue of constitutionality. Presidents repeatedly have resolved all doubt in favor of noncompliance. 4 2 Moreover, the courts repeatedly have declined to exercise judicial review43 in the war powers arena. Thus, the constitutionality of the WPR is of particular importance to its effectiveness. Pg. 91

### Lk: Area restriction

#### Area restrictions will trigger constitutionality debates. The violate the constitution power of the president

Raven-Hansen & Banks 94—Professor of Law @ George Washington University & Professor of Law @ Syracuse University [Peter Raven-Hansen & William C. Banks, “Pulling the Purse Strings of the Commander in Chief,” Virginia Law Review, Vol. 80, No. 4 (May, 1994), pp. 833-944]

The first is the Vietnam War, an undeclared but congressionally authorized war that Congress sought repeatedly to control and ultimately to end by exercising its power of the purse.13 Area restrictions on force deployments during the war raised the issue whether Congress, by exercise of its power of the purse, unconstitutionally interfered with the authority of the President as Commander in Chief to conduct the Vietnam War.14 President Nixon's apparent circumvention of these restrictions also raised questions regarding the statutory scope of national security appropriation restrictions in light of executive practice and customary national security law. Finally, President Ford's apparent disregard of the end-the-war restrictions in ordering the 1975 evacuations from Southeast Asia and in responding to the seizure of the Mayaguez15 raised the statutory questions again and also presented the issue whether Congress had impermissibly interfered with a customary or implied constitutional power of the President to order rescue operations.

More recently, the Iran-Contra Affair raised many similar questions and several new ones. The executive branch secretly financed military aid to the Contras in Nicaragua, in apparent contravention of the Boland Amendments-a series of appropriation restrictions on aid to the Contras.16 The enactment of no fewer than thirteen such restrictions raised anew the question of the proper construction and duration of appropriation restrictions, and their constitutional scope vis-a-vis the President in national security. pg. 837

### U—Stability now

#### Afghanistan stability is at risk. Lack of clear signal of US commitment bungles the withdrawal process

Allen et al.13—Former Commander of the NATO International Security Assistance Force and U.S. Forces-Afghanistan (2011-2013) [General John R. Allen, USMC (Ret.); Michèle Flournoy (Co-Chair of the Board of Directors of the Center for a New American Security. Former Under Secretary of Defense for Policy from (2009-2012) & Michael O’Hanlon (Senior fellow in Foreign Policy Studies @ Brookings Institution), “Toward a Successful Outcome in Afghanistan,” Center for a New American Security, May 2013]

Conclusion: 2015 and Beyond

With his decision to reduce U.S. forces in Afghanistan by half between February 2013 and February 2014, President Obama answered most remaining questions about American military strength in Afghanistan through the end of the ISAF mission in December 2014. Most of the planned reductions from the current strength of some 66,000 American troops to 34,000 will occur this upcoming fall and winter. After that, the force levels will probably hold relatively steady through the Afghan elections in April and perhaps a bit longer, before the drawdown to the “Enduring Force” begins in late summer or fall of next year. Already, the U.S. force presence is focused on supporting the ANSF—American brigade combat teams and Marine regiments have been replaced now by security force assistance brigades, which essentially oversee, support and help enable the work of individual small-unit security force assistance teams working with individual Afghan units.

But there are still a number of critical questions to be worked through, some military and others political.

Specifically:

• What will the Enduring Force do and how large should it be in 2015 and beyond?

• Should the United States move straight to the Enduring Force, or have a somewhat larger “bridging force” for two to three years after 2014?

• How many allied forces are needed? What is politically realistic in various foreign capitals, especially in Europe?

• Should the ANSF be sustained at the level of 352,000 personnel beyond 2015? Say, to 2018 or 2020?

• What should come first, a clear U.S. commitment to a given Enduring Force (premised on reasonable Afghan elections and governance), or a deal on legal immunity for American troops through the so-called Bilateral Security Accord?

On the last point, we favor stating the rough contours of an American force soon. Actual deployment of any such force would of course be contingent on an acceptable immunity/status of forces agreement down the road. But clarifying the U.S. commitment would make it clear to Afghans that only their own reluctance, and specifically that of the Karzai government, stands in the way of firming up the partnership. Given Afghanistan’s historical fear of abandonment, we believe the psychology of such a clear American commitment of intent would be all to the good. It would also help persuade NATO allies to firm up their own plans. This does not mean that the United States should convey impatience to conclude a Bilateral Security Accord on a rushed basis, which would potentially weaken Washington’s negotiating position (since some Afghans wrongly believe that the United States desperately wants bases on their nation’s territory for broader regional purposes in multiple directions). But being clear about the nature of our commitment would serve American national security interests if Afghans do their part, too.

