### T 2AC

#### 1. We meet and CI -- statutory restrictions include 5 things

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

#### Restriction means a limit or qualification, and includes conditions on action

CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition.").

P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

#### **2. Prefer it**

#### **a) Predictability -- exclusive interps are key to resolutional stability -- best for limits and pre-round research**

#### **b) Education -- interbranch consultation is the heart of the literature and is how congress has restricted the president in the past -- we provide the best real world education**

#### 3. Reasonability -- competing interpretations are arbitrary and make aff prep impossible

### 2AC Security

#### 1. Framework – The role of the ballot is policy simulation

#### 1. Moots the 1AC and makes it impossible to weigh case—kills fairness

#### 2. Kills topic education and shifts the focus to stale K debates

#### 2. Perm do both – double bind – if the alt is strong enough to overcome the squo then it can overcome the plan

#### 3. Case Outweighs – Cyber attacks are inevitable – our response will be heightened by FEAR – the aff is the K. Perm non mutually exclsusive parts solves

#### A) Uniqueness matters – US has already constructed threats – the military perceives things a certain way – plan addresses proximate causes while the alt is a retreat from politics

#### Securitizing cyber space is the ONLY way to prevent large scale cyber war – the alt can’t solve fast enough or change US doctrine – vulnerability creates a Unique need for it

Pickin 12 (Matthew, MA War Stuides – Kings College, “What is the securitization of cyberspace? Is it a problem?”, http://www.academia.edu/3100313/What\_is\_the\_securitization\_of\_cyberspace\_Is\_it\_a\_problem)

In evaluating whether securitization of cyberspace is a problem, it is very clear that securitization is a growing concern with many complications. There are many issues including privacy, regulation, surveillance, internet regulation and the growing tension in the international system. However, because the United States is a superpower contesting with other cyber-heavyweights such as Iran, Russia and China the issue will not be de-securitized in the short term. With the discovery and use of cyber-weapons, many states are in the process of making their own for defensive and offensive purposes. The government of the United States will not de-securitize the issue of cyberspace while there are rival states and groups which prove a threat to the national security agenda. These problems will continue to exist until there is no defensive agenda and the issue is de-securitized, for now securitization is a necessary evil.

#### B) Alt can’t solve quickly enough – attack happens within a year – try or die political approaches are key

#### C) Dissident IR -- politicization and critique reproduces sovereignty and exploitation. Only political action within international relations can break the shackles of global oppression

Agathangelou and Ling, 1997 (Anna M., Director of the Global Change Institute in Nicosia and Former Assistant Professor of Women’s Studies and Politics at Oberlin; L.H.M., Institute of Social Studies at the Hague, Studies in Political Economy, v54, Fall, p. 7-8)

Yet, ironically if not tragically, dissident IR also paralyzes itself into non-action. While it challenges the status quo, dissident IR fails to transform it. Indeed, dissident IR claims that a “coherent” paradigm or research program – even an alternative one – reproduces the stifling parochialism and hidden power-mongering of sovereign scholarship “Any agenda of global politics informed by critical social theory perspectives”, write Jim George “must forgo the simple, albeit self-gratifying, options inherent in ready-made alternative Realisms and confront the dangers, closures, paradoxes, and complicities associated with them.” Even references to a “real world”, dissidents argue, repudiate the very meaning of dissidence given their sovereign presumption of a universalizable, testable Reality. What dissident scholarship opts for, instead, is a sense of disciplinary crisis that “resonates with the effects of marginal and dissident movements in all sorts of other localities.” Despite its emancipatory intentions, this approach effectively leaves the prevailing prison of sovereignty intact. It doubly incarcerates when dissident IR highlights the layers of power that oppress without offering a heuristic, not to mention a program, for emancipatory action. Merely politicizing the supposedly non-political neither guides emancipatory action nor guards it against demagoguery. At best, dissident IR sanctions a detached criticality rooted (ironically) in Western modernity. Michael Shapiro, for instance, advises the dissident theorist to take “a critical distance” or “position offshore” from which to “see the possibility of change.” But what becomes of those who know they are burning the hells of exploitation, racism, sexism, starvation, civil war, and the like while the esoteric dissident observes “critically” from offshore? What hope do they have of overthrowing these shackles of sovereignty? In not answering these questions, dissident IR ends up reproducing, despite avowals to the contrary, the sovereign outcome of discourse divorced from practice, analysis from policy, deconstruction from reconstruction, particulars from universals, and critical theory from problem-solving.

#### Reframing isn’t sufficient. Security framing is a pre-requisite for changing authority.

David **COLE** Law @ Georgetown **’12** “Confronting the Wizard of Oz: National Security, Expertise, and Secrecy” CONNECTICUT LAW REVIEW 44 (5) p. 1629-1633

Rana is right to focus our attention on the assumptions that frame modern Americans' conceptions about national security, but his assessment raises three initial questions. First, it seems far from clear that there ever was a "golden" era in which national security decisions were made by the common man, or "the people themselves," as Larry Kramer might put it.8 Rana argues that neither Hobbes nor Locke would support a worldview in which certain individuals are vested with superior access to the truth, and that faith in the superior abilities of so-called "experts" is a phenomenon of the New Deal era. 9 While an increased faith in scientific solutions to social problems may be a contributing factor in our current overreliance on experts,' 0 I doubt that national security matters were ever truly a matter of widespread democratic deliberation. Rana notes that in the early days of the republic, every able-bodied man had to serve in the militia, whereas today only a small (and largely disadvantaged) portion of society serves in the military." But serving in the militia and making decisions about national security are two different matters. The early days of the Republic were at least as dominated by "elites" as today. Rana points to no evidence that decisions about foreign affairs were any more democratic then than now. And, of course, the nation as a whole was far less democratic, as the majority of its inhabitants could not vote at all. 12 Rather than moving away from a golden age of democratic decision-making, it seems more likely that we have simply replaced one group of elites (the aristocracy) with another (the experts). Second, to the extent that there has been an epistemological shift with respect to national security, it seems likely that it is at least in some measure a response to objective conditions, not just an ideological development. If so, it's not clear that we can solve the problem merely by "thinking differently" about national security. The world has, in fact, become more interconnected and dangerous than it was when the Constitution was drafted. At our founding, the oceans were a significant buffer against attacks, weapons were primitive, and travel over long distances was extremely arduous and costly. The attacks of September 11, 2001, or anything like them, would have been inconceivable in the eighteenth or nineteenth centuries. Small groups of non-state actors can now inflict the kinds of attacks that once were the exclusive province of states. But because such actors do not have the governance responsibilities that states have, they are less susceptible to deterrence. The Internet makes information about dangerous weapons and civil vulnerabilities far more readily available, airplane travel dramatically increases the potential range of a hostile actor, and it is not impossible that terrorists could obtain and use nuclear, biological, or chemical weapons. 13 The knowledge necessary to monitor nuclear weapons, respond to cyber warfare, develop technological defenses to technological threats, and gather intelligence is increasingly specialized. The problem is not just how we think about security threats; it is also at least in part objectively based. Third, deference to expertise is not always an error; sometimes it is a rational response to complexity. Expertise is generally developed by devoting substantial time and attention to a particular set of problems. We cannot possibly be experts in everything that concerns us. So I defer to my son on the remote control, to my wife on directions (and so much else), to the plumber on my leaky faucet, to the electrician when the wiring starts to fail, to my doctor on my back problems, and to my mutual fund manager on investments. I could develop more expertise in some of these areas, but that would mean less time teaching, raising a family, writing, swimming, and listening to music. The same is true, in greater or lesser degrees, for all of us. And it is true at the level of the national community, not only for national security, but for all sorts of matters. We defer to the Environmental Protection Agency on environmental matters, to the Federal Reserve Board on monetary policy, to the Department of Agriculture on how best to support farming, and to the Federal Aviation Administration and the Transportation Security Administration on how best to make air travel safe. Specialization is not something unique to national security. It is a rational response to an increasingly complex world in which we cannot possibly spend the time necessary to gain mastery over all that affects our daily lives. If our increasing deference to experts on national security issues is in part the result of objective circumstances, in part a rational response to complexity, and not necessarily less "elitist" than earlier times, then it is not enough to "think differently" about the issue. We may indeed need to question the extent to which we rely on experts, but surely there is a role for expertise when it comes to assessing threats to critical infrastructure, devising ways to counter those threats, and deploying technology to secure us from technology's threats. As challenging as it may be to adjust our epistemological framework, it seems likely that even if we were able to sheer away all the unjustified deference to "expertise," we would still need to rely in substantial measure on experts. The issue, in other words, is not whether to rely on experts, but how to do so in a way that nonetheless retains some measure of self-government. The need for specialists need not preclude democratic decision-making. Consider, for example, the model of adjudication. Trials involving products liability, antitrust, patents, and a wide range of other issues typically rely heavily on experts.' 4 But critically, the decision is not left to the experts. The decision rests with the jury or judge, neither of whom purports to be an expert. Experts testify, but do so in a way that allows for adversarial testing and requires them to explain their conclusions to laypersons, who render judgment informed, but not determined, by the expert testimony. Similarly, Congress routinely acts on matters over which its members are not experts. Congress enacts laws governing a wide range of very complex issues, yet expertise is not a qualification for office. Members of Congress, like many political appointees in the executive branch, listen to and consider the views of experts to inform their decisions. Congress delegates initial consideration of most problems to committees, and by serving on those committees and devoting time and attention to the problems within their ambit, members develop a certain amount of expertise themselves. They may hire staff who have still greater expertise, and they hold hearings in which they invite testimony from still other experts. But at the end of the day, the decisions about what laws should be passed are made by the Congress as a whole, not by the experts. A similar process operates in the executive branch. The President and Vice-President generally need not be experts in any particular field, and many of the cabinet members they appoint are not necessarily experts either. They are managers and policy makers. They spend much of their day being briefed by people with more specialized expertise than they have. But at the end of the day, the important decisions are made by politically accountable actors. Thus, deference to experts need not preclude independent or democratically accountable decision-making. The larger problem may be one that Rana notes but does not sufficiently emphasize-an inordinate reliance on classified information and covert operations. 5 Secrecy is in many ways the ultimate enemy of democracy in the national security realm. 16 As Judge Damon Keith has written, "democracy dies behind closed doors.' ' 7 The experts in the intelligence community have the power to hide their decisions from external review and checks by classifying the information they consider or the actions they take.18 Even if they do so in good faith, the inevitable result is that their actions are increasingly insulated from scrutiny by others and immune from democratic checks. Virtually everyone who has had access to classified information concedes that the system leads to massive over-classification. 19 Our overreliance on secrecy may well be more central to the problem of inordinate deference than assumptions about the nature of knowledge regarding security. And in any event, the problems are mutually reinforcing. The inaccessibility of the information the experts rely upon compels us to defer to them because we lack sufficient grounds to question them. And that, in turn, may well make the experts more protective of their information and more likely to classify their actions, decisions, and considerations.

