## OFF

#### Budget negotiations and short debt ceiling will pass now- avoids a U.S. default

**Daily News, 10-10** (Republicans blink over US shutdown?, October 10, 2013, <http://india.nydailynews.com/business/f9d620ca63c2e3fec88bb24ed5f86214/republicans-blink-over-us-shutdown>)

Just a week away from a looming …r John Boehner said in a statement.

#### The plan causes an inter-branch fight that derails Obama’s agenda

Kriner 10

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 67-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a …., the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena

#### Collapses global econ

Treasury Department 10/1/13

(Oct, “Potential Macroeconomic Impact of Debt Ceiling Brinkmanship,” <http://www.scribd.com/doc/173042648/Potential-Macroeconomic-Impact-of-Debt-Ceiling-Brinkmanship>) atw

The United States has never defaulted … a debt ceiling debate may not be offset as it was in 2011.

#### Nuclear war

Cesare Merlini 11, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs, May 2011, “A Post-Secular World?”, Survival, Vol. 53, No. 2

Two neatly opposed scenarios for the future of the world order … secular absolutes such as unbridled nationalism**.**

## OFF

#### Interpretation:

#### War powers authority is derived from congressional statute – restrictions are increased via statutory or judicial prohibitions on the source

CURTIS A. BRADLEY, Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School, Harvard Journal of Law & Public Policy [Vol. 33 No. 1] 2010.

http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty\_scholarship

The scope of the President’s independent war powers … sleeper agent who had come to the United States to await¶ instructions to carry outfurther attacks after September 11.9

#### Violation:

#### The plan is an implicit delegation of “authority” – must stamp the originating statute to “increase restrictions on”

Graham Cronogue, Duke University School of Law, J.D. expected 2013; A NEW AUMF: DEFINING COMBATANTS IN THE WAR ON TERROR, DUKE JOURNAL OF COMPARATIVE & INTERNATIONAL LAW [Vol. 22:377 2012] http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil

The AUMF’s broad “all necessary and appropriate force” language ¶ confers on the President complete Congressional authorization to wage war ¶ against the specified groups. First, the AUMF’s “all necessary and ¶ appropriate force” language mirrors that found in a declaration of war and, ¶ far from imposing any constraints, bolsters the President’s powers ¶ significantly.37 In Bas v. Tingy, the Court found that Congress could make ¶ narrow … comes from congressional ¶ acquiescence.85

#### Vote to require a statutory source:

#### Stabilizes topical authority and both restriction mechanisms – best chance of predictable aff **limits** and complementary neg **ground**

#### pleas for reasonability just warrant precision – only check on bi-directionality and Commander-in-Chief affs

Colby P. Horowitz 2013 “CREATING A MORE MEANINGFUL ¶ DETENTION STATUTE: LESSONS LEARNED ¶ FROM HEDGES V. OBAMA,” FORDHAM L.R. Vol. 81, http://fordhamlawreview.org/assets/pdfs/Vol\_81/Horowitz\_April.pdf

Thus, there at least two ways to interpret section 1021 under Justice ¶ Jackson’s framework. The government believes that section 1021 places ¶ the executive firmly in Zone 1. It has argued on appeal in Hedges that ¶ section 1021 is “an essentially verbatim affirmation by Congress of the ¶ Executive Branch’s interpretation of the AUMF.”335 This is supported by ¶ the government’s 2009 brief to the D.C. District Court, which is almost ¶ identical to the description of detention authority in section 1021.336 If ¶ section 1021 … may be required”).

## OFF

#### Their rule of law mindset legitimizes the rule of neoliberal elites over the international community

Degenhardt 13 (Teresa, Criminology Professor, Queen’s University, Belfast. “The overlap between war and crime: unpacking Foucault and Agamben’s studies within the context of the war on terror,” Journal of Theoretical and Philosophical Criminology Between war and crime 2013, Vol. 5(2): 29-58) KJS

Violent practices in the international … politics and the political are structured.

#### Neoliberalism is the driving force of all scenarios for human extinction.

Deutsch 2009

/Judith, president, Science for Peace. Member of Canadian psychoanalytic society, “Pestilence, Famine, War, Neoliberalism, and Premature Deaths,” *Peace Magazine*, <http://peacemagazine.org/archive/v25n3p18.htm>/

At present, threats to human existence come … disguised reliance on threatened use."

