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### 1

The affirmative re-inscribes the primacy of liberal legalism as a method of restraint—that paradoxically collapses resistance to Executive excesses.

**Margulies ‘11**

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In an observation more often repeated than defended, we are told that the attacks of September 11 “changed everything.” Whatever merit there is in this notion, it is certainly true that 9/11—and in particular the legal response set in motion by the administration of President George W. Bush—left its mark on the academy. Nine years after 9/11, it is time to step back and assess these developments and to offer thoughts on their meaning. In Part II of this essay, we analyze the post-9/11 scholarship produced by this “emergency” framing. We argue that legal scholars writing in the aftermath of 9/11 generally fell into one of three groups: unilateralists, interventionists, and proceduralists. Unilateralists argued in favor of tilting the allocation of government power toward the executive because the state’s interest in survival is superior to any individual liberty interest, and because the executive is best able to understand and address threats to the state. Interventionists, by contrast, argued in favor of restraining the executive (principally through the judiciary) precisely to prevent the erosion of civil liberties. Proceduralists took a middle road, informed by what they perceived as a central lesson of American history.1 Because at least some overreaction by the state is an inevitable feature of a national crisis, the most one can reasonably hope for is to build in structural and procedural protections to preserve the essential U.S. constitutional framework, and, perhaps, to minimize the damage done to American legal and moral traditions. Despite profound differences between and within these groups, legal scholars in all three camps (as well as litigants and clinicians, including the authors) shared a common perspective—viz., that repressive legal policies adopted by wartime governments are temporary departures from hypothesized peacetime norms. In this narrative, metaphors of bewilderment, wandering, and confusion predominate. The country “loses its bearings” and “goes astray.” Bad things happen until at last the nation “finds itself” or “comes to its senses,” recovers its “values,” and fixes the problem. Internment ends, habeas is restored, prisoners are pardoned, repression passes. In a show of regret, we change direction, “get back on course,” and vow it will never happen again. Until the next time, when it does. This view, popularized in treatments like All the Laws but One, by the late Chief Justice Rehnquist,2 or the more thoughtful and thorough discussion in Perilous Times by Chicago’s Geoffrey Stone,3 quickly became the dominant narrative in American society and the legal academy. **This narrative also figured heavily in the many challenges to Bush-era policies,** including by the authors. The narrative permitted litigators and legal scholars to draw upon what elsewhere has been referred to as America’s “civic religion”4 and to cast the courts in the role of hero-judges5 **whom we hoped would restore legal order.**6 But by framing the Bush Administration’s response as the latest in a series of regrettable but temporary deviations from a hypothesized liberal norm, the legal academy ignored the more persistent, and decidedly illiberal, authoritarian tendency in American thought to demonize communal “others” during moments of perceived threat. Viewed in this light, what the dominant narrative identified as a brief departure caused by a military crisis is more accurately seen as part of a recurring process of intense stigmatization tied to periods of social upheaval, of which war and its accompanying repressions are simply representative (and particularly acute) illustrations. It is worth recalling, for instance, that the heyday of the Ku Klux Klan in this country, when the organization could claim upwards of 3 million members, was the early-1920s, and that the period of greatest Klan expansion began in the summer of 1920, almost immediately after the nation had “recovered” from the Red Scare of 1919–20.7 Klan activity during this period, unlike its earlier and later iterations, focused mainly on the scourge of the immigrant Jew and Catholic, and flowed effortlessly from the anti-alien, anti-radical hysteria of the Red Scare. Yet this period is almost entirely unaccounted for in the dominant post-9/11 narrative of deviation and redemption, which in most versions glides seamlessly from the madness of the Red Scare to the internment of the Japanese during World War II.8 And because we were studying the elephant with the wrong end of the telescope, we came to a flawed understanding of the beast. In Part IV, we argue that the interventionists and unilateralists came to an incomplete understanding by focusing almost exclusively on what Stuart Scheingold called “the myth of rights”—the belief that if we can identify, elaborate, and secure judicial recognition of the legal “right,” **political structures and policies will adapt their behavior to the requirements of the law** and change will follow more or less automatically.9 Scholars struggled to define the relationship between law and security primarily through exploration of structural10 and procedural questions, and, to a lesser extent, to substantive rights. And they examined the almost limitless number of subsidiary questions clustered within these issues. Questions about the right to habeas review, for instance, generated a great deal of scholarship about the handful of World War II-era cases that the Bush Administration relied upon, including most prominently Johnson v. Eisentrager and Ex Parte Quirin. 11 Regardless of political viewpoint, a common notion among most unilateralist and interventionist scholars was that when law legitimized or delegitimized a particular policy, **this would have a direct and observable effect on actual behavior**. The premise of this scholarship, in other words, was that policies “struck down” by the courts, or credibly condemned as lawless by the academy, would inevitably be changed—and that this should be the focus of reform efforts. Even when disagreement existed about the substance of rights or even which branch should decide their parameters, it reflected shared acceptance of the primacy of law, often to the exclusion of underlying social or political dynamics. Eric Posner and Adrian Vermeule, for instance, may have thought, unlike the great majority of their colleagues, that the torture memo was “standard fare.”12 But their position nonetheless accepted the notion that if the prisoners had a legal right to be treated otherwise, then the torture memo authorized illegal behavior and must be given no effect.13 Recent developments, however, cast doubt on two grounding ideas of interventionist and unilateralist scholarship—viz., that post-9/11 policies were best explained as responses to a national crisis (and therefore limited in time and scope), and that the problem was essentially legal (and therefore responsive to condemnation by the judiciary and legal academy). One might have reasonably predicted that in the wake of a string of Supreme Court decisions limiting executive power, apparently widespread and bipartisan support for the closure of Guantánamo during the 2008 presidential campaign, and the election of President Barack Obama, which itself heralded a series of executive orders that attempted to dismantle many Bush-era policies, the nation would be “returning” to a period of respect for individual rights and the rule of law. Yet the period following Obama’s election has been marked by an increasingly retributive and venomous narrative surrounding Islam and national security. **Precisely when the dominant narrative would have predicted change** and redemption, we have seen retreat and retrenchment. This conundrum is not adequately addressed by dominant strands of post-9/11 legal scholarship. In retrospect, it is surprising that much post-9/11 scholarship appears to have set aside critical lessons from previous decades as to the relationship among law, society and politics.14 Many scholars have long argued in other contexts that rights—or at least the experience of rights—are subject to political and social constraints, particularly for groups subject to historic marginalization. Rather than self-executing, rights are better viewed as contingent political resources, capable of mobilizing public sentiment and generating social expectations.15 From that view, a victory in Rasul or Boumediene no more guaranteed that prisoners at Guantánamo would enjoy the right to habeas corpus than a victory in Brown v. Board16 guaranteed that schools in the South would be desegregated.17 Rasul and Boumediene, therefore, should be seen as part (and probably only a small part) of a varied and complex collection of events, including the fiasco in Iraq, the scandal at the Abu Ghraib prison, and the use of warrantless wiretaps, as well as seemingly unrelated episodes like the official response to Hurricane Katrina. These and other events during the Bush years merged to give rise to a powerful social narrative critiquing an administration committed to lawlessness, content with incompetence, and engaged in behavior that was contrary to perceived “American values.”18 Yet the very success of this narrative, culminating in the election of Barack Obama in 2008, produced quiescence on the Left, even as it stimulated massive opposition on the Right. The result has been the emergence of a counter-narrative about national security that has produced a vigorous social backlash such that most of the Bush-era policies will continue largely unchanged, at least for the foreseeable future.19 Just as we see a widening gap between judicial recognition of rights in the abstract and the observation of those rights as a matter of fact, there appears to be an emerging dominance of proceduralist approaches, which take as a given that rights dissolve under political pressure, and, thus, are best protected by basic procedural measures. But that stance falls short in its seeming readiness to trade away rights in the face of political tension. First, it accepts the tropes du jour surrounding radical Islam—namely, that it is a unique, and uniquely apocalyptic, threat to U.S. security. In this, proceduralists do not pay adequate heed to the lessons of American history and sociology. And second, it endorses too easily the idea that procedural and structural protections will protect against substantive injustice in the face of popular and/or political demands for an outcome-determinative system that cannot tolerate acquittals. Procedures only provide protection, however, if there is sufficient political support for the underlying right. Since the premise of the proceduralist scholarship is that such support does not exist, it is folly to expect the political branches to create meaningful and robust protections. In short, a witch hunt does not become less a mockery of justice when the accused is given the right to confront witnesses. And a separate system (especially when designed for demonized “others,” such as Muslims) cannot, by definition, be equal. In the end, we urge a fuller embrace of what Scheingold called “the politics of rights,” which recognizes the contingent character of rights in American society. We agree with Mari Matsuda, who observed more than two decades ago that rights are a necessary but not sufficient resource for marginalized people with little political capital.20 To be effective, therefore, we must look beyond the courts and grapple with the hard work of long-term change with, through and, perhaps, in spite of law. These are by no means new dilemmas, but the post-9/11 context raises difficult and perplexing questions that deserve study and careful thought as our nation settles into what appears to be a permanent emergency.