#### Call for end of security frame sparks American natioanalist backlash and international chaos – we should channel American identity productively.

Michael **HUNT** History @ UNC (Chapel Hill) **‘9** *Ideology and U.S. Foreign Policy* p. 214-218

The third and last facet of the momentous U.S . encounter with the world was the establishment of pervasive economic and cultural influence-what might be described as hegemony. Woodrow Wilson gave voice to hege- monic aspirations that had in view (prematurely, to be sure) nothing less than the remaking of the world. Already in the 1920s American values and institutions were having a widening impact, and they grew even greater after World War II. Washington's success at establishing an international leadership historically unprecedented in its breadth had important ideological consequences. Above all, it confirmed long-standing assumptions about an exceptional U.S. role in the world: people everywhere must deep down admire Americans, would gladly (if possible) become American, and surely looked to Washington as a repository of wisdom to which all countries should defer. Less noticed was how this special postwar standing created problems at home and set limits on U.S. action abroad. Dominance spawned resentments that on occasion inspired direct resistance and made hegemony more difficult to exercise. Faced with surly foreigners, perplexed officials tried to speak more clearly or more loudly. But the angry voices persisted, while a consumer-minded electorate wondered why bother with a benighted and ungrateful world. More serious still, these claims to international leadership imposed constraints on U.S. policymakers and their public. Americans had to actually know something about the world they claimed to lead. This was an inherently difficult task given the breadth of the U.S. reach. Making it even more trying was the notoriously insular nature of U.S. society, with its strongly nationalist bent shaped by animosity to one external threat after another. Compounding the problem, the public put an ever-higher value on individualism and consumerism. Citizens devoted to their distinctly materialist and individualist sense of the good life wanted ever-rising abundance and proved allergic, even phobic, when faced with military service or higher taxes. Further complicating the exercise of hegemony, policymakers limited their own freedom of action by paying obeisance to the invisible hand of the marketplace and embracing the utopian notion of a world turned over to international market forces in which corporations rather than states represented the highest form of human organization and activity. Policymakers operating on the global stage found themselves bound in yet another way-by the need to pay attention to the opinion of other international leaders as the price for securing deference and maintaining legitimacy. These crosscurrents engulfing U.S. policymakers over the twentieth century are an important part of any effort to understand the career of my core policy ideas. These several neglected dimensions to my argument have major implications for the controversial call in the concluding chapter of Ideology for a more modest (some might say "isolationist") foreign policy. I now have to concede that I was on the wrong trail. The United States is now implicated in world affairs in such a deep and complex fashion that a retreat is hard to imagine and if attempted might produce dire consequences overseas, notably a breakdown of global integration, with international anarchy a likely prospect. Moreover, an assertive U.S. nationalism is so important in providing social glue for a diverse, mobile people that a repudiation of the country's leading role on the international stage might well prove deeply divisive at home and spawn bitter cries of betrayal. Finally, pressing domestic problems are now inextricably entangled with international trends and pressures, ranging from climate change to global finance and trade to resource scarcity to immigrant pressures generated by failed states and stagnant economies. Rather than calling for a more modest foreign policy, I would now praise mid-twentieth-century U.S.leaders for following a visionary policy that included the Bretton Woods reforms for the international economy, the creation of the United Nations and other international organizations, the assertion of basic human rights, the decision to hold state leaders responsible for their crimes, and the priority given to economic recovery and relief. These measures were all conducive to world order and prosperity. U.S. leaders in recent decades deserve censure precisely because they neglected or even repudiated the public goods that the United States as hegemon is obligated to provide. A policy at once more territorially interventionist (imperial) and hands-off (neoliberal) in matters of global governance endangers the system of values and institutions promoted in the wake of World War II. The problem I am left with today is not much different from the one that haunted me in the conclusion of Ideology twenty years ago. How does one create an ideological foundation for a different kind of policy-one that serves the American people well while also advancing the cause of human welfare? Reflecting on this question has provided a chastening but useful reminder that ideologies are a lot easier to identify and explore than to construct or transform.

#### Reps =/= wars

Rodwell 5—PhD candidate, Manchester Met. (Jonathan, Trendy But Empty: A Response to Richard Jackson, http://www.49thparallel.bham.ac.uk/back/issue15/rodwell1.htm, AMiles)

In this response I wish to argue that the Post-Structural analysis put forward by Richard Jackson is inadequate when trying to understand American Politics and Foreign Policy. The key point is that this is an issue of methodology and theory. I do not wish to argue that language is not important, in the current political scene (or indeed any political era) that would be unrealistic. One cannot help but be convinced that the creation of identity, of defining ones self (or one nation, or societies self) in opposition to an ‘other’ does indeed take place. Masses of written and aural evidence collated by Jackson clearly demonstrates that there is a discursive pattern surrounding post 9/11 U.S. politics and society. [i] Moreover as expressed at the start of this paper it is a political pattern and logic that this language is useful for politicians, especially when able to marginalise other perspectives. Nothing illustrates this clearer than the fact George W. Bush won re-election, for whatever the reasons he did win, it is undeniable that at the very least the war in Iraq, though arguable far from a success, at the absolute minimum did not damage his campaign. Additionally it is surely not stretching credibility to argue Bush performance and rhetoric during the immediate aftermath of the 9/11 attacks also strengthened his position. However, having said that, the problem is Jackson’s own theoretical underpinning, his own justification for the importance of language. If he was merely proposing that the understanding of language as one of many causal factors is important that would be fine. But he is not. The epistemological and theoretical framework of his argument means the ONLY thing we should look at is language and this is the problem.[ii] Rather than being a fairly simple, but nonetheless valid, argument, because of the theoretical justification it actually becomes an almost nonsensical. My response is roughly laid out in four parts. Firstly I will argue that such methodology, in isolation, is fundamentally reductionist with a theoretical underpinning that does not conceal this simplicity. Secondly, that a strict use of post-structural discourse analysis results in an epistemological cul-de-sac in which the writer cannot actually say anything. Moreover the reader has no reason to accept anything that has been written. The result is at best an explanation that remains as equally valid as any other possible interpretation and at worse a work that retains no critical force whatsoever. Thirdly, possible arguments in response to this charge; that such approaches provide a more acceptable explanation than others are, in effect, both a tacit acceptance of the poverty of force within the approach and of the complete lack of understanding of the identifiable effects of the real world around us; thus highlighting the contradictions within post-structural claims to be moving beyond traditional causality, re-affirming that rather than pursuing a post-structural approach we should continue to employ the traditional methodologies within History, Politics and International Relations. Finally as a consequence of these limitations I will argue that the post-structural call for ‘intertextuals’ must be practiced rather than merely preached and that an understanding and utilisation of all possible theoretical approaches must be maintained if academic writing is to remain useful rather than self-contained and narrative. Ultimately I conclude that whilst undeniably of some value post-structural approaches are at best a footnote in our understanding . The first major problem then is that historiographically discourse analysis is so capacious as to be largely of little use. The process of inscription identity, of discourse development is not given any political or historical context, it is argued that it just works, is simply a universal phenomenon. It is history that explains everything and therefore actually explains nothing. To be specific if the U.S. and every other nation is continually reproducing identities through ‘othering’ it is a constant and universal phenomenon that fails to help us understand at all why one result of the othering turned out one way and differently at another time. For example, how could one explain how the process resulted in the 2003 invasion of Iraq but didn’t produce a similar invasion of Afghanistan in 1979 when that country (and by the logic of the Regan administrations discourse) the West was threatened by the ‘Evil Empire’. By the logical of discourse analysis in both cases these policies were the result of politicians being able to discipline and control the political agenda to produce the outcomes. So why were the outcomes not the same? To reiterate the point how do we explain that the language of the War on Terror actually managed to result in the eventual Afghan invasion in 2002? Surely it is impossible to explain how George W. Bush was able to convince his people (and incidentally the U.N and Nato) to support a war in Afghanistan without referring to a simple fact outside of the discourse; the fact that a known terrorist in Afghanistan actually admitted to the murder of thousands of people on the 11h of Sepetember 2001. The point is that if the discursive ‘othering’ of an ‘alien’ people or group is what really gave the U.S. the opportunity to persue the war in Afghanistan one must surly wonder why Afghanistan. Why not North Korea? Or Scotland? If the discourse is so powerfully useful in it’s own right why could it not have happened anywhere at any time and more often? Why could the British government not have been able to justify an armed invasion and regime change in Northern Ireland throughout the terrorist violence of the 1980’s? Surely they could have just employed the same discursive trickery as George W. Bush? Jackson is absolutely right when he points out that the actuall threat posed by Afghanistan or Iraq today may have been thoroughly misguided and conflated and that there must be more to explain why those wars were enacted at that time. Unfortunately that explanation cannot simply come from the result of inscripting identity and discourse. On top of this there is the clear problem that the consequences of the discursive othering are not necessarily what Jackson would seem to identify. This is a problem consistent through David Campbell’s original work on which Jackson’s approach is based[iii]. David Campbell argued for a linguistic process that ‘always results in an other being marginalized’ or has the potential for ‘demonisation’[iv]. At the same time Jackson, building upon this, maintains without qualification that the systematic and institutionalised abuse of Iraqi prisoners first exposed in April 2004 “is a direct consequence of the language used by senior administration officials: conceiving of terrorist suspects as ‘evil’, ‘inhuman’ and ‘faceless enemies of freedom creates an atmosphere where abuses become normalised and tolerated”[v]. The only problem is that the process of differentiation does not actually necessarily produce dislike or antagonism. In the 1940’s and 50’s even subjected to the language of the ‘Red Scare’ it’s obvious not all Americans came to see the Soviets as an ‘other’ of their nightmares. And in Iraq the abuses of Iraqi prisoners are isolated cases, it is not the case that the U.S. militarily summarily abuses prisoners as a result of language. Surely the massive protest against the war, even in the U.S. itself, is also a self evident example that the language of ‘evil’ and ‘inhumanity’ does not necessarily produce an outcome that marginalises or demonises an ‘other’. Indeed one of the points of discourse is that we are continually differentiating ourselves from all others around us without this necessarily leading us to hate fear or abuse anyone.[vi] Consequently, the clear fear of the Soviet Union during the height of the Cold War, and the abuses at Abu Ghirab are unusual cases. To understand what is going on we must ask how far can the process of inscripting identity really go towards explaining them? As a result at best all discourse analysis provides us with is a set of universals and a heuristic model.