As for what the Enduring Force package should include, the United States needs several things as a matter of prudence. First, there should be enough force to advise and assist the ANSF effectively, including geographic distribution to cover the ANA corps in Kabul and the “four corners” of the country, and capacity to get below the Afghan Corps level with mobile teams if necessary, to support Afghan brigades in pre-operational preparations, and should problems develop here or there.

In the country’s north and west in particular, there should be enough enablers to keep U.S. allies in the game, as their logistics capabilities are not adequate to sustain small forces without modest U.S. help. (Germany and Italy seem ready to step up with their contributions, for example, but need assurance of certain U.S. support.) Of course the United States needs counterterrorism capabilities, for strikes within Afghanistan or in some cases along the border. Finally, for two to three years after 2014, the United States may need an additional force package of several thousand personnel to help the Afghans finish building their air force, their special operations forces and certain other enablers in medical realms, in counter-IED capability and in intelligence collection. This might be viewed as an additional bridging force, above and beyond the Enduring Force.

To achieve this, the United States should deploy an Enduring Force sized and shaped for these tasks after 2014. It is not our purpose to recommend a specific figure now, and in fact a band of numbers is probably acceptable, as suggested by some of the parameters staked out in the recent public debate on this subject—though greater risk would be associated with smaller force sizes. With clear U.S. commitments, allies would likely contribute an additional 3,000 to 5,000 uniformed personnel themselves.

Despite the near-term challenges in realms ranging from security to corruption to narcotics to difficult neighbors, we are fundamentally optimistic about Afghanistan’s mid- to long-term future. The greatest cause for hope is the next generation. Youth make up 60 percent of Afghanistan’s population, and they are being educated in unprecedented numbers. Some 180,000 students are in university this year, with nearly 10 million overall in school. Beyond the numbers, there is the passion, the commitment, the patriotism and the resilience that distinguishes this community of remarkable individuals, many of whom we have been lucky to meet and work with through the years.

In Afghanistan, many of these next-generation leaders have formed a “1400 group,” based on the Afghan Islamic calendar (it is now 1392, so 1400 is roughly the time when this new generation will begin to step up to run the nation). They include individuals who left Afghanistan during the wars of the last 30 years, as well as some who stayed; they include activists and members of civil society, as well as professionals and technocrats; they include Pashtuns and Tajiks and Hazaras and Uzbeks and others, though all tend to see themselves first and foremost as Afghans. And it is their own country that they now want to rebuild. Most encouraging, perhaps, is the growing role of women in Afghan society. Girls make up about 40 percent of this new generation of students, and women are an increasingly important voice speaking on behalf of minority rights, countering corruption and embracing the rule of law. From our experience in other post-conflict societies, countries able to assimilate women into the mainstream of society were far better able to transition into developing societies. Without the Afghan women playing a major role in the future of Afghanistan, we are not optimistic real reform can occur in this traditional society.

Despite its promise, one cannot forget, of course, that Afghanistan will remain one of the poorest, least developed and more corrupt countries in the world for years to come. But the United States and its partners, which have invested and sacrificed so much, have a chance to ensure that the land of the Hindu Kush does not return to being a safe haven for international terrorists and that it stays on the path toward greater stability, as well as human and economic development. Compared to what the international community has collectively invested already, in blood and treasure, the costs associated with this future effort to lock in gains seem a wise investment. Pg. 12-14

### 2NC/1NR Impact—Deterrence

#### AND, War power fights undermine US deterrence

Newton 12—Professor of Law @ Vanderbilt University [Michael A. Newton, “Inadvertent Implications of the War Powers Resolution,” Case Western Reserve Journal of International Law, Vol. 45, No. 1, 2012]

The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that our enemies now focus on American political will as the Achilles heel of our vast capabilities. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to "seek the cooperation of the Congress. Only with that can we give the reassurance needed to deter aggression." 62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the "risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact."13 In his letter to Congress "consistent with the War Powers Resolution," the president reported that the strikes "were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities" and "were intended to prevent and deter additional attacks by a clearly identified terrorist threat."6 ' The following day, in a radio address to the nation, the president explained his decision to take military action, stating, "Our goals were to disrupt bin Laden's terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden's network gas."\*6 Citing "compelling evidence that the bin Laden network was poised to strike at us again" and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes. 66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war.6 1

Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima.6" Seeking to bolster legislative support and to better explain the strategic objectives, he explained that:

It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability behind the legitimate Government of Lebanon, and an important weight in the scales.