Legalism underpins the violence of empire and creates the conditions of possibility for liberal violence – the alternative is to endorse political, rather than legal constraints

Dossa ‘99

Shiraz, Department of Political Science, St. Francis Xavier University, Antigonish, Nova Scotia, “Liberal Legalism: Law, Culture and Identity,” The European Legacy, Vol. 4, No. 3, pp. 73-87,1

No discipline in the rationalized arsenal of modernity is as rational, impartial, objective as the province of law and jurisprudence, in the eyes of its liberal enthusiasts. Law is the exemplary countenance of the conscious and calculated rationality of modern life, **it is the** emblematic face of liberal civilization. Law and legal rules symbolize the spirit of science, the march of human progress. As Max Weber, the reluctant liberal theorist of the ethic of rationalization, asserted: judicial formalism enables the legal system to operate like a technically **rational machine**. Thus it guarantees to individuals and groups within the system a relative of maximum of freedom, and greatly increases for them the possibility of predicting the legal consequences of their action. In this reading, law encapsulates the western capacity to bring order to nature and human beings, to turn the ebb and flow of life into a "rational machine" under the tutelage of "judicial formalism".19 Subjugation of the Other races in the colonial empires was motivated by power and rapacity, but it was justified and indeed rationalized, by an appeal to the civilizing influence of religion and law: western Christianity and liberal law. To the imperialist mind, "the civilizing mission of law" was fundamental, though Christianity had a part to play in this program.20 Liberal colonialists visualized law, civilization and progress as deeply connected and basic, they saw western law as neutral, universally relevant and desirable. The first claim was right in the liberal context, the second thoroughly false. In the liberal version, the mythic and irrational, emblems of thoughtlessness and fear, had ruled all life-forms in the past and still ruled the lives of the vast majority of humanity in the third world; in thrall to the majesty of the natural and the transcendent, primitive life flourished in the environment of traditionalism and lawlessness, hallmarks of the epoch of ignorance. By contrast, liberal ideology and modernity were abrasively unmythic, rational and controlled. Liberal order was informed by knowledge, science, a sense of historical progress, a continuously improving future. But this canonical, secular, bracing self-image, is tendentious and substantively illusory: it blithely scants the bloody genealogy and the extant historical record of liberal modernity, liberal politics, and particularly liberal law and its impact on the "lower races" (Hobson). In his Mythology of Modern Law, Fitzpatrick has shown that the enabling claims of liberalism, specifically of liberal law, are not only untenable but implicated in canvassing a racist justification of its colonial past and in eliding the racist basis of the structure of liberal jurisprudence.21 Liberal law is mythic in its presumption of its neutral, objective status. Specifically, the liberal legal story of its immaculate, analytically pure origin obscures and veils not just law's own ruthless, violent, even savage and disorderly trajectory, but also its constitutive association with imperialism and racism.22 In lieu of the transcendent, divine God of the "lower races", modern secular law postulated the gods of History, Science, Freedom. Liberal law was to be the instrument for realizing the promise of progress that the profane gods had decreed. Fitzpatrick's invasive surgical analysis lays bare the underlying logic of law's self-articulation in opposition to the values of cultural-racial Others, and its strategic, continuous reassertion of liberalism's superiority and the civilizational indispensability of liberal legalism. Liberal law's self-presentation presupposes a corrosive, debilitating, anarchic state of nature inhabited by the racial Others and lying in wait at the borders of the enlightened modern West. This mythological, savage Other, creature of raw, natural, unregulated fecundity and sexuality, justified the liberal conquest and control of the racially Other regions.23 Law's violence and resonant savagery on behalf of the West in its imperial razing of cultures and lands of the others, has been and still is, justified in terms of the necessary, beneficial spread of liberal civilization. Fitzpatrick's analysis parallels the impassioned deconstruction of this discourse of domination initiated by Edward Said's Orientalism, itself made possible by the pioneering analyses of writers like Aime Cesaire and Frantz Fanon. Fitzpatrick's argument is nevertheless instructive: his focus on law and its machinations unravels the one concrete province of imperial ideology that is centrally modern and critical in literally transforming and refashioning the human nature of racial Others. For liberal law carries on its back the payload of "progressive", pragmatic, **instrumental modernity**, its ideals of order and rule of law, its articulation of human rights and freedom, its ethic of procedural justice, its hostility to the sacred, to transcendence or spiritual complexity, its recasting of politics as the handmaiden of the nomos, its valorization of scientism and rationalization in all spheres of modern life. Liberal law is not synonymous with modernity tout court, but it is the exemplary voice of its rational spirit, **the custodian of its civilizational ambitions.** For the colonized Others, no non-liberal alternative is available: a non-western route to economic progress is inconceivable in liberal-legal discourse. For even the truly tenacious in the third world will never cease to be, in one sense or another, the outriders of modernity: their human condition condemns them to **playing perpetual catch-up**, eternally subservient to Western economic and technological superiority in a epoch of self-surpassing modernity.24 If the racially Other nations suffer exclusion globally, the racially other minorities inside the liberal loop enjoy the ambiguous benefits of inclusion. As legal immigrants or refugees, they are entitled to the full array of rights and privileges, as citizens (in Canada, France, U.K., U.S—Germany is the exception) they acquire civic and political rights as a matter of law. Formally, they are equal and equally deserving. In theory liberal law is inclusive, but concretely it is routinely **partial and invidious**. Inclusion is conditional: it depends on how robustly the new citizens wear and deploy their cultural difference. Two historical facts account for this phenomenon: liberal law's role in western imperialism and the Western claim of civilizational superiority that pervades the culture that sustains liberal legalism. Liberal law, as the other of the racially Other within its legal jurisdiction, differentiates and locates this other in the enemy camp of the culturally raw, irreducibly foreign, making him an unreliable ally or citizen. Law's suspicion of the others socialized in "lawless" cultures is instinctive and undeniable. Liberal law's constitutive bias is in a sense incidental: the real problem is racism or the racist basis of liberal ideology and culture.25 The internal racial other is not the juridical equal in the mind of liberal law but the juridically and humanly inferior Other, the perpetual foreigner.

### 2

#### Obama pushing immigration—it’ll get through

Reid Epstein, Politico, 11/13/13, Obama: Don't let ACA problems stop immigration, dyn.politico.com/printstory.cfm?uuid=D92FF3A4-19D5-41D2-A8F1-C56D6BC23E08

President Barack Obama gave immigration reform advocates a simple message Wednesday: Don’t let Obamacare get you down. In an Oval Office meeting with eight Christian faith leaders, the president said he remains engaged on immigration legislation and hopes the reform effort can get a fair hearing despite his other political problems, several faith leaders told POLITICO. “He said he doesn’t want other debates that are going on to hurt this,” said Jim Wallis, the president and CEO of the Christian social justice agency Sojourners. “He doesn’t want all the other debates going on to prevent this from passing. It’s caught up in all the other debates and he wants this to be looked at on his own merits.” Obama’s exhortation came during a meeting just hours before his administration released the first batch of Affordable Care Act enrollment numbers – a figure the White House had for weeks telegraphed as far lower than expected. Much of Obama’s Oval Office conversation with the faith leaders, Biden and top aides Valerie Jarrett, Cecilia Munoz and Melissa Rogers centered around the idea that contemporary Washington politics is blocking reform efforts, the faith leaders said. Obama, they said, didn’t make a direct ask for them to press Congress to back the reform effort, as Vice President Joe Biden implored Catholic leaders to do during a call Tuesday night. Instead he asked for their input on how the current immigration system is harming their communities and echoed the urgency to pass reform legislation by the end of the year. But with House Speaker John Boehner (R-Ohio) announcing earlier in the day that he has “no intention of ever going to conference on the Senate bill,” it was clear to all in the room that immigration reform has lost momentum it had after the Senate immigration bill passed. “This can be a companion issue that also deserves some attention because we’ve come so far on this issue and we can’t let it get lost in the battle du jour,” said Joel Hunter, the senior pastor at Northland Church in suburban Orlando. “I think all of us are hoping that the headlines of the daily accusations don’t bury what is a very important and urgent issue in our time.” And **still**, Obama told the faith leaders **he remains optimistic there will be progress by the end of December**. “I did get the sense that he was wanting to reassure us that this is a priority for him,” said Russell Moore, the president of the Southern Baptist Ethics and Religious Liberty Commission. “He actually does want to work with Congress to get a bill, not to just to have an issue.” White House officials declined to comment on specifics of the meeting. In an official readout, the White House said Obama once again blamed House Republicans for blocking a vote. “The president and the leaders discussed their shared commitment to raise the moral imperative for immigration reform and said they will continue keeping the pressure on Congress so they can swiftly pass commonsense reform,” the statement said. “The president commended the faith leaders for their tireless efforts in sharing their stories with Congress. He noted there is no reason for House Republicans to continue to delay action on this issue that has garnered bipartisan support. Moore, a conservative evangelical leader, said he warned Obama not to make immigration a partisan political issue. “I did say to the president that I think he needs to take seriously that the Republicans in Congress are operating out of what I believe to be good motives and that there needs to be a sense of cooperation and not divisiveness on this issue,” Moore said. “I think that was well received. I think the president seemed to indicate that that’s what he wants to do.” Wallis said there was a discussion during the meeting that the upcoming holiday season could give a boost to the reform efforts as families and churches gather. “The holiday season now happens to be coming in the end game. Here are the holidays, religious holidays, maybe there is something there,” Wallis said. “We are hearing a president say, ‘I don’t want politics to prevent this. How can we transcend and reach people to make this not just political. What can you do to help us get this beyond the politics?’” Biden on Tuesday night told Catholic officials to make their opinions known forcefully to House Republicans. He said they can’t repeat the mistakes of the gun control fight, when opponents of expanding background checks on gun purchases outnumbered White House allies in calls and e-mails to senators debating the legislation. “Thank the representatives when you call who are already in favor of reform, especially the 32 Republicans who have expressed for a path to citizenship,” Biden said. “Give them a little bit of love and appeal to their better angels, the better angels of those who are still on the fence to take a politically courageous decision.” Hunter said the push will require some help from the public to spur House Republican leadership to call a vote. “We think that the votes are there and we think it is tricky for folks to vote the way they want to,” Hunter said. “They just need some momentum from the public in order to have the justification for voting the way they already want to.”

#### The plan sparks an inter-branch fight derailing the agenda

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 military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that **costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms**. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea."