#### No root cause of war so changing existing norms alone fails– counter-cultural pressures require political agency that respects the power of dominant systems.

Jack **SNYDER** IR @ Columbia **’12** in *Power and Progress* p. 88-92

The end of the Cold War has given rise to hopes among many international relations scholars and public activists that a dramatic transformation in world politics is now unfolding. They contend that changes in norms, ideas, and culture have the power to tame the historically war-prone nature of international anarchy. ' This analysis and the prescriptions that follow from it exaggerate the autonomy of ideas and culture in shaping behavior in anarchy. A rich body of research on war by anthropologists suggests that ideas and culture are best understood not as autonomous but as embedded in complex social systems shaped by the interaction of material circumstances, institutional arrangements, and strategic choices, as well as by ideas and culture. Cultural prescriptions that ignore these multifaceted interactions will provide a poor road map to guide strategies of global change. Those who foresee substantial opportunities to transform the war-prone international system into a realm governed by benign norms contend that "anarchy is what states make of it."2 In their view, culture, defined as shared knowledge or symbols that create meaning within a social group, determines whether behavior in the absence of a common governing authority is bloody or benign. If more benign ideas and identities are effectively spread across the globe through cultural change and normative persuasion, then "ought" can be transformed into "is". Support for warlike dictators can be undermined, perpetrators of war crimes and atrocities can be held accountable, benign multicultural identities can be fostered, and international and civil wars w ill wane3 These academic concepts have a potent counterpart in the international human rights approach of activist organizations 4 In contrast, skeptics about such transformations argue that anarchy, whether among states coexisting in a self- help system or among contending groups inside collapsed states , gives rise to an inescapable logic of insecurity and competition that culture cannot trump5 These skeptics fear that a transformative attempt to supersede self-help behavior amounts to reckless overreaching that will create backlashes and quagmires. Ironically, in this view, the idealist vanguard of the new world order will need to rely increasingly on old-fashioned military and economic coercion in a futile effort to change world culture for the better.6 This is a debate of compelling intellectual and practical import. It lays bare the most fundamental assumptions about the nature of world politics that underpin real policy choices about the deployment of the vast military, economic, and moral resources of the United States and other wealthy democraci es. However, some of the leading voices in this debate, both in academic and broader public settings, overlook the decisive interplay between situational constraints and the creation of culture. Prophets of transformation sometimes assert that politics in anarchy and society is driven by " ideas almost all the way down." They dismiss as negligible what Alexander Wendt ca lls "rump" material constraints rooted in biology, the physical environment, or other circumstances unalterable through changes in symbolism.7 For them, "agency" by political actors committed to social change consists primarily in working to alter prevailing principled ideas, such as promoting the norm of universal jurisdiction in the case of crimes against humanity. In contrast, working for improved outcomes within existing constraints of material power, for example, by bargaining with still powerful human rights abusers, does not count for them as true "agency"; rather it is mere myopic "problem solving" within constraints8 Conversely, when prophets of continuity discuss culture at all, they treat it as a largely unchangeable force that may have some effect in constituting the units competing for security but that has at most a secondary effect on strategic interactions between those units, which are driven mainly by the logic of the anarchical situation9 This is an unnecessarily truncated menu of possibilities for imagining the relationship between anarchy and culture. Ironically, in light of the ambitiously activist agenda of the proponents of cultural approaches to international relations, their one-dimensional approach limits agents to a peculiarly circumscribed set of tools for promoting political change. A more promising approach would integrate the material, institutional, and cultural aspects of social change, drawing on the insights of theories of complex systems. Robert Jervis reminds us that the elements of complex systems, such as international anarchy, are highly interconnected and consequently the behavior of the system as a whole cannot be understood just by examining its separate parts.10 In a tightly coupled system, a change in one of its aspects, such as norms or ideas, is unlikely to have simple, linear effects . T he consequences of any change can be predicted only by considering its interaction with other attributes of the system. For example, whether the spread of the concept of national self-determination promotes peace or war may depend on the material and institutional setting in which it occurs. Negative feedback may cancel out a change that is at odds with the self-correcting logic of the system as a whole. Conversely, in unstable systems, positive feedback may amplify the effects of small changes. More complicated feedback effects may also be possible, depending on the nature of the system. Actions in a system may have different consequences when carried out in different sequences. In social systems, outcomes of an actor's plans depend on strategic interactions with the choices of other independent decision nl.akers. For example, projects for cultural change are likely to provoke cultural counterprojects from those threatened by them. Even in "games against nature," changes in behavior may transform the material setting in ways that foil actors' expectation s. For all these reasons, system effects are likely to skew or derail transformative efforts that focus narrowly on changing a single aspect of social life, such as norms and ideas. All of these system effects are relevant to understanding the effect of culture on conflict in anarchy. As I describe later, anthropological research on war shows that ideas, norms, and culture are typically interconnected with the material and institutional elements of anarchical social systems in ways that produce the full panoply of Jervis's system effects. In such systems, efforts to promote cultural transformation need to take into account the material and situational preconditions that sustain these developments; otherwise they are likely to produce unintended consequences. Underestimating situational constraints is just as dangerous and unwarranted as reifying them. Testing the effects of culture: insights from the anthropology of war Current debates about anarchy and culture have been carried out largely at the level of abstract philosophy and visceral morality. Ultimately, however, the impact of culture on war in anarchy is an empirical question. What evidence should be examined? To assess the claim that behavior in an anarchical system is what the units and their culture make of it, the obvious methodological move is to vary the culture of the units or of the system as a whole and then assess the effect on behavior. Reasonably enough, some scholars who see anarchical behavior as culturally constructed examine contemporary changes, such as the peaceful end of the Cold War, the emergence of the democratic peace, and the purported current strengthening of human rights norms. 11 In assessing such developments , it is difficult to distinguish the hopes of transitional moments from enduring trends . These kinds of tests, while not irrelevant , are not well designed to disentangle the effects of autonomous changes in ideas and culture from the effects of selfjustifying US hegemonic power, an ideological pattern that was quite familiar in the old world order. Other scholars try to show that the progenitor of the contemporary international system-the historical European balance-of-power system among sovereign states-was itself a by-product of ideas, such as the Protestant Reformation or analogies between sovereignty and individual property rights.12 The implication is that whatever has been established by ideas can also be dismantled by ideas. However, it is not a simple task to disentangle the effects of war, state formation, and ideological change on the emergence of the competitive states system. 13 Arguably, a comparison of the European system with behavior in other anarchical state systems offers a methodologically cleaner way to vary culture and assess its effects. However, when cultural constructivists do look at behavior in anarchies in cultural settings radically different from our own, they sometimes fail to exploit obvious opportunities for focused comparison. For example, Ian Johnston's prominent book Cultural Realism shows how the strategic wisdoms of the anarchical ancient Chinese Warring States system were passed down to future generations to constitute a warlike strategic "culture." His adherence to a cultural account of Chinese strategic practices remains untroubled by the fact that these ideas and practices are similar to those of the anarchic European balance- ofpower system, the ancient Greek city-states, and the ancient Indian states system described by Kautilya, a set of cultures diverse in almost every way except their strategic behavior. 14 At a first approximation, it would seem from this evidence that state behavior in anarchy is not fundamentally altered by variations in culture. This is not to deny that cultural differences may have influenced the meaning the actors imputed to their military behavior, some of the goals for which they fought, and some political features of these anarchical systems. Nonetheless, the evidence from historical state systems strongly suggests that the situational incentives of anarchy have significantly shaped strategic behavior in ways that transcend culture. Constructivists have paid less attention to another body of evidence ideally suited to assessing the effects of variations in culture on behavior in anarchy. For decades, anthropologists have been amassing a theoretically rich, empirically substantial, and methodologically self-aware body of statistical and case- study research on the relationship between war and culture in stateless societies and preindustrial anarchic systems. 15 Many of the causal factors and processes they examine will seem strikingly familiar to students of modern international relations-for example, security fears, economic rivalry between groups, economic interdependence, the institutionalization of cooperative ties across political units, the popular accountability of decision makers, and the nature of identities and cultural symbolism of the political units and of the anarchic system as a whole. Notwithstanding the familiarity of these categories, the kinds of societies anthropologists of war study differ vastly from contemporary, industrialized, bureaucratized societies, and thus research findings on the anthropological history of war can not simply be read off and applied to debates about the construction of culture in today's "new world order." Indeed, a central part of the constructivist claim is that the spread of a new democratic culture may be on the verge of making obsolete all those old cultural patterns, whether those of the Cold War, the ancient Chinese Warring States, or warring villages in the Venezuelan jungle. 16 Moreover, evidence based on technologically primitive societies, some of which lack the minimal economic resources needed for assured survival, may load the dice in favor of explanations based on material pressures. However, following the arguments ofDurkheim or Weber, one could also argue that this type of evidence is biased in favor of cultural explanations on the grounds that social solidarity in such societies is achieved more through cultural rituals than through differentiated, rational- legal institutions

### 2AC Consult Congress (NU)

#### Perm do the CP – it’s a function of how the aff could go down – consult is a check on xo power

#### restrict means they must place conditions under which the mission or role should happen

Cambridge Dictionary of American English, 09 (http://dictionary.cambridge.org/define.asp?key=restrict\*1+0&dict=A)

restrict

verb [T]
to limit (an intended action) esp. by setting the conditions under which it is allowed to happen
*The state legislature voted to restrict development in the area.
Efforts are under way to further restrict cigarette advertising.*

#### Consult is within that limit

YOST 89 Division of Enforcement, Securities and Exchange Commission - US Government [Mark J. Yost, Self Defense or Presidential Pretext? The Constitutionality of Unilateral Preemptive Military Action, Georgetown Law Journal, December, 1989, 78 Geo. L.J. 415]

The Framers intended Congress, and not the President, to determine the extent of our military involvement. n157 As a result, the Constitution grants Congress the vast majority of enumerated powers dealing with the military and warmaking. n158 Further, the Framers explicitly stated that the President neither should nor could declare war. n159 The Framers sought to avoid the British model of executive power, in which the monarch could both declare and make war, and they intended their textual grants to constrain the President. n160 They would be surprised to learn that the vagueness of their grants has led to a decisive accretion of executive power.