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

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

The prevalence of these continuities between … arrangements to become ever more entrenched.

## OFF

#### Text: The president of the United States should direct that U.S. drone strikes be conducted as DOD Title 10 operations

**And they didn’t specify which is a voting issue – mobility is based on textual interps – cx doesn’t solve**

**Brovero 94** [Adrienne, Wake Forest University, “SOP, There It Is,” http://groups.wfu.edu/debate/MiscSites/DRGArticles/Brovero1994Immigration.htm]

Agent specificity is also necessary to …which the policy is to be done.

#### CP solves the aff – creates transparency, unifies congressional oversight, complies with international law, sends an international signal, and gets modeled internationally

Zenko 13

Micah, “Transferring CIA Drone Strikes to the Pentagon” [http://www.cfr.org/drones/transferring-cia-drone-strikes-pentagon/p30434] April //mtc

The president should direct that U.S. … influence on how others use drones.

## OFF

#### Targeted killing’s vital to counterterrorism---disrupts leadership and makes carrying out attacks impossible

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

Targeted killing of high-value terrorist targets, by … planning and organizational effectiveness.

#### Constraining targeted killing’s role in the war on terror causes extinction

Louis Rene Beres 11, Professor of Political Science and International Law at Purdue, 2011, “After Osama bin Laden: Assassination, Terrorism, War, and International Law,” Case Western Reserve Journal of International Law, 44 Case W. Res. J. Int'l L. 93

Even after the U.S. assassination of Osama bin Laden, … it could be followed, in certain circumstances, by unconventional attacks.

## Solvency

#### Obama can circumvent the plan- covert loopholes are inevitable

**Lohmann 1-28**-13 [Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>]

The U.S. military—in particular, the Special … to provide a meaningful check against arbitrary and overzealous Executive actions.

#### *Deference means* Courts fail at executive restrictions and enforcement- empirics

**Druck ‘12** [Judah A. Druck, law associate at Sullivan & Cromwell LLP, Cornell Law School graduate, magna cum laude graduate from Brandeis University, “Droning On: The War Powers Resolution and the Numbing Effect of Technology-Driven Warfare,” <http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Druck-final.pdf>]

By now, the general pattern concerning ..) prevent a WPR suit from moving forward.

#### Aff doesn’t create international support for drones – means that collapse is inevitable – here’s the laundry list of things that their solvency adovocate says they have to do

Zenko, CFR Fellow, 13 (Micah, is the Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR)., “Reforming U.S. Drone Strike Policies,” <http://www.cfr.org/wars-and-warfare/reforming-us-drone-strike-policies/p29736>) (//mtc)

Much like policies governing the use of nuclear weapons, offensive¶ cyber capabilities, and space, developing rules and frameworks for¶ innovative weapons systems, much less reaching a consensus within the¶ U.S. government, is a long and arduous process. In its second term, the¶ Obama administration has a narrow policy window of …, and appropriate legal framework; and ■■ host discussions in partnership with Israel

## Pakistan

#### Can’t solve without totally ending drone strikes

The News 13 (“Obama's drone speech could improve Pakistan ties”, 5/24/13, <http://www.thenews.com.pk/article-102381-Obamas-drone-speech-could-improve-Pakistan-ties>)

‘‘Obama has finally responded to the popular sentiment in this country, which is fiercely against the drones, and I think that shows a certain sensitivity,’’ said Mushahid Hussain, … the ministry said in a statement.

#### Pakistanis are angry about civilian deaths and sovereignty – Not transparency

Global Post 12 (“Anti-American sentiment on the rise in Pakistan”, 6/28/12, <http://www.globalpost.com/dispatch/news/regions/americas/united-states/120628/anti-american-sentiment-the-rise-pakistan>)

Anti-American sentiment among … they kill civilians as well as militants."

#### No Pakistan collapse and it doesn't escalate

Dasgupta 13

Sunil Dasgupta is Director of the University of Maryland Baltimore County Political Science Program at the Universities at Shady Grove and non-resident Senior Fellow at the Brookings Institution, East Asia Forum, February 25, 2013, "How will India respond to civil war in Pakistan?", http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/

As it is, India and Pakistan have gone … policy with the United States.