To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our domestic controversy over the war powers has been so disturbing. Uncertainty about the American commitment can only weaken our effectiveness. Doubts about our staying power can only cause political aggressors to discount our presence or to intensify their attacks in hopes of hastening our departure.

An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our political hand." Pg. 189-190

### 2NC Solvency—Congress Won’t Enforce

#### 5. Congress will stand down. They don’t care about institutional power

Devins 9—Professor of Law and Professor of Government @ College of William and Mary [Neal Devins, “Presidential Unilateralism and Political Polarization: Why Today's Congress Lacks the Will and the Way to Stop Presidential Initiatives,” Willamette Law Review, Vol. 45, Issue 3 (Spring 2009), pp. 395-416]

Unlike the presidency, the individual and institutional interests of members of Congress are often in conflict with one another. While each of Congress's 535 members has some stake in Congress as an institution, parochial interests will overwhelm this collective good. In particular, members of Congress regularly tradeoff their interest in Congress as an institution for their personal interests-most notably, reelection and advancing their (and their constituents') policy agenda. In describing this collective action problem, Moe and Howell note that lawmakers are "trapped in a prisoner's dilemma: all might benefit if they could cooperate in defending or advancing Congress's power, but each has a strong incentive to free ride in favor of the local constituency.

 For this reason, lawmakers have no incentive to stop presidential unilateralism simply because the President is expanding his powers vis-A-vis Congress. Consider, for example, the President's use of executive orders to advance favored policies and presidential initiatives to launch military initiatives. Between 1973 and 1998, Presidents issued about 1,000 executive orders. Only 37 of these orders were challenged in Congress and only 3 of these challenges resulted in legislation. 9

Presidential unilateralism in launching military operations is even more striking-because it involves the President's willingness to commit the nation's blood without congressional authorization. Notwithstanding the clear constitutional mandate that Congress play a significant role in triggering military operations, Congress has very little incentive in playing a leadership role. Rather than oppose thePresident on a potential military action, most members of Congress find it more convenient to acquiesce and avoid criticism that they obstructed a necessary military operation. Pg. 400-401

### 2NC Solvency—Prez Not Abide

#### 3. Every president—including Obama—has adhered to a constitutional framework that rejects congressional intrusion.

Garrison 12—Professor of Criminal Justice at Kutztown University [Dr. Arthur H. Garrison, “History of Executive Branch Legal Opinions on the Power of the President as Commander-in-Chief from Washington to Obama,” Cumberland Law Review, Vol. 43, Issue 3 (2012-2013), pp. 375-494]

IV. CONCLUSION

Historically the State Department, 388 various Attorneys General, and the OLC, from the Washington through Obama Administrations, have issued formal and informal opinions supporting the broadest interpretation of the Article II Commander in Chief power of the President. Almost from the inception of the Constitution, presidents have been advised that they have plenary, if not exclusive, power over foreign policy and the use of military force with and without prior congressional approval. Historically, Congress has exercised a secondary role in the face of presidential decisionmaking regarding American foreign policy and has never successfully asserted that the power to declare war belonged primarily to the Legislative branch. The power to declare war has been a different power than the power to make war or respond to war inflicted upon the United States.3 From Lincoln to the modern Presidency, all presidents have asserted the power to deploy the military, even if that could entail military combat to protect American interests, and that congressional approval is not constitutionally required for such deployments to be lawful 390 The Obama Administration continued this traditional view and has continued to defend the theory of plenary power in foreign and military affairs as Commander in Chief.39' pg. 478-479

#### 4. Obama will fight to preserve his presidential authority and maximum policy flexibility. Their take outs underestimate the institutional incentives

Dickinson 11—Professor of political science @ Middlebury College. [Dr. Matthew Dickinson (Expert on presidential powers with a PhD from Harvard), “Will You End Up in Guantanamo Bay Prison?,” Presidential Power, December 3, 2011 pg. http://sites.middlebury.edu/presidentialpower/2011/12/03/will-you-end-up-in-guantanamo-bay/