While congressional support leaves the president's reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. **Political capital spent shoring up support for a president's foreign policies is capital that is unavailable for his future policy initiatives**. Moreover, any weakening in the president's political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races." Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War.6°

In addition to boding ill for the president's perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson's dream of a Great Society also perished in the rice paddies of Vietnam. Lacking both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush's **highest second-term domestic priorities**, such as Social Security and immigration reform, **failed** perhaps in large part **because the administration had to expend so much energy** and effort **waging a rear-guard action against congressional critics** of the war in Iraq.

When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If **congressional opposition in the military arena stands to** derail other elements of his agenda, all else being equal, 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

#### That destroys Obama’s push—it’s critical to lock-up a House vote

Bill Scher, The Week, 10/18/13, How to make John Boehner cave on immigration, theweek.com/article/index/251361/how-to-make-john-boehner-cave-on-immigration

Speaker John Boehner (R-Ohio) generally adheres to the unwritten Republican rule that bars him from allowing votes on bills opposed by a majority of Republicans, even if they would win a majority of the full House.

But he's caved four times this year, allowing big bills to pass with mainly Democratic support. They include repealing the Bush tax cuts for the wealthiest Americans; providing Hurricane Sandy relief; expanding the Violence Against Women act to better cover immigrants, Native Americans, and LGBT survivors of abuse; and this week's bill raising the debt limit and reopening the federal government.

Many presume the Republican House is a black hole sucking President Obama's second-term agenda into oblivion. But the list of Boehner's past retreats offers a glimmer of hope, especially to advocates of immigration reform. Though it has languished in the House, an immigration overhaul passed with bipartisan support in the Senate, and was given a fresh push by Obama in the aftermath of the debt limit deal.

The big mystery that immigration advocates need to figure out: What makes Boehner cave? Is there a common thread? Is there a sequence of buttons you can push that forces Boehner to relent?

Two of this year's caves happened when Boehner was backed up against hard deadlines: The Jan. 1 fiscal cliff and the Oct. 17 debt limit. Failure to concede meant immediate disaster. Reject the bipartisan compromise on rolling back the Bush tax cuts, get blamed for jacking up taxes on every taxpayer. Reject the Senate's three-month suspension of the debt limit, get blamed for sparking a global depression. Boehner held out until the absolute last minute both times, but he was not willing to risk blowing the deadline.

A third involved the response to an emergency: Hurricane Sandy. Conservative groups were determined to block disaster relief because — as with other federal disaster responses — the $51 billion legislative aid package did not include offsetting spending cuts. Lacking Republican votes, Boehner briefly withdrew the bill from consideration, unleashing fury from New York and New Jersey Republicans, including Gov. Chris Christie. While there wasn't a hard deadline to meet, disaster relief was a time-sensitive matter, and the pressure from Christie and his allies was unrelenting. Two weeks after pulling the bill, Boehner put it on the floor, allowing it to pass over the objections of 179 Republicans.

The fourth cave occurred in order to further reform and expand a government program: The Violence Against Women Act. The prior version of the law had been expired for over a year, as conservatives in the House resisted the Senate bill in the run-up to the 2012 election. But after Mitt Romney suffered an 18-point gender gap in his loss to Obama, and after the new Senate passed its version again with a strong bipartisan vote, Boehner was unwilling to resist any longer. Two weeks later, the House passed the Senate bill with 138 Republicans opposed.

Unfortunately for immigration advocates, there is no prospect of widespread pain if reform isn't passed. There is no immediate emergency, nor threat of economic collapse.

But there is a deadline of sorts: The 2014 midterm elections.

If we've learned anything about Boehner this month, it's that he's a party man to the bone. He dragged out the shutdown and debt limit drama for weeks, without gaining a single concession, simply so his most unruly and revolutionary-minded members would believe he fought the good fight and stay in the Republican family. What he won is party unity, at least for the time being.

What Boehner lost for his Republicans is national respectability. Republican Party approval hit a record low in both the most recent NBC/Wall Street Journal poll and Gallup poll.

Here's where immigration advocates have a window of opportunity to appeal to Boehner's party pragmatism. Their pitch: The best way to put this disaster behind them is for Republicans to score a big political victory. You need this.

A year after the Republican brand was so bloodied that the Republican National Committee had to commission a formal "autopsy," party approval is the worst it has ever been. You've wasted a year. Now is the time to do something that some voters will actually like.

There's reason to hope he could be swayed. In each of the four cases in which he allowed Democrats to carry the day, he put the short-term political needs of the Republican Party over the ideological demands of right-wing activists.

Boehner will have to do another round of kabuki. He can't simply swallow the Senate bill in a day. There will have to be a House version that falls short of activists' expectations, followed by tense House-Senate negotiations. Probably like in the most formulaic of movies, and like the fiscal cliff and debt limit deals, there will have to be an "all-is-lost moment" right before we get to the glorious ending. Boehner will need to given the room to do all this again.

But he won't do it without a push. A real good push.

#### Immigration reform necessary to sustain the economy and competitiveness

Javier Palomarez, Forbes, 3/6/13, The Pent Up Entrepreneurship That Immigration Reform Would Unleash, www.forbes.com/sites/realspin/2013/03/06/the-pent-up-entrepreneurship-that-immigration-reform-would-unleash/print/

The main difference between now and 2007 is that today the role of immigrants and their many contributions to the American economy have been central in the country’s national conversation on the issue. Never before have Latinos been so central to the election of a U.S. President as in 2012. New evidence about the economic importance of immigration reform, coupled with the new political realities presented by the election, have given reform a higher likelihood of passing. As the President & CEO of the country’s largest Hispanic business association, the U.S. Hispanic Chamber of Commerce (USHCC), which advocates for the interests of over 3 million Hispanic owned businesses, I have noticed that nearly every meeting I hold with corporate leaders now involves a discussion of how and when immigration reform will pass. The USHCC has long seen comprehensive immigration reform as an economic imperative, and now the wider business community seems to be sharing our approach. It is no longer a question of whether it will pass. Out of countless conversations with business leaders in virtually every sector and every state, a consensus has emerged: our broken and outdated immigration system hinders our economy’s growth and puts America’s global leadership in jeopardy. Innovation drives the American economy, and without good ideas and skilled workers, our country won’t be able to transform industries or to lead world markets as effectively as it has done for decades. Consider some figures: Immigrant-owned firms generate an estimated $775 billion in annual revenue, $125 billion in payroll and about $100 billion in income. A study conducted by the New American Economy found that over 40 percent of Fortune 500 companies were started by immigrants or children of immigrants. Leading brands, like Google, Kohls, eBay, Pfizer, and AT&T, were founded by immigrants. Researchers at the Kauffman Foundation released a study late last year showing that from 2006 to 2012, one in four engineering and technology companies started in the U.S. had at least one foreign-born founder — in Silicon Valley it was almost half of new companies. There are an estimated 11 million undocumented workers currently in the U.S. Imagine what small business growth in the U.S. would look like if they were provided legal status, if they had an opportunity for citizenship. Without fear of deportation or prosecution, imagine the pent up entrepreneurship that could be unleashed. After all, these are people who are clearly entrepreneurial in spirit to have come here and risk all in the first place. Immigrants are twice as likely to start businesses as native-born Americans, and statistics show that most job growth comes from small businesses. While immigrants are both critically-important consumers and producers, they boost the economic well-being of native-born Americans as well. Scholars at the Brookings Institution recently described the relationship of these two groups of workers as complementary. This is because lower-skilled immigrants largely take farming and other manual, low-paid jobs that native-born workers don’t usually want. For example, when Alabama passed HB 56, an immigration law in 2012 aimed at forcing self-deportation, the state lost roughly $11 billion in economic productivity as crops were left to wither and jobs were lost. Immigration reform would also address another important angle in the debate – the need to entice high-skilled immigrants. Higher-skilled immigrants provide talent that high-tech companies often cannot locate domestically. High-tech leaders recently organized a nationwide “virtual march for immigration reform” to pressure policymakers to remove barriers that prevent them from recruiting the workers they need. Finally, and perhaps most importantly, fixing immigration makes sound fiscal sense. Economist Raul Hinojosa-Ojeda calculated in 2010 that comprehensive immigration reform would add $1.5 trillion to the country’s GDP over 10 years and add $66 billion in tax revenue – enough to fully fund the Small Business Administration and the Departments of the Treasury and Commerce for over two years. As Congress continues to wring its hands and debate the issue, lawmakers must understand what both businesses and workers already know: The American economy needs comprehensive immigration reform.

**Extinction**

**Auslin 9**

(Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, “The Global Economy Unravels”, Forbes, 3-6, http://www.aei.org/article/100187)

What do these trends mean in the short and medium term? The Great Depression showed how social and **global chaos** followed hard on economic collapse. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. Europe as a whole will face dangerously increasing tensions between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. A prolonged global downturn, let alone a collapse, would **dramatically raise tensions** inside these countries. Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in **all regions of the globe** and a loss of confidence that world leaders actually know what they are doing. The result may be a series of small explosions that coalesce **into a big bang**.

### 3

The executive branch should request Congressional authorization prior to initiating military use of force, unless to repel attacks on the United States. The executive branch should comply with Congress’s determination.

Presidential practice is the only effective check and avoids the CMR DA – plan and perm will be disregarded

Weiner, JD from Vanderbilt University, 2007

(Michael, “A Paper Tiger with Bite: A Defense of the War Powers Resolution,” <http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Weiner.pdf>)

In practice the WPR limits presidents’ outrageous unilateral uses of force. While critics of the WPR seem likely to oppose any legislation that stops short of emasculating the Executive into becoming the “messenger-boy”64 of Congress, they must remember that the foundation for the law of war lies in practice.65 Again, recall this Note’s suggestion that the WPR, and the law of war in general, should be viewed from a functionalist perspective. **Any law** that purports to control the actions of those involved in warfare **will only be followed if it allows the actor the chance to preserve his own interests**. Thus, while a soldier is interested in staying alive, and a commander is interested in preserving the lives of those under his command, the Executive is interested in both of these things as well as ensuring the national security of the entire nation. A law that does not afford the Executive sufficient flexibility to satisfy these interests is bound to be a dead-letter.