#### No loose nukes

Cohen & Zenko 12 (Michael and Micah, Fellow at the Century Foundation AND Fellow in the Center for Preventive Action at the Council on Foreign Relations, “Clear and Present Safety,” Foreign Affairs, Vol. 91, Iss. 2, EBSCO)

Pakistan represents another … of Pakistan's nuclear weapons."

## Accountability

#### No Deterrence Break Down – other countries surveillance drones trigger the link

Boyle, 13 [Michael J., Assistant Professor of Political Science at La Salle University in Philadelphia, “The costs and consequences of drone warfare,” <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf>, ALB]\*\*we reject any offensive language used in our evidence

A second consequence of the spread of drones is that many of …. the risks of a spiral of conflict ¶ between them.

#### Norms fail

Blair 13 – former United States Director of National Intelligence and is a retired United States Navy admiral

Dennis, 1-22-13, “U.S. Drone Strike Policies” http://www.cfr.org/counterterrorism/us-drone-strike-policies/p29849

The first point is I'm less persuaded that … be set by the United States in this area.

#### Drone prolif doesn’t increase conflict – creates effective deterrence

Ohlin 13 – Associate Professor of Law, Cornell Law School

Jens, March 2013, “Is Jus in Bello in Crisis?” Journal of International Criminal Justice Volume 11 Issue 1

On a more practical level, the question is … check on over-deployment of drone technology.

#### Economic interdependence prevents any war with China

**Perry and Scowcroft 9**

William (Michael and Barbara Berberian professor at Stanford University.) and Brent (resident trustee of the Forum for International Policy.) “US Nuclear Weapons Policy.” 2009. Council on Foreign Relations. Online.

Economic interdependence provides an …promising dialogues on larger strategic issues.

#### Massive incentives for cooperation

Kania 1/13

Elsa Kania, The South China Sea: Flashpoints and the U.S. Pivot, 13 January 2013, 2013 Harvard Political Review, <http://uwire.com/2013/01/13/the-south-china-sea-flashpoints-and-the-u-s-pivot/>

Equilibrium and Interdependence?¶ One paradox at the heart of … China Sea may be sometimes exaggerated or sensationalized.

Perm Do CP

#### Severs – first – the plan says legislation, counterplan isn’t legislation – that’s Hale

#### More evidence making this legal distinction

Milton 80

(Metric conversion in the construction industries--technical issues and status, US Dept of Commerce)

North Dakota

As parts of the North … majority to pass.

#### Second – Presentment

#### In INS v Chadha, the Supreme Court ruled that Statutory restrictions that alter legal effect must be presented to the President – the counterplan isn’t

Fisher 5 – Senior Specialist in Separation of Powers, Government and Finance Division

(Louis, “Legislative Vetoes After Chadha,” CRS Report for Congress, http://www.loufisher.org/docs/lv/4116.pdf)

Congress often enacts limitations, prohibitions, and … than by doctrines fashioned and announced by the Supreme Court.

#### This solely applies to the plan, not to informal measures

Fisher 5 – Senior Specialist in Separation of Powers, Government and Finance Division

(Louis, “Legislative Vetoes After Chadha,” CRS Report for Congress, http://www.loufisher.org/docs/lv/4116.pdf)

The effect of Chadha has been to drive some … branches. Burton v. Baker, 723 F.Supp. 1550 (D.D.C. 1989)

#### A statutory restriction REQUIRES passing a statute

Kershner 10 - JD

(Joshua, Benjamin N. Cardozo School of Law, “Political Party Restrictions and the Appointments Clause: The Federal Election Commission's Appointments Process Is Constitutional” Cardozo Law Review de novo 2010 Cardozo L. Rev. De Novo 615)

The process by which the President fills an Executive …. narrow function of confirming nominees. n100

### 2NC Solvency

#### A concurrent resolution solves – signaling to the executive, it’s enforceable, there’s historical precedent – that’s 1nc ev

#### The counterplan is binding, but it avoids Presentment

Ackerman and Hathaway 11 – \*Professor of Law and Political Science @ Yale, \*\*Professor of International Law @ Yale

(Bruce and Oona, “Limiting War and the Constitution, Michigan Law Review, vol 109, Lexis)

Finally, there is the statutory approach. … for presidential ¶ approval.