Despite the overwhelming Senate support for passage (the bill passed 93-7 and will be reconciled with a House version. Senators voting nay included three Democrats, three Republicans and one independent), however, President Obama is still threatening to veto the bill in its current form.  However, if administration spokespersons are to be believed, Obama’s objection is based not so much on concern for civil liberties as it is on preserving the president’s authority and flexibility in fighting the war on terror. According to White House press secretary Jay Carney, “Counterterrorism officials from the Republican and Democratic administrations have said that the language in this bill would jeopardize national security by restricting flexibility in our fight against Al Qaeda.”  (The administration also objects to language in the bill that would restrict any transfer of detainees out of Guantanamo Bay prison for the next year.)  For these reasons, the President is still threatening to veto the bill, which now goes to the Republican-controlled House where it is unlikely to be amended in a way that satisfies the President’s concerns.  If not, this sets up an interesting scenario in which the President may have to decide whether to stick by his veto threat and hope that partisan loyalties kick in to prevent a rare veto override.

The debate over the authorization bill is another reminder of a point that you have heard me make before: that when it comes to national security issues and the War on Terror, President Obama’s views are much closer to his predecessor’s George W. Bush’s than they are to candidate Obama’s.  The reason, of course, is that once in office, the president—as the elected official that comes closest to embodying national sovereignty—feels the pressure of protecting the nation from attack much more acutely than anyone else. That pressure drives them to seek maximum flexibility in their ability to respond to external threats, and to resist any provision that appears to constrain their authority///

.  This is why Obama’s conduct of the War on Terror has followed so closely in Bush’s footsteps—both are motivated by the same institutional incentives and concerns.

The Senate debate, however, also illustrates a second point.  We often array elected officials along a single ideological line, from most conservative to most liberal. Think Bernie Sanders at one end and Jim DeMint at the other.  In so doing, we are suggesting that those individuals at the farthest ends of the spectrum have the greatest divergence in ideology.  But on some issues, including this authorization bill, that ideological model is misleading.  Instead, it is better to think of legislators arrayed in a circle, with libertarian Republicans and progressive Democrats sitting much closer together, say, at the top of the circle, joined together in their resistance to strong government and support for civil liberties.  At the “bottom” of the circle are Republicans like Graham and Democrats like Levin who share an affinity for strengthening the government’s ability to protect the nation’s security.

For Obama, however, the central issue is not the clash of civil liberties and national security—it is the relative authority of the President versus Congress to conduct the War on Terror. That explains why he has stuck by his veto threat despite the legislative compromise.  And it raises an interesting test of power. To date he has issued only two presidential vetoes, by far the lowest number of any President in the modern era. His predecessor George W. Bush issued 12, and saw Congress override four—a historically high percentage of overrides.  On average, presidential vetoes are overridden about 7% of the time. These figures, however, underplay the use of veto threats as a bargaining tool.  In the 110th (2007-08) Congress alone, Bush issued more than 100 veto threats. I’ve not calculated Obama’s veto threats, but it is easy enough to do by going to the White House’s website and looking under its Statements of Administrative Policy (SAP’s) listings. Those should include veto threats. Note that most veto threats are relatively less publicized and often are issued early in the legislative process.  This latest veto threat, in contrast, seems to have attracted quite a bit of press attention.  It will be interesting to see whether, if the current authorization language remains unchanged, Obama will stick to his guns.

### Not Abide—Drones

#### Obama refuses to seek Congressional approval for drone use

Alston 11—Professor of Law @ New York University [Philip Alston (UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2004 until 2010) “The CIA and Targeted Killings Beyond Borders,” Harvard National Security Journal, 2 Harv. Nat'l Sec. J. 283, 2011]

And fourth, the Obama administration has signaled that it does not regard the deployment of drones to a foreign country for the purposes of killing to require congressional approval unless the strikes reached an unspecified but clearly high threshold such as if "we were carpet-bombing a country using Predators." n136 Drones thus become an especially attractive  [\*328]  way for a President to undertake lethal operations in various countries without seeking the sort of authorization that might provoke a sustained and structured public debate.

### 2NC—No Transition Impact

#### The only comprehensive study proves no transition impact.

MacDonald & Parent 11—Professor of Political Science at Williams College & Professor of Political Science at University of Miami [Paul K. MacDonald & Joseph M. Parent, “Graceful Decline? The Surprising Success of Great Power Retrenchment,” International Security, Vol. 35, No. 4 (Spring 2011), pp. 7–44]

In this article, we question the logic and evidence of the retrenchment pessimists. To date there has been neither a comprehensive study of great power retrenchment nor a study that lays out the case for retrenchment as a practical or probable policy. This article fills these gaps by systematically examining the relationship between acute relative decline and the responses of great powers. We examine eighteen cases of acute relative decline since 1870 and advance three main arguments.