The WPR allows such flexibility, because while its requirements are clear black-letter law, its enforcement structure owes its strength to behavioral norms rather than law. The Executive has an incentive to abide by the WPR to avoid showing disrespect for Congress or the will of the U.S. public. However, he retains the legal freedom to function outside the WPR when he judges it to be manifestly clear (1) that the Nation’s interests require it, or (2) when he perceives that the will of the people is behind him.66 The WPR’s effectiveness can only be evaluated by its effect in practice. For this reason, this Note now surveys post-1973 presidential unilateral uses of force.

### 4

The President of the United States should order limited, conventional military strikes against the Syrian Arab Republic, particularly its air force and other entities responsible for the use of chemical weapons.

The Syria deal will fail – making crisis and unilateral action inevitable

Sargent, writer for the Washington Post, 9/10/2013

(Greg, “Reasons for skepticism about emerging Syria deal,” http://www.washingtonpost.com/blogs/plum-line/wp/2013/09/10/reasons-for-skepticism-about-emerging-syria-deal/)

Various reports indicate that sticking points remain, such as the U.S.’s demand for a binding United Nations resolution requiring Syria’s complicity, and Russia’s demand that the U.S. officially renounce force as part of any compromise.

However, Gary Samore, Obama’s former White House coordinator for arms control and weapons of mass destruction, tells me he’s skeptical both of the possibility of a deal being reached — and of it being successfully implemented.

Samore — who was Obama’s WMD coordinator from 2009 until earlier this year — says he thinks Obama is doing the right thing in trying for s uch a deal, but that the differences between the U.S. and Russia may be unbridgeable.

“There are some very fundamental differences between a deal we could accept as the basis for disarming Syria, and a deal Russians are prepared to agree to,” Samore says. “If we want to execute this idea in a meaningful way, you need a binding UN Security Resolution under Chapter 7 authority — you want the threat of force as a requirement, not optional. The fact that the Russians are not willing to support that is a pretty bad indication that they will not go along with a deal that we would require to be confident we can achieve the objective of disarming Syria.”

Samore said a deal that might be acceptable to the U.S. would require Syria to join the Chemical Weapons Convention, and then agree to have its weapons destroyed under international monitoring by the Organization for the Prohibition of Chemical Weapons. But “if it doesn’t have behind it the threat of force, then it’s a pretty weak resolution,” Samore adds.

However, Samore doubts that the Russians would accept this, unless there were “built into the resolution a requirement that any use of force to implement the resolution would require an additional action by the UN Security Council, which would give the Russians a veto.”

Yet there is an outside route to a deal, Samore says. The U.S. could accept a general comromise such as the above, while declining to “accept the argument that we could only use military force later if it is approved by the UN Security Council.” At the same time, the Russians might accept such a deal — one that doesn’t include the U.S. agreeing to take force off the table later — as “a better alternative to the U.S. bombing of Syria.”

Of course, that puts us back where we started, with Obama possibly having to act unilaterally later. Since Congress may be unwilling to authorize that, the President could, in this scenario, end up acting alone without Congressional support.

Samore says that the bottom line here is that, for all the conservative claims that Russia is playing the United States in this process, Russia is offering to broker some kind of deal because it is eager to avoid U.S. strikes on Syria.”The reason we’re at this point, without a doubt, is because of the Russian desire to avoid an American attack on Syria,” Samore says. “From the Russian standpoint, the U.S. has been going around unilaterally destroying Russian clients. All of that demonstrates Russian impotence.” He cited Iraq and Libya as examples.

And for that reason, Obama should keep trying, because common ground is feasible. “In a funny way, both have a common interest here,” Samore says. “Both sides want to avoid an attack on Syria.”

But even if a deal is reached, it could be very hard to implement. “These kinds of disarmament agreements are very difficult to exercise under normal conditions,” he says. “You would expect Assad to declare a portion of his chemical weapons and try to squirrel away a portion. Assad and his government have a very strong interest in hanging on to their chemical weapons. They believe they’ve been effective in the civil war and also believe they give protection against external military attacks.”

“So you would need a pretty intrusive verification mechanism, which means visiting a lot of sites and interviewing a lot of people,” Samore concludes. “Doing this in the middle of a civil war? Who’s going to protect the inspectors? Are you going to send in a UN-authorized military force to defend them? The destruction could take years.”

[END OF ARTICLE]

Continued uncertainty destroys hegemony and allows Iranian proliferation – Congress won’t approve action

Tobin, writer for Commentary Magazine, 9/15/2013

(Jonathan, Obama Lost More than Style Points in Syria, http://www.commentarymagazine.com/2013/09/15/obama-lost-more-than-style-points-in-syria-iran-russia/)

President Obama is touting the deal Secretary of State John Kerry has made with the Russians over Syria’s chemical weapons as the “first step” toward a solution to all of that country’s problems. He is also, predictably, taking credit for creating the pressure that made all these good things possible. As for the chorus of criticism from across the political spectrum about the manifest incompetence and lack of leadership he displayed in the last few weeks, the president dismisses that as mere carping about “style” rather than substance. But by backing down on his threats to use force and then agreeing to a toothless deal that allows Russian President Vladimir Putin to save the Assad regime after President Obama had repeatedly called for the fall of the dictator, there is more wrong here than a sloppy presentation.

As our Max Boot noted earlier today, the Russian-sponsored process to get rid of Assad’s chemical weapons is an invitation for the Syrian tyrant to delay and obstruct any efforts to actually remove the toxic material and lock the U.S. into a partnership with a man that even United Nations Secretary-General Ban Ki-moon labeled as a criminal. Even worse, by authorizing Secretary Kerry to bow to Russian demands to remove any threat of force from operative UN resolutions that will govern the process, the president has virtually guaranteed that there will be no consequences for Assad cheating or a chance that this murderous ally of Russia and Iran will be deposed. Obama has avoided an embarrassing defeat in Congress over authorization of force against Syria and can pretend that he has advanced the cause of peace since no Americans will be involved in any fighting (in contrast to the Syrian people who continue to be slaughtered by Assad). But all he has accomplished in the last month is to trash U.S. credibility and to grant Putin an unexpected victory that will further embolden Iran and its friends. This gives the lie to those who blithely claim Obama’s supine stance on Syria will not inform his policy toward Tehran’s plans for its own weapons of mass destruction.

Putin is sealing his triumph over Obama by announcing his plans to visit Iran to confer with his partners in propping up the Assad regime. In doing so, the Russian authoritarian proclaimed his support for Iran’s right to a nuclear program including the enrichment of uranium. While the Obama administration and the rest of the West has assumed all along that Putin shared their fear of a nuclear Iran, he has always been operating from a different playbook. The keynote of Russian foreign policy under Putin remains his dream of reconstituting the old Soviet empire and to frustrate the U.S. at every turn. By demonstrating his lack of will to act on what he has rightly labeled a human-rights catastrophe, President Obama has not only secured the Russian base in Syria; he has sent the region a signal that the U.S. is a paper tiger.

The new Middle East that has emerged from Obama’s Syria fiasco is one in which the Russians are no longer marginal players clinging to a sole outpost in Syria. It is also one in which the Iranians and their Hezbollah allies who have actively intervened in the Syrian civil war are the victors in a power struggle with moderate Arabs. It was one thing for the president to spend two years dithering over Syria while more than 100,000 people died. It is quite another to sign on to a diplomatic process that ensures a murderer will not only not face justice but will also have impunity to use chemical weapons.

The Iranians have spent the five years of Obama’s time in the White House skillfully playing the West with diplomatic feints that have given it more time to develop a nuclear capability. With Russian backing and with Obama showing himself incapable of taking decisive action, there is no reason for them to back down or to treat rumblings from Washington about force being the last resort if the talks fail again seriously.

Had President Obama not played Hamlet about acting on his own authority to strike Syria none of this needed to happen. Several months ago the Russians feared they were about to lose the last vestige of their once-formidable sphere of influence in the region as Assad tottered. Now they are back in business and Assad is even deeper in their debt than before. Bolstered by victory in Syria, Iran also has good reason to be more confident about stalling or even defying the West on the nuclear issue. All this is something Obama handed to them free of charge on a silver platter. That isn’t “style” Mr. President; it’s substance. And the consequences will be suffered by the people of Syria, regional allies like Israel, and an American people who, despite their justified worries about trusting Obama with military force in Syria, will soon realize that American prestige and influence has never been so low since Jimmy Carter sat in the White House.

Congressional rejection signals U.S. retreat to the world

Boot, Senior Fellow in National Security Studies at the Council on Foreign Relations in New York, 9/1/2013

(“Obama’s Path Forward on Syria,” http://www.commentarymagazine.com/2013/09/01/obamas-path-forward-on-syria/)

Funny, he didn’t think it was necessary to ask congressional authorization before bombing Libya–but that was a cause he was committed to. Not so in the case of Syria, where Obama’s driving desire, it is plain, is to stay as far away from the conflict as humanly possible. The New York Times reporter John Harwood recently tweeted: “Ex-Obama foreign pol aide, asked if any doubt we’ll hit Syria: ‘No.’ Is administration already having 2nd thoughts? ‘Yes. Not a great combo’.”