#### The president will treat the counterplan as binding

Gersen 8 – Professor of Law @ Harvard

(Jacob and Eric Posner, “Soft Law: Lessons from Congressional Practice,” Stanford Law Review, 61)

In fact, many congressional resolutions are very serious: they … the construction of binding policy.

#### Non-statutory measures solve and are followed by the executive

Dorsen 13 – Professor of Law @ NYU

(Norman, “The Embattled Constitution,” p. 309)

Nonstatutory controls include informal … staffers in drafting committee report language.

### 2NC Politics NB

#### The veto fight costs political capital, even if it’s not enforced

Conley 99 – professor of political science at the University of Florida

(Richard, Presidential Influence: The Success of Vetoes and Veto Overrides, <http://web.clas.ufl.edu/users/kreppel/types.PDF>)

In fact, not only is it likely that the …position being relatively assured.

#### Veto ensures that all backlash is centered on the president

Gattuso 85 - policy analyst at the Heritage Foundation

(James, Backgrounder #443, Reagan's Trump Card: The Veto, <http://www.heritage.org/Research/GovernmentReform/bg443.cfm>)

Presidential … people and against special interests.

#### for the plan, but not the counterplan

Roberts 1

(Cokie Roberts, NPR, Morning Edition, June 18, Lexis)

EDWARDS: So if the president is … bill, but in the end he'll get the credit.

# War fighting DA

**Status quo target vetting is carefully calibrated to avoid every aff impact in balance with CT--- there’s only a risk that restrictions destroy it**

Gregory McNeal 13, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

Target vetting is the process by which the government … consider the risk of blowback (e.g. creating more terrorists as a result of the killing).191

# Link Debate

**Ex ante judicial review makes effective drone ops impossible---even limiting the court to vetting names in advance compromises the timelines of operations**

James Oliphant 13, Deputy Editor, the National Journal, J.D. from the Ohio State University Morrill College of Law, 5/30/13, “Vetting the Kill List,” National Journal, http://www.nationaljournal.com/magazine/vetting-the-kill-list-20130404

Civil libertarians and even hawks such as former Rep. Jane Harman of California, who served on the House Intelligence Committee, have suggested creating a court … is related to Fourth Amendment protections on search warrants.

# Ev quality

**Dear god Mcneal is just so much better than your authors**

Gregory McNeal 13, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

To date scholars have lacked a thorough … embedded in current practice.

# Norms – Def

# China Def

**China will never escalate conflict in the region—devastates their economy, trade, and currency promotion and risks nationalism—Xi knows diversionary war fails**

Carlson 12

Allen, Associate Professor in the Government Department of Cornell University, Foreign Policy, China Keeps the Peace at Sea: Why the Dragon Doesn't Want War, http://www.foreignaffairs.com/articles/139024/allen-carlson/china-keeps-the-peace-at-sea?page=2&cid=rss-rss\_xml-china\_keeps\_the\_peace\_at\_sea-000000 February 21

At times in the past few months, China and Japan have appeared almost ready to …, will be enduring.

# Pakistan

No chance that Pakistan will collapse

**Bandow ‘9**- Senior Fellow @ Cato, former special assistant to Reagan (11/31/09, Doug, “Recognizing the Limits of American Power in Afghanistan,” Huffington Post, http://www.cato.org/pub\_display.php?pub\_id=10924)

From Pakistan's perspective, … would be a terrible mistake."

No risk that Pakistani nukes are stolen

**Innocent ‘10** - foreign policy analyst at the Cato Institute (Malou, “Away from McChrystal and Back to the Basics,” Huffington Post, 6/28, http://www.cato.org/pub\_display.php?pub\_id=11934)

Pakistan has an elaborate …remains highly unlikely.

### OV

We do o/w on timeframe

NYT 9/26

http://www.nytimes.com/2013/09/26/business/treasury-warns-of-potential-default-by-mid-october.html?\_r=0

Mr. Lew warned in his … market reaction with global ramifications.