First, we challenge the retrenchment pessimists’ claim that domestic or international constraints inhibit the ability of declining great powers to retrench. In fact, when states fall in the hierarchy of great powers, peaceful retrenchment is the most common response, even over short time spans. Based on the empirical record, we find that great powers retrenched in no less than eleven and no more than fifteen of the eighteen cases, a range of 61–83 percent. When international conditions demand it, states renounce risky ties, increase reliance on allies or adversaries, draw down their military obligations, and impose adjustments on domestic populations.

Second, we find that the magnitude of relative decline helps explain the extent of great power retrenchment. Following the dictates of neorealist theory, great powers retrench for the same reason they expand: the rigors of great power politics compel them to do so.12 Retrenchment is by no means easy, but necessity is the mother of invention, and declining great powers face powerful incentives to contract their interests in a prompt and proportionate manner. Knowing only a state’s rate of relative economic decline explains its corresponding degree of retrenchment in as much as 61 percent of the cases we examined.

Third, we argue that the rate of decline helps explain what forms great power retrenchment will take. How fast great powers fall contributes to whether these retrenching states will internally reform, seek new allies or rely more heavily on old ones, and make diplomatic overtures to enemies. Further, our analysis suggests that great powers facing acute decline are less likely to initiate or escalate militarized interstate disputes. Faced with diminishing resources, great powers moderate their foreign policy ambitions and offer concessions in areas of lesser strategic value. Contrary to the pessimistic conclusions of critics, retrenchment neither requires aggression nor invites predation. Great powers are able to rebalance their commitments through compromise, rather than conflict. In these ways, states respond to penury the same way they do to plenty: they seek to adopt policies that maximize security given available means. Far from being a hazardous policy, retrenchment can be successful. States that retrench often regain their position in the hierarchy of great powers. Of the fifteen great powers that adopted retrenchment in response to acute relative decline, 40 percent managed to recover their ordinal rank. In contrast, none of the declining powers that failed to retrench recovered their relative position. Pg. 9-10

## \*\*\* 1NR

### Overview

#### Economic decline spurs Pakistani collapse and terrorism and kills heg

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.

### U Wall

#### 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.

#### Will pass – multiple warrants -

#### 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. 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.

#### C. 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?’.”

### AT: Healthcare Amendment Kills It

#### GOP admits they’ll back off

ESPO 9 – 18 – 13 AP Special Correspondent [David Espo, Dodge default, defund Obamacare, GOP leaders say, <http://www.denverpost.com/breakingnews/ci_24119843/ap-sources-revised-gop-attack-obamacare>]

House Republicans vowed Wednesday to pass legislation that would prevent a partial government shutdown and avoid a historic national default while simultaneously canceling out President Barack Obama's health care overhaul, inaugurating a new round of political brink~~man~~ship as critical deadlines approach.

Obama swiftly condemned the effort as attempted political extortion, and the Republican-friendly Chamber of Commerce pointedly called on lawmakers to pass urgent spending and borrowing legislation—unencumbered by debate over "Obamacare."

The two-step strategy announced by House Speaker John Boehner marked a concession to his confrontational rank and file. At the same time, it represented a challenge to conservatives inside the Senate and out who have spent the summer seeking the votes needed to pull the president's cherished health care law out by its roots. They now will be called on to deliver.

"The fight over here has been won. The House has voted 40 times to defund, change Obamacare, to repeal it. It's time for the Senate to have this fight," said Boehner, an Ohio Republican.

As outlined by several officials, Boehner and the leadership intend to set a House vote for Friday on legislation to fund the government through Dec. 15 at existing levels while permanently defunding the health care law. The same bill will include a requirement for Treasury to give priority to Social Security and disability payments in the event the government reaches its borrowing limit and cannot pay all of its obligations.

A second measure, to be brought to the floor as early as next week, would allow Treasury to borrow freely for one year.

That same bill is also expected to be loaded with other requirements, including the construction of the Keystone XL Pipeline from Canada to the United States, a project that environmentalists oppose and that the Obama administration has so far refused to approve. Other elements will reflect different Republican budget priorities, including as-yet-undisclosed savings from health care and government benefit programs and steps to speed work on an overhaul of the tax code.

Prospects for passage of the two bills are high in the House, where Republicans have a majority and leaders pronounced the rank and file united behind the strategy.

But both measures are certain to be viewed as non-starters by majority Democrats in the Senate.