The shift away from congressional control of the warmaking process has offended the Framers' majoritarian principles. The Constitution and comity require that the President involve Congress in any exercise of the war powers. n161 Professor Reveley has argued that "[t]he way in which Congress [will be] involved may well vary . . . but not the necessity that Congress be involved." n162 The [\*444] consultation mechanism proposed below promotes congressional involvement and permits Congress to check executive overreaching. At the same time, it encourages both executive efficiency and sound **war power**s decisionmaking.

#### Also it’s a statutory restriction

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)]

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.

#### The Counterplan is Bad for Debate

#### A) Artificially competitive- allows for unrelated events to become opportunity costs- causes research burden and kills education

#### B) Infinitely Regressive- there are thousands of reasons we shouldn’t be certain-they justify all of these– kills aff ground

#### C) Education- this type of counterplan can be run on any topic- just because they found a solvency advocate relating to the topic doesn’t mean that it is important for debate

#### D) Entirely Plan inclusive counterplans are bad- doesn’t prove that the plan is a bad idea-at worst vote aff on presumption

#### E) Textual competition Good- most objective – clear and predictable – allows in-depth clash – functional competition leads to judge intervention and kills the activity

#### D) And any of their counter interpretations are arbitrary- they don’t get to choose what they defend/don’t defend

#### Certainty key –

1) Ambiguity in definitions of hostilities and armed conflict creates jus in bellum problems – creates a modeling and alliance issue for the LOAC

#### Cant solve retal –

A) No checks and balances – lack of transparency and congressional checks makes pre-emptive OCO use inevitable

#### Lack of certainty makes unintended escalation inevitable

Owens et al. 09 (WILLIAM A. OWENS, AEA Holdings, Inc., Co-chair KENNETH W. DAM, University of Chicago, Co-chair THOMAS A. BERSON, Anagram Laboratories GERHARD CASPER, Stanford University DAVID D. CLARK, Massachusetts Institute of Technology RICHARD L. GARWIN, IBM Fellow Emeritus JACK L. GOLDSMITH III, Harvard Law School CARL G. O’BERRY, The Boeing Company JEROME H. SALTZER, Massachusetts Institute of Technology (retired) MARK SEIDEN, MSB Associates SARAH SEWALL, Harvard University WALTER B. SLOCOMBE, Caplin & Drysdale WILLIAM O. STUDEMAN, U.S. Navy (retired) MICHAEL A. VATIS, Steptoe & Johnson LLP, “Technology, Policy, Law, and Ethics Regarding U.S. Acquisition and Use of Cyberattack Capabilities”, pdf)

**Only a change in CHECKS AND BALANCES solve – international distrust of US policies means the cred advantage is still a DA to the CP**

Rothschild 13 (Matthew, Feb 4, "The Danger's of Obama's Cyber War Power Grab," [www.progressive.org/dangers-of-obama-cyber-war-power-grab](http://www.progressive.org/dangers-of-obama-cyber-war-power-grab))

When our founders were drafting the Constitution, they went out of their way to give warmaking powers to Congress, not the President.

They understood that if the President could make war on his own, he’d be no different than a king.

And they also understood, as James Madison said, that such power “would be too much temptation” for one man.

And so they vested that power in Congress.

But since World War II, one President after another has usurped that power.

The latest usurper is President Obama, who did so in Libya, and with drones, and now is prepared to do so in cyberspace.

According to The New York Times, the Obama Administration has concluded that the President has the authority to launch preemptive cyberattacks.

This is a very dangerous, and very undemocratic power grab.

There are no checks or balances when the President, alone, decides when to engage in an act of war.

And this new aggressive stance will lead to a cyber arms race. The United States has evidently already used cyber weapons against Iran, and so many other countries will assume that cyber warfare is an acceptable tool and will try to use it themselves.

Most troubling, U.S. cybersupremacy—and that is Pentagon doctrine—will also raise fears among nuclear powers like Russia, China, and North Korea that the United States may use a cyberattack as the opening move in a nuclear attack.

For if the United States can knock out the command and control structure of an enemy’s nuclear arsenal, it can then launch an all-out nuclear attack on that enemy with impunity. This would make such nuclear powers more ready to launch their nuclear weapons preemptively for fear that they would be rendered useless. So we’ve just moved a little closer to midnight.

Now, I don’t think Obama would use cyberwafare as a first strike in a nuclear war. But our adversaries may not be so sure, either about Obama or his successors.

They, too, worry about the temptations of a President.

B) Doesn’t decrease bureaucratic inertia – the Prez will by-pass self restraint, decreasing intertia in the chain of command is NECESSARY to solve nuclear retal – Extinction DA

#### Battles between jurisdiction in cyber space makes the propensity for cyber retaliation likely. Congressional involvement is necessary to stop bureaucratic inertia.

Moss 02 ( KENNETH B. Moss, Associate Professor, Felix Posen Chair in Modern Jewish Studies Modern Jewish history, Russia and Eastern Europe, nationalism, theory and practice of cultural history – Johns Hopkins, “Information Warfare and War Powers: Keeping the Constitutional Balance”, VOL.26:2 SUMMER/FALL 2002 p. 239 – 245 )

The last part of this scenario, involving a Presidential order to use limited military force and an ensuing disagreement with Congress over prior consultation and authorization to use force, is fairly predictable. Congress has been trying to protect its war powers-the power of declaration of war or an authorization to use force-since the 1970s through the War Powers Resolution of 1973 and other measures. But the first half of the scenario, involving "information war- fare," as it is now being called, places law and U.S. lawmakers on terra incognita. Perhaps consultation with Congress would occur with the senior Senate and House leadership, the Senate Foreign Relations Committee or the International Relations Committee in the House, as well as the intelligence committees, but it is just as likely that no consultation would take place. The role of Congress in information warfare operations is unclear because the status of such operations remains undefined in national law, international law, or the laws of warfare. Yet, if Congress is to protect its constitutional powers in war-making and the use of military force, the time has come when it must study the subject of information warfare and amend or create legislation to address this issue.

#### Perm do both

#### Perm do the CPA. Certainty and immediacy aren’t in the plan text – the counterplan isn’t separate from the mandate of the planB. Fiat doesn’t mean the plan is implemented – the resolution is a question of what the federal government should do - should means desirable or recommended, not mandatory

Words and Phrases, 2002 (“Words and Phrases: Permanent Edition” Vol. 39 Set to Signed. Pub. By Thomson West. P. 372-373)

Or. 1952. Where safety regulation for sawmill industry providing that a two by two inch guard rail should be installed at extreme outer edge of walkways adjacent to sorting tables was immediately preceded by other regulations in which word “shall” instead of “should” was used, and word “should” did not appear to be result of inadvertent use in particular regulation, use of word “should” was intended to convey idea that particular precaution involved was desirable and recommended, but not mandatory. ORS 654.005 et seq.----Baldassarre v. West Oregon Lumber Co., 239 P.2d 839, 193 Or. 556.---Labor & Emp. 2857

#### Permutation – do the plan and the counterplan in a world where \_\_\_\_\_ accepts the plan– its not severance because we’re only permuting the world where they say yes

### 2AC Flex DA (Northwestern)

#### 1) Ev is generic – prez has no flex now to declare war OR Syria proves he’s deferring to congress over regular issues

#### 2) No deterrence strategy now – their evidence is PERSCRIPTIVE not DESCRIPTIVE

#### 4) It’s impossible for the president to remain adequately flexible on cyber

Waxman ‘11

[Associate Professor, Columbia Law School; Adjunct Senior Fellow, Council on Foreign

Relations; Member of the Hoover Institution Task Force on National Security and Law. THE YALE JOURNAL OF INTERNATIONAL LAW 36:421. <http://www.yjil.org/docs/pub/36-2-waxman-cyber-attacks-and-the-use-of-force.pdf> ETB]

Such interpretive reorientation raises subsidiary doctrinal issues that¶ might not sit comfortably with extant U.S. legal positions about the resort to¶ force more generally. For example, in recent years the U.S. government has pushed an interpretation of anticipatory self-defense—the doctrinal notion that¶ a state may resort to self-defensive force in advance of an imminent attack,¶ rather than having to wait to suffer the first blow—that permits flexibility in¶ assessing the “imminence” of a threat so as to take account of the difficulty of¶ assessing when contemporary security threats are temporally immediate.72 If cyber-attacks with certain effects give rise to rights of self-defense, could an impending one give rise to such a right in advance as well? Moreover, how would a state even assess imminence in this context?73 Anticipatory selfdefense is especially difficult to evaluate in this context because even if hostile¶ cyber-attack capabilities and intentions are identified, there may be little or no¶ indication of their future timing. It may also be impossible to assess their likely consequences in advance, because modern society’s heavy reliance on¶ interconnected information systems means that the indirect secondary or¶ tertiary effects of cyber-attacks may be much more consequential than the¶ direct and immediate ones.74

#### 5) Prior – notification preserves flex

Dycus 10 (Professor Vermont Law School, “Congress’s Role in Cyber Warfare”, 8/11/2010, <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>)

Because of the grave potential consequences and the attendant need for close control and accountability, such operations should be undertaken only by government officials. These recommendations are, of course, riddled with terms that require careful definition. They also omit many critical details. Specific provisions relating to timing of notices and the requirement of consultation, for example, must be worked out between the political branches. Congress’s active role in the development and implementation of cyber warfare policy is no guarantee of national security. The policy might be flawed in various ways. There is also a risk that whatever policy is adopted will not be properly executed or that its execution will have unintended results. The policy might be misunderstood or might not provide clear or appropriate guidance in the urgent circumstances facing its interpreter. The person charged with implementing the policy might make a mistake – for example, by interpreting a potential enemy’s electronic espionage as an attack. Available cyber weaponry might not work as planned. Or a purely defensive move by U.S. operators might be construed by another nation as offensive, and provoke an attack. Nor can the clearest policy, statutory or executive, guarantee compliance by an Executive determined to ignore it.71 The rules might be construed by the President in a way that reduces the importance of Congress’s role. Or they might be challenged in court. Congress should not, however, hesitate to take the steps outlined here merely because they might produce unintended results or because they could be difficult to enforce. Exactly the same criticisms could be leveled at almost any reorganization or legislative initiative. The high stakes in this instance, and Congress’s constitutional responsibility for formulation of national security policy, mean that Congress cannot sit this one out. It might be suggested that these proposed measures would dangerously tie the President’s hands, thereby limiting her freedom to respond to unpredictable future national security threats. The very point of the recommendations, however, is that Congress should place limits on the President’s actions – to require her to share the responsibility for deciding to go to war. Even then, if the nation comes under sudden cyber or kinetic attack the President will remain free to respond as she sees fit. The United States faces unprecedented challenges from enemies equipped with new weaponry possessing vast, evolving destructive potential. The two political branches must draw on their respective expertise and experiences to work together to meet these challenges, as the Framers intended.