#### Link alone turns case

Whitehead & Nolte 12 (Laurence Whitehead, senior research fellow in politics at Nuffield College, Oxford, and Detlef Nolte, acting president of the GIGA, director of the GIGA Institute of Latin American Studies, professor of political science at the University of Hamburg, Number 6, 2012, [http://www.giga-hamburg.de/dl/download.php?d=/content /publikationen/pdf/gf\_international\_1206.pdf](http://www.giga-hamburg.de/dl/download.php?d=/content%20/publikationen/pdf/gf_international_1206.pdf))

Who Decides on the United States’ Latin ¶ … difficulties even more intractable now than in the past.

#### Turns china adventurism into the SCS

Ockham Research, 8 (“Economic Distress and Geopolitical Risks”, November,

http://seekingalpha.com/article/106562-economic-distress-and-geopolitical-risks)

China too is threatened … consequences for the U.S. and the world.

#### Also pak instab

Ferguson 9, Prof. History @ Harvard, April, ‘9

(Niall, <http://www.foreignpolicy.com/story/cms.php?story_id=4681&page=0>)

The democratic governments in … for political stability.

### UQ

#### Framing issue- Stable legislative ground is key to effectively applying pressure on Republicans and agree on a Budget deal

**CSM, 10-5** (First a shutdown, then a debt limit fight. Could that ruin the economy?, <http://www.csmonitor.com/USA/Politics/2013/1005/First-a-shutdown-then-a-debt-limit-fight.-Could-that-ruin-the-economy>, F.A.B)

Mr. Obama appears to hold the high ground … United States does not default."

c.) Not true – plan still lnks

Voorhees 5/23/13 (Josh, Editor of Slatest Magazine, Former Greenwire and Politico Reporter, "Slatest PM: GOP Senator Says Obama's Speech Will "Be Viewed by the Terrorists As a Victory")

No Love From the Right: [Washington Post](http://www.washingtonpost.com/politics/obama-outlines-new-rules-for-drones/2013/05/23/1b5918e6-c3cb-11e2-914f-a7aba60512a7_story.html?hpid=z1): "Obama’s … that the president will face in Congress."

#### 1.) Obama will fight the plan with a veto – independent link

Ackerman and Hathaway 11 – \*Professor of Law and Political Science @ Yale, \*\*Professor of International Law @ Yale

(Bruce and Oona, “Limiting War and the Constitution, Michigan Law Review, vol 109, Lexis)

Finally, there is the statutory … presidential ¶ approval.

#### 2.) Second – he’ll fight the plan with signing statements

Mork 6 – JD @ MSU

(Steven, “DISAPPROVING SIGNING STATEMENTS AND THE PRESENTMENT CLAUSE: WHEN WORDS SHOULD SPEAK LOUDER THAN ACTIONS,” http://www.law.msu.edu/king/2006/2006\_Mork.pdf)

The current and conventional … use at any time and, hence, remains a sleeping controversy.

#### This causes widespread Congressional backlash

Dean 6 – JD, Former Counsel to the President

(John, “The Problem with Presidential Signing Statements: Their Use and Misuse by the Bush Administration,” http://writ.lp.findlaw.com/dean/20060113.html)

But like steroids, signing statements … will wish it had not issued all those signing statements.

#### Empirically false and the plan is more likely to disrupt Obama’s careful issue selection

**Eberly, 13** - coordinator of Public Policy Studies and assistant professor in the Department of Political Science at St. Mary's College of Maryland (Todd, Baltimore Sun, “The presidential power trap” <http://articles.baltimoresun.com/2013-01-21/news/bs-ed-political-capital-20130121_1_political-system-george-hw-bush-party-support/2>)

Only by solving the … on the current president's mind today as he takes his second oath of office.

#### Immigration vote disproves

**Brown, 9/4/13** (Jake, Politico, “President Obama’s political capital spreads thin” <http://dyn.politico.com/printstory.cfm?uuid=59456290-12C8-4DCA-970E-0856C9FA6E6C>)

White House aides … — and House Republicans don’t think the Syria vote will be any different.

#### Losers LOSE—perception matters

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

Declining political authority … with normative.