Some Republicans appeared to concede during the day that the legislation that eventually reaches the White House will leave the health care law in effect.

"I don't think that any reasonable person thinks there's anything to be gained by a government shutdown," said Sen. John Cornyn, R-Texas. "Rather than a shutdown of government, what we need is a Republican victory in 2014 so we can be in control. I'm not sure those are mutually compatible."

But a fellow Texas Republican, Sen. Ted Cruz said it was important to hold fast. He said Democrats appear at present to have the votes to restore funds for the health care law, adding, "At that point, House Republicans must stand firm, hold their ground and continue to listen to the American people."

Given the differences, it is unclear how long it will take Congress and the White House to clear the measures, and how close the government will come to a partial shutdown or a market-rattling default over the next three weeks.

### AT: NO RISK it’ll actually ever happen

#### Don’t assume the tea party is rational – they’ll do it – they are like the Joker, just want to see the world burn. This is from our Davidson card

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&>]

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.

#### GOP isn’t afraid of a debt limit – Boehner’s spokesman proves

FOX NEWS 9 – 19 – 13 <http://www.foxnews.com/politics/2013/09/19/white-house-threatens-to-veto-de-fund-obamacare-bill/>

Republicans are under pressure from some of their most conservative members to link government funding measures to cuts or delays to Obamacare.

A measure to link government funding for a year to a year's delay in Obamacare had been gaining traction in Congress. Last week House Republicans rejected a proposal put forward by House Speaker John Boehner and Majority Leader Eric Cantor as not strong enough.

Brendan Buck, a spokesman for Boehner, said Republicans are not threatening a debt default.

"The president only uses these scare tactics to avoid having to show the courage needed to deal with our debt crisis. Every major deficit deal in the last 30 years has been tied to a debt limit increase, and this time should be no different," Buck said.

#### It’ll get worked out – but it is POSSIBLE.

CNN MONEY 9 – 12 – 13 <http://money.cnn.com/2013/09/12/news/economy/budget-showdown/index.html?iid=EL>

Budget experts are worried: The chances of a government shutdown and a harrowing ride to raising the debt limit have gone up in the past few weeks.

That's due in part to a fractured Republican Party in the House and perceptions that President Obama is more vulnerable or unpredictable in the wake of the Syria debate.

"We continue to believe disaster will be avoided across each of these issues, but the risk of negative outcomes has increased," Sean West, U.S. policy director for the Eurasia Group, said in a research note Thursday.

Congress, of course, had a full agenda and a tight schedule before Syria took center stage. It must agree to spending levels for fiscal year 2014 -- or at least a short term extension of funding past Oct. 1, the first day of the fiscal year.

If it fails to do so, non-essential parts of the federal government would shut down.

It also must approve a debt ceiling increase by mid-October. If it doesn't, an independent think tank now estimates that the Treasury Department would not have enough cash coming in to pay all the country's bills in full sometime between Oct. 18 and Nov. 5. After the so-called "X" date, barring a higher debt ceiling, the country would default on some of its obligations.

In both cases, many conservatives in the House want to make the defunding or delay of Obamacare a condition for their support to fund the government and raise the debt limit. That's a non-starter for Democrats and President Obama. What's more the administration has insisted it won't negotiate over the raising the debt limit.

And, of course, there's the perennial disagreement over spending levels between the Republicans and Democrats, an old argument made much more complicated by the existence of the much-maligned sequester.

When it comes to the deals that will be cut to assure approval of funding and a higher debt limit, budget experts aren't expecting much. "Big- and medium-term deals don't seem attainable now," said Robert Greenstein, executive director of the Center on Budget and Policy Priorities, at a National Journal event Thursday

William Hoagland, senior vice president of the Bipartisan Policy Center, also is not holding his breath. "I've given up on grand bargains."

Funding the government and raising the country's legal borrowing limit, of course, are among the legislature's most basic functions.

And yet, in recent years, both efforts have been stymied by political demands and brinksmanship.

"It's extraordinary how dysfunctional our system has become and how casually we accept it," said Rudolph Penner, a former director of the Congressional Budget Office speaking at the same National Journal event.

West and others who joined Greenstein, Hoagland and Penner think a short-term funding bill is likely to get through. But beyond that is anyone's guess.

Republican Sen. Orrin Hatch, a keynote speaker at the event, was asked whether he thought there was a chance for a Christmastime crisis. "It's very possible," he said.