Not a good combination, for sure–an ambivalent commander in chief thinking of launching a few missiles without any obvious strategic intent beyond signaling anger with Assad and now perhaps secretly hoping that Congress will get him off the hook by blocking action. As numerous commentators, including me, have noted, firing a few cruise missiles risks giving Assad a victory by allowing him to emerge from his bunker after the air strikes to proclaim that he stood up to the American bully. The chances of achieving any results with cruise missile strikes–already slim–decline further with the delay of weeks that congressional action will entail. This will give Assad plenty of time to disperse and harden his missile launchers and other key assets.

None of this is to say that Congress should reject Obama’s request for authorization to use force. On the contrary, a rejection of the resolution would have disastrous consequences–it would signal American retreat to the world and give predators from North Korea to Iran a green light to commit greater atrocities in the future. The best we can hope for now is that an overwhelming vote of support in Congress–however unlikely it appears in the case of the increasingly isolationist House–will stiffen Obama’s spine and lead him to launch smarter strikes that will actually cripple Assad’s air force and other military forces that he is using to commit atrocities, mostly without recourse to chemical weapons.

Iran prolif causes nuclear war

Edelman, distinguished fellow – Center for Strategic and Budgetary Assessments, ‘11

(Eric S, “The Dangers of a Nuclear Iran,” *Foreign Affairs*, January/February)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention Of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia,Turkey, and the United Arab Emirates— all signatories to the Nuclear Nonproliferation Treaty (npt)—have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and di⁄cult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states’ access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade.

There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also oªered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads eªectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This “Islamabad option” could develop in one of several diªerent ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might oªer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan’s weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India’s reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT.

n-player competition

Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents’ forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to “launch on warning” of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly,would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

### Solvency

#### Obama will signing statement the aff—hollows the restriction out

Jeffrey Crouch, assistant professor of American politics at American University, Mark J. Rozell, acting dean and a professor of public policy at George Mason University, and Mitchel A. Sollenberger, associate professor of political science at the University of Michigan-Dearborn, December 2013, The Law: President Obama's Signing Statements and the Expansion of Executive Power, Presidential Studies Quarterly 43.4

In a January 2013 signing statement, President Barack Obama stated that his constitutional powers as president limited him to signing or vetoing a law outright and that he lacked the authority to reject legislative provisions “one by one.” Yet he then proceeded in a nearly 1,200 word statement to pick the law apart, section by section, and to effectively challenge many provisions by declaring that they violated his constitutional powers as commander in chief.

According to his signing statement, a provision restricting the president's authority to transfer detainees to foreign countries “hinders the Executive's ability to carry out its military, national security, and foreign relations activities and would, under certain circumstances, violate constitutional separation of powers principles” (Obama 2013). Obama did not mention, however, that Congress specifically authorized transfers to foreign countries as long as the secretary of defense, with the concurrence of the secretary of state and in consultation with the director of national intelligence, certified that the foreign government receiving the detainees was not a designated state sponsor of terrorism and possessed control over the facility the individual would be housed (P.L. 112-239; see Fisher 2013).

Obama also objected to a number of provisions that he claimed would violate his “constitutional duty to supervise the executive branch” and several others that he said could encroach upon his “constitutional authority to recommend such measures to the Congress as I ‘judge necessary and expedient.’ My Administration will interpret and implement these provisions in a manner that does not interfere with my constitutional authority” (Obama 2013).

What the president could not block or modify through concessions or veto threats during budget negotiations with members of Congress, he decided he could **unilaterally strip from a signed bill.** Similar to his predecessor, George W. Bush, Obama suggested that he was the ultimate “decider” on what is constitutional and proper. **Few** acts by **occupants of the White House so completely embody the unchecked presidency.**

Candidate Obama on Signing Statements President Obama's actions have been surprising given that he proclaimed while first running for his office that he would not issue signing statements that modify or nullify acts of Congress (YouTube 2013 2013). In a December 2007 response to the Boston Globe, presidential candidate Obama provided a detailed explanation for his thinking: “I will not use signing statements to nullify or undermine congressional instructions as enacted into law. The problem with [the George W. Bush] administration is that it has attached signing statements to legislation in an effort to change the meaning of the legislation, to avoid enforcing certain provisions of the legislation that the President does not like, and to raise implausible or dubious constitutional objections to the legislation” (Savage 2007a). Candidate Obama's objection to President Bush's actions centered on one of the three varieties of signing statement, in this case, a “constitutional” signing statement. In a “constitutional” signing statement, a president not only points out flaws in a bill, but also declares—in often vague language—his intent not to enforce certain provisions. Such statements may be different than ones that are “political” in nature. In “political” signing statements, a president gives executive branch agencies guidance on how to apply the law.1 Finally, the most common type of signing statements are “rhetorical,” whereby the intent of the president is to focus attention on one or more provisions for political gain (Kelley 2003, 45-50). President Obama's Policy on Signing Statements At the start of his term, it seemed that President Obama would honor his campaign commitments and break with his predecessor when he issued a memorandum to heads of executive branch departments and agencies regarding his policy on signing statements. In this memorandum, he wrote, “there is no doubt that the practice of issuing [signing] statements can be abused.” He objected to the use of signing statements where a president disregards “statutory requirements on the basis of policy disagreements.” Only when signing statements are “based on well-founded constitutional objections” do they become legitimate. Therefore, “in appropriately limited circumstances, they represent an exercise of the President's constitutional obligation to take care that the laws be faithfully executed, and they promote a healthy dialogue between the executive branch and the Congress.” President Obama proceeded to list four key principles he would follow when issuing signing statements: (1) Congress shall be informed, “whenever practicable,” of the president's constitutional objections; (2) the president “will act with caution and restraint” when issuing statements that are based on “well-founded” constitutional interpretations; (3) there will be “sufficient specificity” in each statement “to make clear the nature and basis of the constitutional objection”; and finally, (4) the president would “construe a statutory provision in a manner that avoids a constitutional problem only if that construction is a legitimate one” (Obama 2009a). Media coverage praised President Obama's action. The Boston Globe declared, “Obama reins in signing statements” (Editorial 2009). David Jackson of USA Today reported, “Obama tried to overturn his predecessor again on Monday, saying he will not use bill signing statements to tell his aides to ignore provisions of laws passed by Congress that he doesn't like” (Jackson 2009). Another reporter noted, President Obama “signaled that, unlike Bush, he would not use signing statements to do end runs around Congress” (James 2009).

Any expectations for a shift in the exercise of signing statements ultimately were misplaced, as President **Obama**, like his predecessor, **has used signing statements in ways that attempt to increase presidential power**. In this article, we first describe and analyze the continuity of policy and action between Barack Obama and George W. Bush. Second, we address why signing statements—at least one type of them—can not only be unconstitutional abuses of presidential power, but may also be unproductive tools for promoting interbranch dialogue and cooperation. Third, we show that signing statements are a natural result of expanding power in the modern presidency and that they have come to be used as a means of unilateral executive action. Finally, we provide a possible corrective to some of the more aggressive forms of constitutional signing statements that impact appropriations.

Congress cant check use of force

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 6-8

The role that Congress plays in deciding whether a war is continued or concluded is of intrinsic interest to academics, policymakers, and casual observers of contemporary American politics alike. Yet the belief that Congress retains some capacity to shape the conduct of military affairs after a venture is launched is also a critically important and untested proposition underlying most theories asserting congressional influence over the initiation of military action. Why, according to this emerging literature, do presidents facing a strong opposition party in Congress use force less frequently than do their peers with strong partisan majorities in Congress? The most commonly offered answer is that presidents anticipate Congress's likely reaction to a prospective use of force and respond accordingly.14 Presidents who confront an opposition-led Congress anticipate that it is more willing and able to challenge the administration's conduct of military action than a Congress controlled by their partisan allies. Therefore, the frequency with which presidents use force abroad covaries with the strength of their party in Congress. However, this anticipatory logic requires that Congress has the ability to raise the costs of military action for the president, once that action has begun. If Congress lacks this capacity, presidents have little reason to adjust their willingness to initiate the use of force in anticipation of an adverse congressional response." As a result, determining whether and how Congress can influence the scope and duration of ongoing military operations is critically important even to evaluating prior research that asserts congressional influence over the initiation of military actions. Without it, such analyses rest on shaky ground. Unfortunately, because the dynamics change dramatically once American troops are deployed abroad, simply drawing lessons from existing studies of interbranch dynamics in military policymaking at the conflict initiation phase and applying them to the conflict conduct phase is unlikely to offer much insight." The decision-making environment at the conflict conduct phase differs from that at the conflict initiation phase along at least three key dimensions: the incentives and constraints governing congressional willingness to challenge presidential discretion; the relative institutional capacities of the executive and legislative branches to affect military policymaking; and finally, the ability of unfolding conflict events to change further the political and strategic environment in which the two branches vie for power. With regard to the political constraints that limit would-be adversaries in Congress, the president may **be in an even stronger position** after American troops are deployed in the field. Ordering troops abroad is akin to other unilateral presidential actions; by seizing his office's capacity for independent action, a president can dramatically **change the status quo** and fundamentally alter the political playing field on which Congress and other actors must act to challenge his policies.17 Once the troops are overseas, the political stakes for any congressional challenge to the president's policies are inexorably raised; any such effort is subject to potentially ruinous charges of failing to support the troops. Georgia Senator Richard Russell's conversion from opposition to U.S. intervention in Vietnam in the early 196os to stalwart support for staying the course after Lyndon Johnson's escalation of the American commitment there illustrates this change: "We are there now, and the time for debate has passed. Our flag is committed, and—more importantly—American boys are under fire."" Russell's sentiment was loudly echoed forty years later in the allegations by the Bush administration and its partisan allies in Congress that any legislative efforts to curtail the war in Iraq undermined the troops. As a result of these potentially **intense political costs**, there are reasons to question whether Congress can mount an effective challenge to the policies of the commander in chief. If it cannot, this would compel a reassessment of prior theories asserting congressional influence over the initiation of military actions through the logic of anticipated response. Certainly, more empirical analysis is needed to answer this question.