#### 6) We remove the zone of twilight and solve IBC which is the main barrier to effective counterstrike

CHESNEY 12 Charles I. Francis Professor in Law, University of Texas School of Law. [Robert Chesney, Military-Intelligence Convergence and the Law of the Title 10/Title 50 Debate, Journal of National Security Law & Policy, 5 J. Nat'l Security L. & Pol'y 539]

Clarify Authorization and Accountability for Cyberoperations. Operations in cyberspace tend to defy categorization by type (collection, covert action, or military activity) or geographic location. This causes problems on all the dimensions mentioned above, while also raising difficult questions regarding when an agency has the affirmative authority to conduct such operations in the first place. Legislation can resolve much of this uncertainty by (i) clarifying that the military has standing authority to conduct computer network attacks (unacknowledged or otherwise) when acting in a defensive capacity or under color of a statutory authorization for the use of military force, and (ii) providing timely notification to the House and Senate Armed Services Committees of such operations when they have or are likely to have significant consequences outside a theater of combat operations.

#### 7) Focus on credibility causes terrible policy---the aff's a better approach

Mercer 8/28/13 (Jonathan, 2013, associate professor of political science at the University of Washington in Seattle and a Fellow at the Center for International Studies at the London School of Economics. Bad Reputation, 28 August 2013, [www.foreignaffairs.com/articles/139376/jonathan-mercer/bad-reputation](http://www.foreignaffairs.com/articles/139376/jonathan-mercer/bad-reputation))

Even if Assad were so simpleminded, the administration’s critics are wrong to suggest that the president should have acted sooner to protect U.S. credibility. After the red line was first crossed, Obama could have taken the United States to war to prevent Assad from concluding that an irresolute Obama would not respond to any further attacks -- a perception on Syria’s part that seems to have now made a U.S. military response all but certain. But going to war to prevent a possible misperception that might later cause a war is, to paraphrase Bismarck, like committing suicide out of fear that others might later wrongly think one is dead.

It is also possible that the United States did not factor into Assad’s calculations. A few months before the United States invaded Iraq, Saddam Hussein’s primary concerns were avoiding a Shia rebellion and deterring Iran. Shortsighted, yes, but also a good reminder that although the United States is at the center of the universe for Americans, it is not for everyone else. Assad has a regime to protect and he will commit any crime to win the war. Finally, it is possible that Assad never doubted Obama’s resolve -- he just expects that he can survive any American response. After all, if overthrowing Assad were easy, it would already have been done.

Instead of worrying about U.S. credibility or the president’s reputation, the administration should focus on what can be done to reinforce the longstanding norm against the use of weapons of mass destruction.

### --- AT: North Korea

#### 1) Plan doesn’t PREVENT prez flex – just hast to prior- notify

#### Nope – their ev concludes ambiguity confounds deterrence

Libicki 13 - senior management scientist at the RAND Corporation. His research focuses on the impacts of information technology on domestic and national security. Libicki spent 12 years at the National Defense University, three years on the Navy staff as program sponsor for industrial preparedness, and three years as a policy analyst for the U.S. General Accounting Office's Energy and Minerals Division. Libicki received his Ph.D. in city and regional planning from the University of California, Berkeley, writing on industrial economics. (Martin C. "Brandishing Cyberattack Capabilities" National Defense Research Institute, Prepared for the Office of the Secretary of Defense, http://www.rand.org/content/dam/rand/pubs/research\_reports/RR100/RR175/RAND\_RR175.pdf)

Marching warfighters and weaponry down urban thoroughfares has been a time-honored way for states to hint at their ability to carry out war. Cyberwar capabilities, to be sure, resist such presentation. Cadres of computer geeks advancing with laptops in their rucksacks somehow do not inspire the same awe. The inability to display power points to a larger dilemma of cyberwar. The U.S. military exists not just to fight and win wars but also to deter them, that is, to persuade others not to start them (or even prepare for them). To do this, it helps to demonstrate that the U.S. military is and always will be likely to ruin those who would fight it—whether the ruin be a crushed military or a damaged society. By so doing, the United States may hope to deter others from attacking it or its vital interests—either kinetically or via cyberspace. It may even hope to dissuade states from developing digitized capabilities that are particularly vulnerable to cyberattack. Although May Day parades are a bit of a caricature, a state would rationally examine the ability of its potential adversaries before pursuing its politicomilitary strategies. But cyberwar capabilities are hard to examine. Why so? No one doubts what would happen if a nuclear-armed power dropped its big weapon on a city, even though no city has been hit by a nuclear bomb since 1945. The physics are clear, and they work anywhere. But no one knows exactly or even approximately what would happen if a country suffered a full-fledged cyberattack, despite the plethora of hostile activity in cyberspace that shows no signs of abating. For one thing, there has never been such an attack. Theory also discourages good a priori expectations. First, systems are vulnerable only to the extent that they have exploitable errors that their owners do not know about or have simply ignored. Second, even if a cyberattack works, the damage it wreaks tends to be proportional to the time required to recover the attacked system, something neither the defender nor the attacker can easily predict. Third, national cyberwar capabilities are a closely guarded secret. Having spent much time and trouble developing cyberwar capabilities, states thus have nothing to show for their efforts until and unless they go to cyberwar. Although some of the capabilities needed for cyberwar are the same ones used for cyberespionage, some are not. Bringing systems down requires effort to understand their failure modes; keeping them down requires being able to insert code into the target networks and system in ways that make it difficult to eradicate. Furthermore, systems targeted by espionage (e.g., email networks) are very different from the harder systems that run critical infrastructure or war machines.

#### No Korea war – its all posturing and international powers check escalation – history proves

Fisher 3/12/13(Max, the Post's foreign affairs blogger. Before joining the Post, he edited international coverage for TheAtlantic.com, The Washington Post, “ Why North Korea loves to threaten World War III (but probably won’t follow through)”)

But is North Korea really an irrational nation on the brink of launching “all-out war,” a mad dog of East Asia? Is Pyongyang ready to sacrifice it all? Probably not. The North Korean regime, for all its cruelty, has also shown itself to be shrewd, calculating, and single-mindedly obsessed with its own self-preservation. The regime’s past behavior suggests pretty strongly that these threats are empty. But they still matter. For years, North Korea has threatened the worst and, despite all of its apparent readiness, never gone through with it. So why does it keep going through these macabre performances? We can’t read Kim Jong Eun’s mind, but the most plausible explanation has to do with internal North Korean politics, with trying to set the tone for regional politics, and with forcing other countries (including the United States) to bear the costs of preventing its outbursts from sparking an unwanted war. Starting World War III or a second Korean War would not serve any of Pyongyang’s interests. Whether or not it deploys its small but legitimately scary nuclear arsenal, North Korea could indeed cause substantial mayhem in the South, whose capital is mere miles from the border. But the North Korean military is antiquated and inferior; it wouldn’t last long against a U.S.-led counterattack. No matter how badly such a war would go for South Korea or the United States, it would almost certainly end with the regime’s total destruction. Still, provocations and threats do serve Pyongyang’s interests, even if no one takes those threats very seriously. It helps to rally North Koreans, particularly the all-important military, behind the leader who has done so much to impoverish them. It also helps Pyongyang to control the regional politics that should otherwise be so hostile to its interests. Howard French, a former New York Times bureau chief for Northeast Asia whom I had the pleasure of editing at The Atlantic, explained on Kim Jong Il’s death that Kim had made up for North Korea’s weakness with canny belligerence: The shtick of apparent madness flowed from his country’s fundamental weakness as he, like a master poker player, resolved to bluff and bluff big. Kim adopted a game of brinkmanship with the South, threatening repeatedly to turn Seoul into a “sea of flames.” And while this may have sharply raised the threat of war, for the North, it steadily won concessions: fuel oil deliveries, food aid, nuclear reactor construction, hard cash-earning tourist enclaves and investment zones. At the risk of insulting Kim Jong Eun, it helps to think of North Korea’s provocations as somewhat akin to a child throwing a temper tantrum. He might do lots of shouting, make some over-the-top declarations (“I hate my sister,” “I’m never going back to school again”) and even throw a punch or two. Still, you give the child the attention he craves and maybe even a toy, not because you think the threats are real or because he deserves it, but because you want the tantrum to stop. The big problem here is not that North Korea will intentionally start World War III or a second Korean War, because it probably won’t. So you can rest easy about that. The big problem is that North Korea’s threats and provocations, however empty, significantly raise the risk of an unwanted war. The United States, South Korea and yes Pyongyang’s all-important ally, China, all have much more to lose in a regional war than does North Korea. It falls to those countries, then, to keep the Korean peninsula from spiraling out of control. Even if they don’t ultimately offer Pyongyang concessions to calm it down, as they have in the past, they’ve still got an interest in preventing future outbursts. Like parents straining to manage a child’s tantrum, it’s a power dynamic that oddly favors the weak and misbehaving.

#### Deterrence is impossible in cyber space – Attriibution, Identity, Proxies, Escalation incentive

Owens et al. 09 (WILLIAM A. OWENS, AEA Holdings, Inc., Co-chair KENNETH W. DAM, University of Chicago, Co-chair THOMAS A. BERSON, Anagram Laboratories GERHARD CASPER, Stanford University DAVID D. CLARK, Massachusetts Institute of Technology RICHARD L. GARWIN, IBM Fellow Emeritus JACK L. GOLDSMITH III, Harvard Law School CARL G. O’BERRY, The Boeing Company JEROME H. SALTZER, Massachusetts Institute of Technology (retired) MARK SEIDEN, MSB Associates SARAH SEWALL, Harvard University WALTER B. SLOCOMBE, Caplin & Drysdale WILLIAM O. STUDEMAN, U.S. Navy (retired) MICHAEL A. VATIS, Steptoe & Johnson LLP, “Technology, Policy, Law, and Ethics Regarding U.S. Acquisition and Use of Cyberattack Capabilities”, pdf)

It remains an open question as to whether the concepts of deterrence are relevant when applied to the domain of cyberconflict per se (that is, cyberconflict without reference to conflict in physical domains). For example, a credible threat to impose costs requires knowledge of the party on which the costs should be imposed—and as discussed in Chapter 2, attribution of a cyberattack is a very difficult and time-consuming—and perhaps insoluble—problem.

Moreover, even if the adversary is known, and known to be a specific nation-state, the costs to be imposed must be judged by the adversary as greater than the gain that might result from his aggressive actions. Thus, the United States must be able to identify cyber targets in or of the adversary nation whose loss would be costly to the adversary, and it must be able to attack them with high confidence of success.