### 2nc/1nr PC is Key – Overview

#### 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.

#### Persuasion and mobilization skills are key

AP 9 – 9 – 13 <http://www.denverpost.com/politics/ci_24046750/syria-budget-could-become-obamas-make-or-break>

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

How well Obama handles the challenges could determine whether he leads from a position of strength or whether he becomes a lame duck one year into his second term.

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

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

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

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

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

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

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

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

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

At the White House, Syria has eclipsed all other matters for now. Win or lose, Obama and lawmakers next will run headlong into a budget debate.

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

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

#### BAD BLOOD could disrupt everything

SAHADI 9 – 12 – 13 CNN Money Staff [Jeanne Sahadi, The never-ending charade of debt ceiling fights, CNN MONEY 9 – 12 – 13 http://money.cnn.com/2013/09/12/news/economy/debt-ceiling/index.html?iid=EL]

Lawmakers are tied up in knots over increasing the debt ceiling this fall. But they eventually will. The only question is how messy the process will be.

Why assume they'll raise it? Because they have no real choice if they want to avoid a U.S. default. A default would hurt the economy and markets, and most lawmakers know this. That's why they regularly raise the debt ceiling before it comes to that.

In fact, since 1940, Congress has effectively approved 79 increases to the debt ceiling. That's an average of more than one a year.

How do they raise it? Sometimes lawmakers have raised it by small amounts, other times by large amounts. And sometimes they've raised it "temporarily" with provisions for a "snap-back" to a lower level.

Since it's a politically tough vote, they occasionally devise clever ways to tacitly approve increases without ever having to publicly record a "yes" vote.

For example, as part of the deal to resolve the 2011 debt ceiling war, Congress approved a plan that let President Obama raise the debt limit three times unless both the House and Senate passed a "joint resolution of disapproval." Such a measure never materialized. And even if it had, the president could have vetoed it.

Then this past February, lawmakers decided to temporarily "suspend" the debt ceiling.

Under this scheme, Treasury was able to continue borrowing to pay the country's bills until May 19. At that point, the debt limit automatically reset to the old cap plus whatever Treasury borrowed during the suspension period.

What does raising the debt ceiling accomplish? Despite some politicians' incorrect assertions, raising the debt ceiling does not give the government a "license to spend more."

It simply lets Treasury borrow the money it needs to pay all U.S. bills in full and on time. Those bills are for services already performed and entitlement benefits already approved by Congress. In other words, it's a license to pay the bills the country incurs as a result of past decisions made by lawmakers from both parties over the years.

Refusing to raise the debt ceiling is "not like cutting up your credit cards. It's like cutting up your credit card bills," said historian Joseph Thorndike, who has written about past debt crises.

How high is it today? The debt ceiling was reset at $16.699 trillion on May 19, up from the $16.394 trillion where it was before the suspension.

Since then, Treasury has been forced to use "extraordinary measures" to keep the country from breaching the limit.

Treasury Secretary Jack Lew said those measures will be exhausted by mid-October, after which he will only have $50 billion on hand, plus incoming revenue to pay what's owed. Sounds like a lot, but it won't last long.

How long will it last? An analysis by the Bipartisan Policy Center estimates that the Treasury will no longer be able to pay all bills in full and on time at some point between Oct. 18 and Nov. 5.

So, you're saying they only have a few weeks to work this out? Yup.

House Republicans say they will demand spending cuts and fiscal reforms in exchange for their support of a debt ceiling increase. The White House, meanwhile, has said it won't negotiate quid pro quos.

The question is when will Republicans or the White House -- or both - bend in the standoff? If recent history is any guide it likely will be just in the nick of time.

And there's no telling how creative the deal they cut will be.

But any bad blood created along the way almost certainly would poison other budget negotiations.

### link

#### Despite unpopularity of using Targeted Killing—Critics aren’t touching it because to do so would DESTROY obama’s agenda

HUGHES 2/6/13 White House Correspondent—The Washington Examiner [Brian Hughes, Obama's base increasingly wary of drone program, http://washingtonexaminer.com/obamas-base-increasingly-wary-of-drone-program/article/2520787]

The heightened focus on President Obama's targeted killings of American terror suspects overseas has rattled members of his progressive base who have stayed mostly silent during an unprecedented use of secret drone strikes in recent years.

During the presidency of George W. Bush, Democrats, including then-Sen. Obama, hammered the administration for employing enhanced interrogation techniques, which critics labeled torture.

Liberals have hardly championed the president's drone campaign but have done little to force changes in the practice, even as the White House touts the growing number al Qaeda casualties in the covert war.