### Warfighting

Legitimacy thesis is wrong

Fettweis 10

Christopher J. Fettweis is an assistant professor of political science at Tulane University, August 2010, Paper prepared for the 2010 meeting of the American Political Science Association, Washington, DC, September 1-4, "The Remnants of Honor: Pathology, Credibility and U.S. Foreign Policy", http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1657460

Both theoretical logic and empirical evidence suggest that actions taken in the present will likely not have a predictable effect on the crises of the future, for better or for worse. The almost overwhelming tendency to try to send messages through national actions increases the odds of policy mishaps and outright folly, for at least two reasons. First, and most basically, an eye toward the future prevents complete focus on the present. During a crisis, the national interest cannot be correctly ascertained unless policymakers de-link present concerns from future expectations. Second, as unsettling as it may be, the future is not subject to our control. There is much that can and will occur between the current crisis and the next, and the international environment will change in quite unpredictable ways. Target actors – whether they be superpowers or terrorist groups or vaguely-defined “threats” – are not likely to believe that the actions of a state give clues to its future actions. In other words, they believe that our actions are independent, and there is little that can be done to change that.81 Generally speaking, therefore, policymakers are wise to fight the natural temptation to look beyond the current crisis when deciding on action.

Honor is a socially determined good, in the sense that the community is the ultimate arbiter of whether any individual possesses it. Likewise, the status of its credibility is beyond the control of the United States. Neither people nor states own their reputation, which can be affected by the actions to some extent but ultimately exist primarily in the minds of others. “Credibility exists,” noted the recent U.S. politician perhaps most obsessed with its maintenance, “only in the eye of the beholder.”82 Try as they might, states cannot exert complete control over their reputations or level of credibility; target adversaries and allies will ultimately form their own perceptions, ones that will be affected by their needs and goals. Even if states were to take what appeared to be the logical actions to protect their credibility, it is possible (perhaps likely) that others will not receive the messages in the way they were intended.83 Sending messages for their consideration in future crises, therefore, is all but futile.

Food shortages inevitable

Damian **Carrington 11**, head environment reporter at the Guardian, “Food prices driven up by global warming, study shows”, May 5, <http://www.guardian.co.uk/environment/2011/may/05/food-prices-global-warming>

Global warming has already harmed the world's food production and has driven up food prices by as much as 20% over recent decades, new research has revealed. The drop in the productivity of crop plants around the world was not caused by changes in rainfall but was because higher temperatures can cause dehydration, prevent pollination and lead to slowed photosynthesis. Lester Brown, president of the Earth Policy Institute, Washington DC, said the findings indicate a turning point: "Agriculture as it exists today evolved over 11,000 years of reasonably stable climate, but that climate system is no more." Adaptation is difficult because our knowledge of the future is not strong enough to drive new investments, he said, "so we just keep going, hoping for the best." The scientists say their work shows how crucial it is to find ways to adapt farming to a warmer world, to ensure that rises in global population are matched by rising food production. "It is vital," said Wolfram Schlenker, at Columbia University in New York and one of the research team. "If we continue to have the same seed varieties and temperatures continue to rise, then food prices will rise further. [Addressing] that is the big question." The new research joins a small number of studies in which the fingerprint of climate change has been separated from natural variations in weather and other factors, demonstrating that the effects of warming have already been felt in the world. Scientists have shown that the chance of the severe heatwave that killed thousands in Europe in 2003 was made twice as likely by global warming, while other work showed that the floods that caused £3.5bn of damage in England in 2000 were made two to three times more likely.

**Hegemony’s strong now and other countries perceive it**

**Reed 10** (Matthew M. Reed, Managing Editor, 10/11/10, International Affairs Review, “The Return of American Muscle,” <http://www.iar-gwu.org/node/202>)

Alarmists are convinced the United States is losing ground around the world. Two critical regions make them particularly anxious: Asia and the Middle East, where American power is challenged by big competitors and small rogue states. Both regions are also home to opaque nuclear programs and anti-American regimes; North Korea possesses nuclear warheads, while Iran most likely wants the same. Worse yet, America’s position is compromised by military and economic challenges, as it concludes two major wars and struggles to recover from a fierce recession. If the triple threat of China, North Korea, and Iran remains unchecked – as some claim it might– **it would be news to these countries and their capitals. The US responded to each challenge symbolically and substantively in 2010.** In some cases, it explicitly declared its intent while in others, it pursued bold action and empowerment measures. The return of American muscle is a reminder that no power can project force like the US and no country enjoys the multitude of friends who share its strategic vision (e.g. hemming in China, countering Iran, isolating North Korea). **Any swan song is premature.** This year’s warning shots were fired loudest in Asia, where the US and South Korea held a series of massive war games following North Korea’s alleged attack on a South Korean vessel in March. By July, thousands of Americans and South Koreans were mobilized for anti-submarine drills and joint maneuvers off the coast of North Korea – a combined effort that left no doubts about American resolve in Asia. "These defensive, combined exercises are designed to send a clear message to North Korea that its aggressive behavior must stop, and that we are committed to together enhancing our combined defensive capabilities," read a July statement from US Defense Secretary Robert Gates. North Korea is not the only target of American posturing. The US’s expansive role in Asian waters is raising alarms in Beijing as well. US and Japanese navies are scheduled for drills off the coast of Okinawa in December. Last month, US and South Korean forces launched joint exercises in the Yellow Sea – water considered vital to China. And in August, the US staged joint maneuvers in the South China Sea with Vietnam, a country whose territorial claims frequently clash with the People’s Republic. The frequency of these drills is a direct consequence of renewed fears among China’s neighbors. China’s maritime assertiveness – specifically its claims to regional waters and recent deployments of advanced submarines and destroyers – has given new urgency to American primacy in Asia. As The Economist noted in August, “Absent without leave, America helped foster an overblown perception in the region of America’s decline and China’s ascent. It is now putting that right,” with **high-profile displays of power and solidarity.** Regional fears are also allowing the US to strengthen its position in the Persian Gulf, where Iran’s ambitions are creating consensus.This year has been punctuated by significant arms deals between the US and states like Saudi Arabia, Kuwait, and the United Arab Emirates. Although the $60 billion deal with Saudi Arabia received the most attention, Kuwait and the UAE are both expecting deliveries of sophisticated anti-ballistic missile (ABM) systems soon, thus offsetting the threat posed by Iranian warheads. Not surprisingly, Qatar and Bahrain are both abstaining from the American-sponsored arms race, and with good reason: both maintain sizable US bases that already protect them from Iranian aggression. In May, the US broke ground in Bahrain for the purposes of doubling the size of its naval base there, which is situated directly across the Persian Gulf from Iran. This combination of new weapons systems and anti-missile technology ensures a more hostile environment for Iran, one in which its threats are cheapened and American allies are immune to intimidation. By empowering friendly states and flexing American muscle in the form of joint drills and deployments, **the US is dispelling the myth that the world’s only superpower is neither super nor powerful.** The Beltway is momentarily full of pessimists but **America’s profile in Beijing, Riyadh, Seoul, Tehran, and Pyongyang is consequential like no other.** Critical US allies are enjoying new resources and priority, while challengers to the American order suffer from isolation (North Korea), the threat of overwhelming force (Iran), and territorial push-back (China).

The plan wrecks power projection

**Nzelibe & Yoo 6** [Jide Nzelibe (Asst. Profesor of Law @ Northwestern) and John Yoo (Emanuel S. Heller Professor of Law @ UC-Berkeley Law); “Rational War and Constitutional Design”; Yale Law Journal, Vol. 115; 2006]

Much of the war powers literature focuses on the concern that the United States might erroneously enter a war in which the expected costs outweigh the expected benefits. Statisticians usually label such errors of commission Type I errors. However, the other side of the coin is just as important. Errors of [\*2518] omission, when the United States does not enter a conflict whose expected benefits outweigh the costs, are called Type II errors and may be just as undesirable as Type I errors. n15 But scholars rarely, if ever, ask whether requiring congressional ex ante approval for foreign wars could increase the likelihood of Type II errors. Legislative control could prevent the United States from entering into wars that would advance its foreign policy or national security objectives. The clearest example is World War II. During the inter-war period, Congress enacted several statutes designed to prevent the United States from entering into the wars in Europe and Asia. In 1940 and 1941, President Franklin D. Roosevelt recognized that America's security would be threatened by German control of Europe, and he and his advisers gradually attempted to bring the United States to the assistance of Great Britain and the Soviet Union. n16 Nonetheless, congressional resistance delayed entry into the war and prevented Roosevelt from doing anything more than supplying arms and loans to the Allies and providing partial protection for convoys to Great Britain. In hindsight, most would agree that America's earlier entry into World War II would have benefited both the United States and the world.

We must compare the impact of Type I and Type II errors under a Congress-first system with the results of a President-first approach. Presidents may cause the United States to begin wars that appear unnecessary or unwise initially; however, some of these conflicts may look better in hindsight. The Cold War experience, which provides the best examples of major military hostilities conducted without ex ante congressional authorization, does not stand as an unambiguous example of how legislative control promotes institutional deliberation and results in better conflict selection. Many of the conflicts, such as Panama and Grenada, ended successfully for the United States. To be sure, the Korean War, which many would consider a draw, did not, but the Korean War may have succeeded in its broader objectives of containing the expansion of communism in East Asia.