In a nation that is not highly dependent on information technology, such assets would be hard to find. Even if the nation did have valuable information technology assets, specific individual targets (perhaps numbering in the dozens or hundreds—a wild guess!) most valuable to the adversary are likely to be very well protected against cyberattack. The civilian IT infrastructure at large may be less well protected, but largescale attacks on such infrastructure raise ethical and moral questions about targeting civilians. The military IT infrastructure could be targeted as well, but the degree to which it is well protected may be unknown to the attacker (see discussion in Chapter 2 regarding intelligence requirements for successful focused cyberattacks).

In addition, an attacker that launches a cyberattack should also be expected to take action to change its own defensive posture just prior to doing so. As discussed in Chapter 2, much can be done to invalidate an adversary’s intelligence preparations, which are necessary for discriminating counterattacks. And since the attacker knows when he will launch the attack, he can create a window during which his defensive posture will be stronger. The window would last only as long as it would take for new intelligence efforts to collect the necessary information, but it would likely be long enough to forestall immediate retaliation.

A threat to deny benefits to a cyberattacker also lacks credibility in certain important ways. In principle, defensive technologies to harden targets against cyberattacks can be deployed, raising the difficulty of attacking them. But decades of experience suggest that deploying these technologies and making effective use of them on a society-wide basis to improve the overall cybersecurity posture of a nation is difficult indeed. And there is virtually no prospect of being able to reduce a cyberattacker’s capabilities through offensive action, because of the ease with which cyberattack weapons can be acquired. Thus, counterforce capabilities—which in the nuclear domain have been justified in large part as necessary to reduce the threat posed by an adversary’s nuclear weapons—do not exist in any meaningful way in contemplating cyberconflict.

How do the considerations above change if, as in the real world, the states involved also have kinetic capabilities, which may include nuclear weapons, and physical vulnerabilities? That is, each side could, in principle, use kinetic weapons to attack physical targets, and these targets might be military or dual purpose in nature as long as they are legitimate targetsunder LOAC. Because a transition from cyber-only conflict to kinetic conflict would likely constitute an escalation (and would in any case make the conflict more overt), this point is discussed in more detail below.

### Politics

#### Logical policy maker can do both.

#### Case turns the DA

Gertz 1/24/13 (Bill, senior editor of the Washington Free Beacon., “Cyber Threat Looms Former NSA Director: U.S. facing crippling cyber attack, long-term cyber espionage”, <http://freebeacon.com/cyber-threat-looms/>)

The United States is facing a catastrophic cyber attack by nations or non-state groups that could [destroy]~~cripple~~ the country’s economy, a former high-ranking U.S. intelligence official said on Thursday. Retired Vice Adm. Mike McConnell, who headed both the National Security Agency (NSA) and served as director of national intelligence, said in a speech that one example of a devastating cyber attack would be the [destruction] ~~crippling~~ of the U.S. economy through cyber attacks on banks and financial institutions. “We have a national problem and it is significant. The next big issue will be a cyber 9/11,” McConnell said during a luncheon speech to a meeting of the American Bar Association standing committee on law and national security. “I’ve been sounding the alarm, and I’ve been doing this now for 20 years,” he said. “We are going to have a cyber event that is catastrophic.” McConnell, a 46-year veteran of the military and intelligence community who still consults for the NSA, also said Chinese and other cyber espionage pose strategic threats to U.S. security. He headed the NSA from 1992 to 1996 and was DNI from 2007 to 2009. McConnell said both the 1941 Japanese attack on Pearl Harbor and the Sept. 11, 2001, terrorist attacks were major failures and both could have been prevented. Pearl Harbor could have been stopped with better communications and intelligence, and the 9/11 terror attacks also were preventable through better information sharing. Similarly, more focus is needed by both government and private industry to head off a major cyber attack. The coming cyber attack could be either an immediate and devastating cyber strike or a more insidious and longer-term cyber threat like China’s pervasive cyber economic espionage, McConnell said. An immediate threat is the vulnerability of the United States’ annual $14 trillion economy in which $13 trillion moves through the banking system daily. That data is not backed by gold or physical dollar bills, but only by the banking reconciliation system. “I am personally acquainted with people who have the physical capability to break into that system and contaminate the data,” McConnell said. “If it were contaminated, banks would fail and you would have a cascading effect.” McConnell said he has investigated the problem and spoken to bankers, and the effect of attacking the banking data would be huge for both the country and the world. Using the military formula that a threat is a combination of both intent and capability, McConnell said, “There are nation states with the capability” to attack the bank network, but doing so would be contrary to their interests. Then there are terrorists or radical groups that have the interest in such attack but not the capability to carry it out. “How long before those two come together?” he asked. Financial data is not the only cyber vulnerability. Additional sectors that face catastrophic attack include the electrical power grid, the telecommunication networks, and other so-called critical infrastructure.

#### No debt econ impact

Michael Tanner 11, National Review, “No Surrender on Debt Ceiling”, Jan 19, <http://www.nationalreview.com/articles/257433/no-surrender-debt-ceiling-michael-tanner>

Of course the Obama administration is already warning of Armageddon if Congress doesn’t raise the debt ceiling. Certainly it would be a shock to the economic system. The bond market could crash. The impact would be felt at home and abroad. But would it necessarily be worse than the alternative? While Congress has never before refused to raise the debt ceiling, it has in fact frequently taken its time about doing so. In 1985, for example, Congress waited nearly three months after the debt limit was reached before it authorized a permanent increase. In 1995, four and a half months passed between the time that the government hit its statutory limit and the time Congress acted. And in 2002, Congress delayed raising the debt ceiling for three months. It took three months to raise the debt limit back in 1985 as well. In none of those cases did the world end. More important, what will be the consequences if the U.S. government fails to reduce government spending? What happens if we raise the debt ceiling then continue merrily on our way spending more and running up ever more debt? Already Moody’s and Standard & Poor’s have warned that our credit rating might be reduced unless we get a handle on our national debt. We’ve heard a lot recently about the European debt crisis, but, as one senior Chinese banking official recently noted, in some ways the U.S. financial position is more perilous than Europe’s. “We should be clear in our minds that the fiscal situation in the United States is much worse than in Europe,” he recently told reporters. “In one or two years, when the European debt situation stabilizes, [the] attention of financial markets will definitely shift to the United States. At that time, U.S. Treasury bonds and the dollar will experience considerable declines.” Moreover, unless we do something, federal spending is on course to consume 43 percent of GDP by the middle of the century. Throw in state and local spending, and government at all levels will take 60 cents out of every dollar produced in this country. Our economy will not long survive government spending at those levels.

#### Empirics prove no war.

Miller 1—Morris Miller is an adjunct economics professor at the University of Ottawa [Jan.-Mar, 2001, “Poverty: A Cause of War?” *Peace Magazine*, <http://peacemagazine.org/archive/v17n1p08.htm>]

Economic Crises?

Some scholars have argued that it is not poverty, as such, that contributes to the support for armed conflict, but rather some catalyst, such as an economic crisis. However, a study by Minxin Pei and Ariel Adesnik shows that this hypothesis lacks merit. After studying 93 episodes of economic crisis in 22 countries in Latin American and Asia since World War II, they concluded that much of the conventional thinking about the political impact of economic crisis is wrong:

"The severity of economic crisis—as measured in terms of inflation and negative growth—bore no relationship to the collapse of regimes ... or (in democratic states, rarely) to an outbreak of violence... In the cases of dictatorships and semi-democracies, the ruling elites responded to crises by increasing repression (thereby using one form of violence to abort another)."

#### Capital isn’t key

#### Obama capital irrelevant

McCLATCHY 10 – 1 – 13 [Obama to use the bully pulpit to pressure Republicans to re-open government, <http://www.mcclatchydc.com/2013/10/01/203850/obama-to-use-the-bully-pulpit.html>]

Presidents plans budget events in Washington this week

President Barack Obama will meet with business leaders on Wednesday and visit a small local construction company on Thursday as he hopes to push Congress to re-open the federal government.

White House spokesman Jay Carney said Obama has not canceled his trip to Asia this weekend for a series of summits and meetings, though some say it will be unlikely the president would travel overseas during a shutdown.

We certainly hope that, in the time between now and the president's scheduled departure, the Speaker does the right thing," Carney said.

Obama was briefed by his senior staff Tuesday morning about the shutdown, but had not spoken to congressional leaders since Monday evening before the closure. Carney said that Obama expects to speak them in the coming days.

Carney dismissed two of the latest House proposals -- holding a conference committee at this late date and passing a series of smaller bills -- as not serious.

It's a "piecemeal approach to funding the government is not a serious approach any more than it would be a serious way to try to deal with the consequences of default and the absolute necessity to maintain the full faith and credit of the United States," he said.

Carney said Obama is willing to negotiate with "serious-minded" Republicans, but that he will not negotiate over funding the government or raising the debt ceiling.

"We're not negotiating with anybody to reopen the government," he said. "We're not negotiating with anyone for the Congress to pass the bill that would reopen the government on any partisan condition."

#### Boehner matters

PBS 10 – 4 – 13 Internal GOP divisions exposed, might lead to compromise, http://www.pbs.org/newshour/rundown/2013/10/internal-gop-divisions-exposed-might-lead-to-compromise.html

The stalemate over funding the government might appear at first glance to be a test of wills between two political parties.

But as we stretch into day four of the government shutdown, it's clear this also is a battle between Republicans.

President Barack Obama has continued to place the blame squarely on House Republicans. He has been calling out Speaker John Boehner by name, and the White House said in a statement it's the GOP that is at fault for the crisis, which forced the cancellation of the president's planned trip to Asia.

The Morning Line Those statements are stirring up a lot of the drama, sure. The even bigger story is at the other end of Pennsylvania Avenue, where there is a clash of epic proportion.

Consider the events from Thursday.

House Speaker John Boehner signaled in private meetings with his rank-and-file lawmakers that he will not allow the nation to default on its credit. Translation: a deal just might be in the works.

The Washington Post, the New York Times and others report that Boehner has been telling Republicans that given the current state of affairs within the party, any agreement needs to be able to win Democratic votes.

From Lori Montgomery and Ed O'Keefe's front-page story:

One lawmaker, speaking on the condition of anonymity, said Thursday that Boehner has even suggested that he may be willing to risk the fury of conservatives by relying on a majority of Democratic votes -- and less than a majority of Republicans -- to pass a debt-ceiling increase. Doing so would recall the vote tallies on the huge political defeats Boehner suffered earlier this year as he agreed to head off year-end tax increases and provide federal relief to victims of Hurricane Sandy.