The issue grates on some Democrats who backed Obama over Hillary Clinton because of her vote in favor of the war in Iraq, only to see the president ignore a campaign promise to close the detainee holding camp in Guantanamo, Cuba, and mount a troop surge in Afghanistan.

With the confirmation hearing Thursday for John Brennan, Obama's nominee for CIA director -- and the architect of the drone program -- Democrats will have a high-profile opportunity to air their concerns over the controversial killings.

"You watch and see -- the left wing of the party will start targeting Obama over this," said Larry Sabato, a political scientist at the University of Virginia. "It's inevitable. The drumbeat will increase as time goes on, especially with each passing drone strike."

Obama late Wednesday decided to share with Congress' intelligence committees the government's legal reasoning for conducting drones strikes against suspected American terrorists abroad, the Associated Press reported. Lawmakers have long demanded to see the full document, accusing the Obama administration of stonewalling oversight efforts.

Earlier in the day, one Democrat even hinted at a possible filibuster of Brennan if given unsatisfactory answers about the drone program.

"I am going to pull out all the stops to get the actual legal analysis, because with out it, in effect, the administration is practicing secret law," said Sen. Ron Wyden, D-Ore., a member of the Senate Select Intelligence Committee. "This position is no different [than] that the Bush administration adhered to in this area, which is largely 'Trust us, we'll make the right judgments.' "

In a Justice Department memo released this week, the administration argued it could order the killing of a suspected American terrorist even with no imminent threat to the homeland.

White House press secretary Jay Carney insisted on Wednesday that the administration had provided an "unprecedented level of information to the public" about the drone operations. Yet, questions remain about who exactly orders the killings, or even how many operations have been conducted.

"There's been more noise from senators expressing increased discomfort [with the drone program]," said Joshua Foust, a fellow at the American Security Project. "For Brennan, there's going to be more opposition from Democrats than Republicans. It's not just drones but the issue of torture."

Facing concerns from liberals, Brennan had to withdraw his name from the running for the top CIA post in 2008 over his connections to waterboarding during the Bush administration.

Since becoming president, Obama has championed and expanded most of the Bush-era terror practices that he decried while running for the White House in 2008.

It's estimated that roughly 2,500 people have died in drone strikes conducted by the Obama administration.

However, most voters have embraced the president's expanded use of drone strikes. A recent Pew survey found 62 percent of Americans approved of the U.S. government's drone campaign against extremist leaders. And some analysts doubted whether Democratic lawmakers would challenged Obama and risk undermining his second-term agenda.

"Democrats, they're going to want the president to succeed on domestic priorities and don't want to do anything to erode his political capital," said Christopher Preble, vice president for defense and foreign policy studies at the Cato Institute. "It's just so partisan right now. An awful lot of [lawmakers] think the president should be able to do whatever he wants."

#### GOP hates the aff—support for broad targeted killing powers

Savage 11 [Charlie Savage, newspaper reporter in Washington, D.C., with the New York Times, “In G.O.P. Field, Broad View of Presidential Power Prevails”, Herald Tribune, December 20, 2011, http://www.heraldtribune.com/article/20111229/ZNYT02/112293016/-1/news?Title=In-G-O-P-Field-Broad-View-of-Presidential-Power-Prevails]

WASHINGTON — Even as they advocate for limited government, many of the Republican presidential candidates hold expansive views about the scope of the executive powers they would wield if elected — including the ability to authorize the targeted killing of United States citizens they deem threats and to launch military attacks without Congressional permission.

### 2NC/1NR—Losers Lose

#### The plan is a loss—the decline in Authority undermines the presidency. That’s Kriner

#### Losers LOSE—perception matters

LOOMIS 7—Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown [Andrew J. Loomis, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php]

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context,

In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not.

Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies

The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

### Royal

#### Economic decline causes war—strong statistical support.

Royal 10 — Jedidiah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, M.Phil. Candidate at the University of New South Wales, 2010 (“Economic Integration, Economic Signalling and the Problem of Economic Crises,” *Economics of War and Peace: Economic, Legal and Political Perspectives*, Edited by Ben Goldsmith and Jurgen Brauer, Published by Emerald Group Publishing, ISBN 0857240048, p. 213-215)

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow.

First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown.

Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult [end page 213] to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4

Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write,

The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89)

Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions.

Furthermore, crises generally reduce the popularity of a sitting government. “Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force.

In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. [end page 214] Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider the occurrence of and conditions created by economic crises. As such, the view presented here should be considered ancillary to those views.