**Nuclear and biological war**

**Li ‘9**

Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modem state] does not have a future in front of it.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

Soft power fails - empirics

Drezner 11

Daniel W. Drezner, Professor of International Politics at the Fletcher School of Law and Diplomacy at Tufts University, Foreign Affairs, July/August 2011, "Does Obama Have a Grand Strategy?", <http://www.foreignaffairs.com/print/67869>

What went wrong? The administration, and many others, erred in believing that improved standing would give the United States greater policy leverage. The United States' standing among foreign publics and elites did rebound. But this shift did not translate into an appreciable increase in the United States' soft power. Bargaining in the G-20 and the UN Security Council did not get any easier. Soft power, it turns out, cannot accomplish much in the absence of a willingness to use hard power. The other problem was that China, Russia, and other aspiring great powers did not view themselves as partners of the United States. Even allies saw the Obama administration's supposed modesty as a cover for shifting the burden of providing global public goods from the United States to the rest of the world. The administration's grand strategy was therefore perceived as promoting narrow U.S. interests rather than global public goods.

### cmr

Civil-military conflict inevitable

Davidson 13

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In the 2010 bestselling book, Obama’s Wars, Bob Woodward recounts President Barack Obama’s friction with his military chain of command as he sought options for ending the war in Afghanistan.1 Woodward paints a compelling picture of a frustrated president who felt “boxed in” by his military commanders who were presenting him with only one real option—deploy 40,000 more troops for a comprehensive counterinsurgency strategy and an uncertain timeline. The president and his civilian advisors could not understand why the military seemed incapable of providing scalable options for various goals and outcomes to inform his decision-making. Meanwhile the military was frustrated that their expert advice regarding levels of force required for victory were not being respected (Woodward 2010).

Such mutual frustration between civilian leadership and the military is not unique to the Obama administration. In the run-up to the Iraq War in 2002, Secretary of Defense Donald Rumsfeld famously chastised the military for its resistance to altering the invasion plan for Iraq. The military criticized him for tampering with the logistical details and concepts of operations, which they claimed led to the myriad operational failures on the ground (Gordon and Trainor 2006; Ricks 2007; Woodward 2004). Later, faced with spiraling ethnic violence and rising U.S. casualties across Iraq, George W. Bush took the advice of retired four-star General Jack Keane and his think tank colleagues over the formal advice of the Pentagon in his decision to launch the so-called surge in 2007 (Davidson 2010; Feaver 2011; Woodward 2010).

A similar dynamic is reflected in previous eras, from John F. Kennedy’s famous debates during the Cuban Missile Crisis (Allison and Zelikow 1999) to Lyndon Johnson’s quest for options to turn the tide in Vietnam (Berman 1983; Burke and Greenstein 1991), and Bill Clinton’s lesser-known frustration with the military over its unwillingness to develop options to counter the growing global inﬂuence of al-Qaeda.2 In each case, exasperated presidents either sought alternatives to their formal military advisors or simply gave up and chose other political battles. Even Abraham Lincoln resorted to simply ﬁring generals until he got one who would fight his way (Cohen 2002).

What accounts for this perennial friction between presidents and the military in planning and executing military operations? Theories about civilian control of the military along with theories about presidential decision making provide a useful starting point for this question. While civilian control literature sheds light on the propensity for friction between presidents and the military and how presidents should cope, it does not adequately address the institutional drivers of this friction. Decision-making theories, such as those focused on bureaucratic politics and institutional design (Allison 1969; Halperin 1974; Zegart 2000) motivate us to look inside the relevant black boxes more closely. What unfolds are two very different sets of drivers informing the expectations and perspectives that civilian and military actors each bring to the advising and decisionmaking table.

This article suggests that the mutual frustration between civilian leaders and the military begins with cultural factors, which are actually embedded into the uniformed military’s planning system. The military’s doctrine and education reinforce a culture of “military professionalism,” that outlines a set of expectations about the civil-military decision-making process and that defines “best military advice” in very speciﬁc ways. Moreover, the institutionalized military planning system is designed to produce detailed and realistic military plans for execution—and that will ensure “victory”—and is thus ill suited to the rapid production of multiple options desired by presidents. The output of this system, framed on specific concepts and definitions about “ends,” “ways,” “means,” and expectations about who provides what type of planning “guidance,” is out of synch with the expectations of presidents and their civilian advisors, which in turn have been formed from another set of cultural and institutional drivers.

Most civilian leaders recognize that there is a principal-agent issue at work, requiring them to rely on military expertise to provide them realistic options during the decision-making process. But, their definition of “options” is framed by a broader set of political objectives and a desire to winnow decisions based, in part, on advice about what various objectives are militarily feasible and at what cost. In short, civilians’ diverse political responsibilities combined with various assumptions about military capabilities and processes, create a set of expectations about how advice should be presented (and how quickly), how options might be defined, and how military force might or might not be employed. These expectations are often considered inappropriate, unrealistic, or irrelevant by the military. Moreover, as discussed below, when civilians do not subscribe to the same “hands off” philosophy regarding civilian control of the military favored by the vast majority of military professionals, the table is set for what the military considers “meddling” and even more friction in the broken dialogue that is the president’s decision-making process.

This article identifies three drivers of friction in the civil-military decision-making dialogue and unpacks them from top to bottom as follows: The first, civil-military, is not so much informed by theories of civilian control of the military as it is driven by disagreement among policy makers and military professionals over which model works best. The second set of drivers is institutional, and reflects Graham Allison’s organizational process lens (“model II”). In this case, the “outputs” of the military’s detailed and slow planning process fail to produce the type of options and advice civilians are hoping for. Finally, the third source of friction is cultural, and is in various ways embedded into the first two. Powerful cultural factors lead to certain predispositions by military planners regarding the appropriate use of military force, the best way to employ force to ensure “victory,” and even what constitutes “victory” in the American way of war. These cultural factors have been designed into the planning process in ways that drive certain types of outcomes. That civilians have another set of cultural predispositions about what is appropriate and what “success” means, only adds more fuel to the flame.

SSR fails in transitioning states

Nathan, visiting fellow – Crisis States Programme @ London School of Economics, August ‘4

(Laurie, “Obstacles to Security Sector Reform in New Democracies,” Berghof Research Center for Constructive Conflict Management)

2.The problem of complexity

Security sector reform in new democracies can be immensely complex because of the number of policies that have to be transformed, the fact that these policies may have to be changed more or less simultaneously, and the radical nature of the transformation agenda in the light of security culture under authoritarian rule. In South Africa, for example, the “principles of defence in a democracy” that constituted the agenda for transforming the armed forces required a dramatic reorientation of defence posture, doctrine and operations; force design and structure; military training and education; the institutional culture and human resource policies of the armed forces; defence expenditure, procurement and exports; and civil-military relations.

The management of such complex policy and institutional change would tax even the strongest of governments. It can be overwhelming to a new government that has no prior experience in running a state.

3. The problem of expertise

The problem of complexity is likely to be compounded by a lack of organisational, managerial, planning, financial and policy expertise in the new government. Leading a liberation movement or guerrilla army is hardly comparable with running government departments and conventional security services.

Following the transition to democracy, political decision-makers in South Africa were unfamiliar with contemporary debates on security and defence and with the range of policy options that were open to them. They were daunted by the uncertain consequences of their choices. The more technical a policy and the more radical the required change, the greater was the difficulty in this regard. A tendency towards conservatism and a reliance on ‘experts’ from the former regime, including security officers, is natural in these circumstances. This tendency might be reinforced by politicians’ awareness of the dangers that flow from misguided policies in the security realm.

South Africa pursued a number of strategies to address the problem of reliance on conservative experts from the former regime. Most importantly, it requested the Government of the United Kingdom to render advice to the South African Minister of Defence through the establishment of a British military advisory team in Pretoria. In addition, senior officers and civilian officials were sent on training and education courses in various democratic countries; progressive academics and the International Committee of the Red Cross were asked to assist the Department of Defence in designing and facilitating courses on the Geneva conventions and ‘military professionalism in a democracy’ for all uniformed personnel; and the Minister invited civil society experts to participate in the drafting of new policies and defence legislation.

Parliamentary committees in new democracies also typically lack expertise on security and defence issues, undermining their oversight and decision-making functions. For example, the parliamentary defence committee in South Africa accepted the logic of non-offensive defence as a matter of policy but it also accepted the recommendation by military officers for an offensive force design, mainly because the parliamentarians could not understand the technicalities of the force design options that were put to them. Similarly, the parliamentarians have struggled to grasp the technicalities of defence budgets.

The inexperience of parliamentary committees can lead to tension between parliamentarians and security officers. The officers might come to believe that the parliamentarians are ignorant and irresponsible, and the parliamentarians might feel that the officers are deliberately obfuscating matters in order to maintain the status quo. Adversarial relations between parliament and the security services impede the transformation process and can retard the democratic project.

4. The problem of capacity

Democratic governance is not limited to respect for basic rights, pluralism and the other basic features of democracy. It also entails efficiency and effectiveness in fulfilling the functions of the state. These qualities are missing in many developing countries, which lack the skills, expertise, infrastructure and resources to meet the welfare and security needs of citizens. Without the requisite institutional capacity, the values and principles of democracy cannot be ‘operationalised’ and insecurity might consequently remain pervasive. In these circumstances, it is not unlikely that the state and sectors of civil society will seek to fill the security vacuum in a militarist fashion.

By way of example, many foreign politicians and analysts have expressed concern about the continued deployment of the South African army in an internal policing role. The concerns relate principally to the politicisation of the armed forces and to the militarisation of law and order. These concerns are well known to a South African audience and are addressed in the 1996 White Paper on Defence. Nevertheless, the practical problem of an inefficient, corrupt and poorly trained police service, unable to cope with widespread violent crime, has necessitated military deployment.