And here's Ashley Parker and Annie Lowrey in the Times:

Lawmakers said that in recent days, Mr. Boehner, who is under fierce attack from Democrats over his handling of the shutdown, has made clear that he is willing to use a combination of Republican and Democratic votes on the debt limit if need be.

Representative Leonard Lance of New Jersey, one of the moderate Republicans who met privately with Mr. Boehner on Wednesday, would not provide details of the meeting, but said, "The speaker of the House does not want to default on the debt on the United States, and I believe he believes in Congress as an institution, and I certainly believe he is working for the best interests of the American people."

Putting forth such a bill, of course, would violate what has been dubbed the "Hastert Rule" after the last Republican Speaker J. Dennis Hastert of Illinois -- that you'd only put a measure with a majority of the majority's support up for a vote.

Incidentally, Hastert told the Daily Beast this week that the whole thing wasn't really a hard and fast rule, and said it morphed out of a throwaway comment he made to a reporter about an immigration bill.

#### Obama isn’t negotiating

McCLATCHY 10 – 1 – 13 [Obama to use the bully pulpit to pressure Republicans to re-open government, <http://www.mcclatchydc.com/2013/10/01/203850/obama-to-use-the-bully-pulpit.html>]

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#### Obama won’t push the plan

Jack Goldsmith 13, Henry L. Shattuck Professor at Harvard Law School, Feb 13 2013, “The President’s SOTU Pledge to Work With Congress and Be Transparent on National Security Issues,” www.lawfareblog.com/2013/02/the-presidents-sotu-pledge-to-work-with-congress-and-be-transparent-on-national-security-issues/

As for a broader and sturdier congressional framework for the administration’s growing forms of secret war (not just targeted killing, but special forces activities around the globe, cyber attacks, modern forms of covert action, etc.) along the lines that I proposed last week, I also don’t think much will happen. Friends and acquaintances in and around the Obama administration told me they would cherish such a new statutory framework, but argued that Congress is too political, and executive-congressional relations too poisonous, for anything like this to happen. There is some truth in this charge, although I sense that Congress is preparing to work more constructively on these issues. But even in the face of a very political and generally unsupportive Congress, Presidents tend to get what they want in national security when they make the case publicly and relentlessly. (Compare the Bush administration’s successful push for FISA reform in the summer of 2008, when the President’s approval ratings were below 30%, and Democrats controlled both houses of Congress; or FDR’s push in late 1940 and early 1941 – against popular and congressional opposition – to secure enactment of Lend-Lease legislation to help to British fend off the Nazis; or the recent FISA renewal legislation.) And of course the administration can never succeed if it doesn’t try hard. Not fighting the fight for national security legal reform is just another way of saying that the matter is not important enough to the administration to warrant a fight. The administration’s failure to date to make a sustained push before Congress on these issues reveals a preference for reliance on ever-more-tenuous old authorities and secret executive branch interpretations in areas ranging from drones to cyber, and an implicit judgment that the political and legal advantages that would flow from a national debate and refreshed and clarified authorities are simply not worth the effort. The administration might be right in this judgment, at least for itself in the short run. But the President has now pledged something different in his SOTU address. We will see if he follows through this time. Count me as skeptical, but hopeful that I am wrong.

#### Shutdown thumps – upends politics in unpredictable ways

NBC NEWS 10 – 1 – 13 <http://nbcpolitics.nbcnews.com/_news/2013/10/01/20763839-winners-and-losers-of-the-government-shutdown?lite>

The shutdown of the federal government is poised to reshuffle U.S. politics, as Americans observe one of the starkest examples of political dysfunction since the last shutdown in the mid-90s.

That crisis reinvigorated President Bill Clinton and badly set back a then-resurgent Republican Party that had designs of retaking the White House in the 1996 elections. The GOP fell well short of expectations in that election, though some conservatives now argue that the party's performance wasn't as bad as it seemed at the time.

#### Won’t pass – GOP is crazy

Paul Krugman 10/1, Professor of Economics and International Affairs at Princeton, “Commentary: Rebels without a clue,” <http://www.rutlandherald.com/article/20131001/OPINION04/710019982>

No sane political system would run this kind of risk. But we don’t have a sane political system; we have a system in which a substantial number of Republicans believe that they can force President Barack Obama to cancel health reform by threatening a government shutdown, a debt default, or both, and in which Republican leaders who know better are afraid to level with the party’s delusional wing. For they are delusional, about both the economics and the politics.¶ On the economics: Republican radicals generally reject the scientific consensus on climate change; many of them reject the theory of evolution, too. So why expect them to believe expert warnings about the dangers of default? Sure enough, they don’t: The GOP caucus contains a significant number of “default deniers,” who simply dismiss warnings about the dangers of failing to honor our debts.¶ Meanwhile, on the politics, reasonable people know that Obama can’t and won’t let himself be blackmailed in this way, and not just because health reform is his key policy legacy. After all, once he starts making concessions to people who threaten to blow up the world economy unless they get what they want, he might as well tear up the Constitution. But Republican radicals — and even some leaders — still insist that Obama will cave in to their demands.¶ So how does this end? The votes to fund the government and raise the debt ceiling are there, and always have been: Every Democrat in the House would vote for the necessary measures, and so would enough Republicans. The problem is that GOP leaders, fearing the wrath of the radicals, haven’t been willing to allow such votes. What would change their minds?

#### ---Plan increases Inter-branch talks – builds agenda success

ANDRES & GRIFFIN 09 \*Vice Chair of Research for Dutko Worldwide, PhD in public policy analysis from Illinois \*\* partner Griffin Williams LLC, consulting firm. [Gary Andres & Patrick Griffin, “Understanding Presidential Relations with Congress,” from Rivals for Power, ed. James A. Thurber] page 117-118

Active Consultation

Presidents who put a strong emphasis on consultation with Congress, communicating often personally or through the staff with legislators, will get high marks and succeed in influencing the House and the Senate. The Clinton team got high marks early on with the Democratic leadership in Congress for consulting and working in concert on a variety of measures during 1993. Their initiatives included proposals on education and environment, the Family and Medical Leave Act, and "motor voter" legislation (two initiatives that President Clinton's predecessor, George H. W. Bush, consistently opposed that now could pass under conditions of unified party government), as well as modest institutional reform proposals regarding campaign finance and lobbying registration. Their agenda also included legislative objectives that began to reposition Democrats as supporting a balanced budget while reducing the size of government and expanding efforts to fight crime.

As is often the case in unified government, the Democrats worked to ensure that their proposals passed without Republican support. The cornerstone of this early agenda was a $500 billion tax increase and spending cut package to reduce the deficit. The measure passed the House by a margin of one, with all Republicans opposing it.

President George W. Bush's legislative strategy in the House followed a similar path over his first five years. In the Senate, however, Mr. Bush was also able to secure some Democratic support for most of his major initiatives like tax cuts, Medicare prescription drug legislation, and the No Child Left Behind education bill.

Holding their respective parties in line took Presidents Clinton and Bush many hours of consultation by inviting members to the White House and sending administration personnel to the Hill. Active consultation results in members of Congress believing that someone at the White House is listening and considering their point of view. Often just "hearing people out" and being attentive to their views go a long way toward strengthening and creating positive relations with Congress.

Barack Obama followed an almost identical path in the House of Representatives. While he worked hard trying to win Republican support through phone calls, meetings, and social gatherings, he failed to win any House Republican votes on his first major legislative initiative-an economic stimulus package. Although these presidents failed to produce a lot of bipartisan votes, they received strong initial marks for trying. At a minimum, these consultations began a dialogue, keeping the door open for future negotiations and bipartisanship in policy areas that did not produce as much polarization. A cynical interpretation of these gestures might be that they were never expected to produce a bipartisan result. The hope in making these gestures was to reinforce a bipartisan image of the president that was carefully forged in the campaign. The president's advisers may have concluded early on that true bipartisanship was necessary or doable for the president to be successful in the long run. What he needed was to get the legislation through the Congress while minimizing a negative impact on his brand.

#### ---Plan divides the GOP

DICKERSON 13 Chief Political Correspondent at the Slate, Political Director of CBS News, Covered Politics for Time Magazine for 12 Years, Previous White House Correspondent [John, , Go for the Throat!, 1/18/13 http://tinyurl.com/b7zvv4d]

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon.

Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day.

But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That **bipartisan** bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country.

The challenge for President Obama’s speech is the challenge of his second term: how to be great when the **environment stinks**. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s **partisan rancor**, the size of the problems facing government, and the limited amount of **time** before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about **bipartisanship** and cooperation can only cement his legacy if he **destroys the GOP**. /////////////////////MARKED AT/////////////////////////////

If he wants to transform American politics, he must **go for the throat**.

President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker.

How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too.

That's the old way. **He has abandoned that**. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name.

Obama’s **only remaining option is to pulverize**. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of **clarifying fights over controversial issues**, he can force Republicans to either side with their coalition's most extreme elements or cause a rift in the party that will leave it, at least temporarily, in disarray.

This theory of political transformation rests on the weaponization (and slight bastardization) of the work by Yale political scientist Stephen Skowronek. Skowronek has written extensively about what distinguishes transformational presidents from caretaker presidents. In order for a president to be transformational, the old order has to fall as the orthodoxies that kept it in power exhaust themselves. Obama's gambit in 2009 was to build a new post-partisan consensus. That didn't work, but by exploiting the weaknesses of today’s Republican Party, Obama has an opportunity to hasten the demise of the old order by increasing the political cost of having the GOP coalition defined by Second Amendment absolutists, climate science deniers, supporters of “self-deportation” and the pure no-tax wing.

#### ---Winners win

THE HILL 3/20/13 [Amie Parnes and Justin Sink, Obama honeymoon may be over, http://thehill.com/homenews/administration/289179-obama-honeymoon-may-be-over]

The second-term honeymoon for President Obama is beginning to look like it is over.¶ Obama, who was riding high after his reelection win in November, has seen his poll numbers take a precipitous fall in recent weeks. ¶ A CNN poll released Tuesday showed Obama’s favorability rating underwater, with 47 percent approving and 50 percent disapproving of Obama’s handling of his job. ¶ Much of the president’s agenda is stuck, with climate change regulations delayed, immigration reform mired in committee negotiations and prospects for a grand bargain budget deal in limbo at best. ¶ On Tuesday, in a decision that underscored Obama’s depleting political capital, the White House watched as Senate Majority Leader Harry Reid (D-Nev.) announced only a watered-down version of Obama’s gun control proposals would be considered on the Senate floor. ¶ Republicans, sensing the sea change, are licking their chops. They point to the lack of movement on Obama’s signature issues, noting the contrast to the ambitious plans outlined in the early weeks of his second term.¶ “The president set very high goals for himself during his State of the Union, but the reality is very little of his agenda is actually moving,” Republican strategist Ron Bonjean said. “He allowed himself to get caught up in the legislative quicksand, [and] the cement is beginning to harden. “¶ History isn’t on Obama’s side. ¶ The last four presidents who won a second term all saw their poll numbers slide by mid-March with the exception of Bill Clinton, whose numbers improved in the four months following his reelection.¶ Clinton may have only been delaying the inevitable. His numbers dropped 5 points in April 1994. Even Ronald Reagan, buoyed by a dominant performance over Walter Mondale in the 1984 election, saw a double-digit erosion by this point in his second term.¶ Obama has yet to complete the first 100 days of his second term. But without a signature achievement since his reelection, he faces a crossroads that could define the remainder of his presidency. ¶ White House aides maintain that the 24-hour news cycle makes comparisons to previous presidents difficult.¶ “I think the nature of our politics now is different than Ronald Reagan’s honeymoon,” one senior administration official said. “The ebb and flow of politics doesn’t follow that model anymore.”¶ But observers say a drop in popularity is typical for second-termers.¶ “There may be some typical second-term honeymoon fade happening,” said Martin Sweet, an assistant visiting professor of political science at Northwestern University. “Honeymoon periods for incumbents are a bit more ephemeral.”¶ But like most other presidents, Sweet added, “Obama’s fate is tied to the economy.”¶ “Continuing economic progress would ultimately strengthen the president but if we are hit with a double-dip recession, then Obama’s numbers will crater,” he said.¶ The White House disputes any notion that Obama has lost any political capital in recent weeks.¶ “The president set out an ambitious agenda and he’s doing big things that are not easy, from immigration to gun control,” the senior administration official said. “Those are policies you can’t rack up easily, and no one here is naive about that.”¶ The White House is aware that the clock is ticking to push its hefty agenda, but the official added, “The clock is not ticking because of president’s political capital. The clock is ticking because there’s a timetable in achieving all of this. [Lawmakers] are not going to sign on because the president’s popular.” ¶ And administration officials believe they still have the leverage.¶ “There’s a decent amount of momentum behind all of this,” the official said. “It looks like immigration is closer [to passage] than ever before.”¶ Republican strategist Ken Lundberg argued that current budget fights “have cut short the president’s second-term honeymoon.” ¶ He said this could also hurt the president’s party, warning “the lower the president’s approval rating, the bigger the consequence for vulnerable Democrats.”¶ “Voters want solutions, and if they see the president headed down the wrong path, lockstep lawmakers will be punished in 2014,” he said.¶ Democratic strategist Chris Kofinis maintained that as long as he’s president, Obama still has the leverage.¶ “Immigration reform doesn’t get impacted by whether Obama’s poll numbers are 55 or 45,” Kofinis said. “Does it make certain things a little more difficult? Possibly. But while his numbers may have fallen, he’s still more likeable than the Republicans are on their best day.”¶ Kofinis said the real question for Obama is what kind of emphasis he’s going to place on his second term because the public will have less patience than they did during his first.¶ “The challenge in a second term is the American people look at certain things and have a higher tolerance in a second term,” he said. “When they know you’re not running for reelection again, they hold you to a higher standard.” ¶ Bonjean and other Republicans are aware that Obama could potentially bounce back from his latest slip in the polls and regain his footing.¶ “He has the opportunity to take minor legislative victories and blow them up into major accomplishments—meaning if he got something on gun control, he can tout that that was part of his agenda and the work isn’t over. If he were able to strike a grand bargain with Republicans, that’d be a legacy issue.”¶ Still, Bonjean added, “It’s not looking so good right now.”

#### ---Fiat solves the link – immediacy of the plan means no time to backlash.

#### --- Capital theory is ridic

Hirsh 2/7/13 (Michael, Chief correspondent for National Journal, Previously served as the senior editor and national economics correspondent for Newsweek, Overseas Press Club award for best magazine reporting from abroad in 2001 and for Newsweek’s coverage of the war on terror which also won a National Magazine Award, There’s No Such Thing as Political Capital, http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)

But the abrupt emergence of the immigration and gun control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is **kindergarten simple**: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “**Winning wins**.” In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote.

Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully **quantifies or even defines it**. “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens, it changes the calculus of the other actors” Ornstein says. “If they think he’s going to win, they may change positions to get on the winning side. It’s a **bandwagon effect**.”

#### ---Vote no – solves the link – the 1ac proposed the plan

#### ---No spillover claim – losing capital on one issue won’t hurt votes in others. They don’t have a vote count OR vote switch card

#### XO solves it

AARON 9 – 30 – 13 senior fellow at the Brookings Institution [Henry J. Aaron, Our Outlaw President?, <http://www.nytimes.com/2013/09/30/opinion/obama-should-ignore-the-debt-ceiling.html>]

Failure to raise the debt will force the president to break a law — the only question is which one.

The Constitution requires the president to spend what Congress has instructed him to spend, to raise only those taxes Congress has authorized him to impose and to borrow no more than Congress authorizes.

If President Obama spends what the law orders him to spend and collects the taxes Congress has authorized him to collect, then he must borrow more than Congress has authorized him to borrow. If the debt ceiling is not raised, he will have to violate one of these constitutional imperatives. Which should he choose?

In 2011, when Congress last flirted with not raising the debt ceiling, lawyers disagreed. Some argued that the president must honor the debt ceiling, thereby violating budget laws. Others held that he must honor budget legislation. No one argued that he should unilaterally raise taxes. Professors Neil H. Buchanan and Michael C. Dorf, who parsed the arguments in the Columbia Law Review in 2012, concluded that all options were bad, but that disregarding the debt ceiling was least bad from a legal standpoint.

I agree. Lawyers tend to play down policy considerations as a basis for interpreting law. In this case, the consequences are so overwhelmingly on one side that they cannot be ignored by the president and should not be ignored by the courts. If the debt ceiling is not increased, the president should disregard it, and honor spending and tax legislation.

A decision to cut spending enough to avoid borrowing would instantaneously slash outlays by approximately $600 billion a year. Cutting payments to veterans, Social Security benefits and interest on the national debt by half would just about do the job. But such cuts would not only illegally betray promises to veterans, the elderly and disabled and bondholders; they would destroy the credit standing of the United States and boost borrowing costs on the nation’s $12 trillion publicly held debt.

There is no clear legal basis for deciding what programs to cut. Defense contractors, or Medicare payments to doctors? Education grants, or the F.B.I.? Endless litigation would follow. No matter how the cuts might be distributed, they would, if sustained for more than a very brief period, kill the economic recovery and cause unemployment to return quickly to double digits.

Nor is it reasonable to expect the president to collect more in taxes than is authorized by law. For him to do so would infringe on Congress’s most fundamental powers and the principles on which the nation was founded.

The only defensible option for the president if the debt ceiling is not raised is to disregard the debt ceiling. The action would be unconstitutional because it would be illegal. Financial markets might react negatively, but not nearly so negatively as if the United States failed to redeem bonds or to pay interest on its debt.

The president would be attacked. He might even be impeached by the House. But maybe not: the House would then be saying that the president should have illegally failed to pay F.B.I. agents, or school districts, or Medicare doctors. In any case, he would not be convicted by the Senate. And he would have saved the nation from much agony.

Disregarding the debt ceiling would have one additional, thoroughly benign effect. It would end the capacity of Congressional minorities to precipitate crises in order to accomplish goals for which they lacked the votes. Today, a minority is holding hostage all federal programs in an attempt to eviscerate a law that Congress passed, the president signed and the Supreme Court upheld — the Affordable Care Act. In the future, an imaginative and irresponsible minority could use the threat not to raise the debt ceiling for any purpose — to shape tax policy, or foreign policy, or civil rights policy.

The debt ceiling is the fiscal equivalent of the human appendix — a law with no discoverable purpose. It is one law too many. Once Congress has set tax rates and spending levels, it has effectively said what it wants the debt to be. If Congress leaves the debt ceiling at a level inconsistent with duly enacted spending and tax laws, the president has no choice but to ignore it.

#### They’ll act to check the impact

WSJ 9 – 30 – 13 <http://blogs.wsj.com/economics/2013/09/30/three-budget-battles-three-different-economic-risks/>

Economic impact: Nobody really knows. In late October, the government would have enough incoming tax revenue to pay only two-thirds of its bills, according to estimates by the Bipartisan Policy Center. The consequences for the government: financial chaos. Some workers, contractors, suppliers and benefits recipients simply wouldn’t be paid. If Congress did absolutely nothing, economies in parts of the U.S. would begin shrinking immediately; a national recession or depression would likely follow.

The Treasury Department hasn’t said how it would respond to what was once considered an unthinkable scenario. The department processes nearly 100 million payments a month. Its officials have questioned whether they’d have the legal authority or technical capacity to prioritize which bills it pays. Investors expect the Treasury Department to at least keep bondholders the interest they’re due. Not doing so would lead to incredible chaos across financial markets because U.S. debt serves as a foundation for transactions around the world.

How it could end: Investors would likely start to panic once the Oct. 17 date approaches, potentially forcing lawmakers to raise the debt ceiling quickly once they saw the consequences. (During the financial crisis, the House’s failed bailout vote — five years ago this week — pushed the Dow Jones Industrial Average down almost 778 points in a single day. The bailout passed later that week.) The longer-lasting damage would depend on how investors and credit-rating firms react. The debt-ceiling fight in July 2011 triggered a downgrade of the nation’s credit rating, contributing to a 16% drop in the Dow Jones Industrial Average in the months that followed. Business and consumer confidence took a hit, restraining economic growth at least for months.

#### Impact exaggerated

HARSANYI 10 – 1 – 13 Washington Examiner columnist, is nationally syndicated by Creators Syndicate [David, <http://washingtonexaminer.com/house-republicans-should-take-fight-to-debt-ceiling-debate/article/2536588>]

If pollsters only polled economic issues that everyone fully understood, they'd be out of work quickly. As Obama knows well, in politics it doesn't matter whether voters comprehend the intricacies of the bond market or default (or private equity and venture capital firms or creative destruction, for that matter); it only matters that they think they do.

Moreover, the supposed consequences aren't so important as many in the media would have you think. When congressional liberals opposed additional funding for Iraq, no one was under the impression that troops were going to have to hitchhike home from Fallujah.

You may believe failing to hike the debt ceiling would be "calamitous" for everyone — as one GOP aide told National Review — but no one seriously expects a calamity.