The problems related to limited capacity can be illustrated by other examples: adherence to the rule of law presupposes the existence of a competent and fair judiciary, police service and criminal justice system; the expectation that police respect human rights is unrealistic if they have not been trained in techniques other than use of force; democratic civil-military relations rest not only on the disposition of the armed forces but also on the proficiency of departments of defence and parliamentary defence committees; and illegal trafficking in small arms will not be stemmed through policy and legislative measures if governments are unable to control their arsenals and borders. The building of capacity in these areas is necessarily a long-term and difficult endeavour.

5. The problem of resistance to change

Members of the security services may oppose reforms for a host of ideological and political reasons. In addition, substantial organisational and policy transformation is inherently threatening and would give rise to resistance and conflict in most countries. This is especially the case in respect of conventional armed forces, which tend to be conservative given their primary function of defending the state.

In South Africa the process of transforming the armed forces has been hindered by what many political leaders regard as racism or a counter-revolutionary agenda on the part of officers who served the apartheid regime. Yet it is important to appreciate the extent to which resistance to change has stemmed from less sinister motives. Officers who served under apartheid were suddenly expected to implement new policies that were completely at odds with their training, education and experience over several decades. Government policy allowing the formation of trade unions in the armed forces, for example, was in conflict with their basic orientation as soldiers. Military opposition to that policy was based on the not unreasonable belief that trade unions would undermine discipline and the chain-of-command. Similarly, opposition by South African officers to a non-offensive defence posture derived not from aggressive intentions but from a professional inclination to protect the country without undue restriction.

Military resistance to trade unions, disarmament, non-offensive defence and other major reforms might be found in stable democracies as well as in emerging democracies. In the case of the latter, however, many new policies may represent wholly new paradigms. In South Africa such paradigms have included a regional approach based on common security and confidence- and security-building measures (CSBMs); adherence to international humanitarian law; equal opportunity and affirmative action policies; recognition of soldiers’ rights as citizens; and transparency, accountability and parliamentary oversight of the defence function. Precisely because these were new paradigms, representing a radical departure from previous thinking, resistance from military officers was inevitable.

In fragile new democracies where the political sector is weak and the security sector is strong, politicians might rely on the overt or tacit support of the security services to maintain their tenuous hold on power. They might avoid substantial reforms for fear of provoking a coup or lesser forms of resistance. For example, President Mandela appointed General Meiring, the chief of the apartheid army, to head the new defence force in the interest of stability and in order to ward off the possibility of a coup. The appointment retarded progress towards transformation until Meiring was replaced by General Nyanda who had served in the ANC’s liberation army.

6. The problem of insecurity

To a great extent, militarisation in developing countries is a product of structural conditions that constitute a crisis for human security and/or the stability of the state. These conditions include authoritarian rule; the exclusion of minorities from governance; socio-economic deprivation combined with inequity; and weak states that are unable to manage normal societal conflict in a stable and consensual fashion. These conditions give rise to a security vacuum that the state, civil society groups and individuals seek to fill through the use of violence, sometimes in an organised and sustained fashion and at other times in a spontaneous and sporadic manner. The prospect of disarmament in such circumstances is limited.

While the problem of authoritarianism may be largely resolved with the introduction of democracy, other structural problems in emerging democracies continue to pose obstacles to disarmament. If people are hungry and have negligible economic opportunity, then some of them may turn to crime and banditry as a means of subsistence. If the state is too weak to maintain law and order, then criminal activity may flourish and communities may end up privatising security. And if the state lacks the capacity to resolve the normal political and social conflicts that characterise all societies, then at least some individuals and groups will settle their disputes through violence.

US fails—no technical experts

Hermsmeyer, director of partnership policy and strategy – Office of the Under Secretary of Defense for Policy, cochaired an SSR working group, ‘10

(Gregory, “Institutionalizing Security Sector Reform,” USIP)

Donor governments are recognizing the importance of human capital for SSR at every level from headquarters to the field. Effective governmental institutions require individuals with the requisite knowledge, skills, experience, and attitudes for SSR. Donors need sufficient professional cadres of SSR experts in the uniformed services as well as in their civil and foreign services. As SSR becomes more mainstreamed, greater professionalization will be required on the part of those who make donor policy and those who design programs. SSR work requires a mix of technical experts in such diverse areas as governance, community policing, and resource management, as well as generalists who are expert at integrating disparate activities coherently and skilled at navigating competing political and bureaucratic interests. Integrators of SSR strategies, programs, and activities also need grounding in concepts ranging from institution building to change management and strategic planning.11 All who work in the SSR arena, whether technical experts or generalists, must also have an appreciation for the political dynamics and country context of the partner nation.

Donor governments have taken a number of steps to professionalize the cadre of SSR experts through more concerted training and education programs. The OECD has developed an SSR training module, and the Association for SSR Education and Training was formed to foster a more coordinated approach to SSR training.12 Although appreciation for the SSR concept has grown in the U.S. government, specialized training for civilians and military members remains extremely limited. Training and education are particularly important at senior levels, where they are virtually nonexistent. USAID offers training to its own staff that is open to other U.S. government personnel, but formal offerings of SSR courses for regional and functional bureau experts at State, DOD, USAID, and other interagency stakeholders are notably lacking. Training and education in SSR tend to be ad hoc and self directed when they do take place. No standardized curriculum exists, nor have any certification standards been established for U.S. government personnel.

Donor governments also need the capacity to reach beyond standing units and organizations to tap specialized expertise. Some have formed reserves of experts who can respond on short notice to contingencies. The U.S. government has established the Civilian Response Corps (CRC), which is managed by S/CRS. Like S/CRS, the CRC has a mandate that includes stabilization and conflict prevention. While the CRC includes ninety rule-of-law positions at State and DOJ, plus three demobilization, disarmament, and reintegration experts with USAID, it includes only three SSR experts with USAID to provide a more broadly focused integration role. DOD has created a deployable capacity through its Civilian Expeditionary Workforce (CEW). The CEW includes a nascent cadre of experts to help build the capacity of partner defense institutions through the Ministry of Defense Advisers (MODA) program. These advisers support SSR by facilitating the development of systems, procedures, and practices. The United States Institute of Peace has provided training in advising and mentoring skills for this program. However, MODA is relatively small, with only thirty-eight personnel who can be deployed, and the program is limited to Afghanistan.

In a time of severe resource constraints, no donor can hope to place technical experts for every conceivable requirement on the government payroll. Many have developed rosters of outside experts or leveraged contracts, grants, or other mechanisms to tap the external capacity found in the nonprofit and for-profit sectors. Clear boundaries are needed between governmental and external support of SSR programming, however. External SSR actors are best leveraged for their technical expertise, with policy direction reserved for government officials. To ensure effective oversight, officials responsible for designing and managing contracts need the training necessary to provide policy direction and ensure that programs support the partner’s overall SSR strategy. In the U.S. government, however, the lack of capacity among civilian departments and agencies has resulted in an insufficient number of project overseers with these requisite skills as well as the background to craft contracts that reflect SSR best practices and priorities.

Plan collapses CMR—the military will ignore the aff—kills heg

Mackubin Thomas Owens, professor of national security affairs in the National Security Affairs Department of the Naval War College, Spring 2012, WHAT MILITARY OFFICERS NEED TO KNOW ABOUT CIVIL-MILITARY RELATIONS, http://www.usnwc.edu/getattachment/1ef74daf-ebff-4aa4-866e-e1dd201d780e/What-Military-Officers-Need-to-Know-about-Civil-Mi.aspx

CIVILIAN CONTROL INVOLVES NOT ONLY THE EXECUTIVE BRANCH

It involves Congress as well. As the constitutional scholar Edward Corwin once famously observed, the Constitution is an “invitation to struggle for the privilege of directing American foreign policy” between Congress and the president.13 But **there is a similar tension at work with** regard to **civil-military relations**. Those who neglect the congressional role in American civil-military relations are missing an important element.14

The military has two civilian masters, and this has implications for civil-military relations that officers must understand. For instance, while the president and secretary of defense control the military when it comes to the use of force, including strategy and rules of engagement, Congress controls the military directly with regard to force size, equipment, and organization, and indirectly regarding doctrine and personnel. Indeed, Congress is the “force planner” of last resort.

The U.S. military accepts civilian control by both Congress and the president but offers advice intended to maintain its own institutional and professional autonomy. **On use of force, the military is usually granted a good deal of leeway regarding the terms and conditions** for such use.

By not dissenting from executive-branch policy, American military officers implicitly agree to support presidential decisions on the budget and the use of force, but they also must recognize an obligation to provide their alternative personal views in response to Congress. However, officers must recognize that Congress exerts its control with less regard for military preferences than for the political considerations of its individual members and committees. Thus congressional control of the military is strongly influenced by political considerations, by what Samuel Huntington called “structural,” or domestic, imperatives as opposed to strategic ones.

When the president and Congress are in agreement, the military complies. **When the two branches are in disagreement, the military tends to side with the branch that** most **favors its own views**, but **never to** the point of direct **disobedience to** orders of **the commander in chief**. Military officers are obligated to share their views with Congress. Doing so should not be treated as an “end run” undermining civilian control of the military.15

THE ABSENCE OF A COUP

The absence of a coup does not indicate that civil-military relations are healthy or that civilian control has not eroded. All too often, officers seem to believe that if the United States does not face the prospect of a Latin American– or African-style military coup d’état, all is well in the realm of civil-military relations. But this is a straw man. A number of scholars, including Richard Kohn, Peter Feaver, the late Russell Weigley, Michael Desch, and Eliot Cohen, have argued that although there is no threat of a coup on the part of the military, American civil-military relations have nonetheless deteriorated over the past two decades.16

Their concern is that the American military “has grown in influence to the point of being able to impose its own perspective on many policies and decisions,” which manifests itself in “repeated efforts on the part of the armed forces to frustrate or evade civilian authority when that opposition seems likely to preclude outcomes the military dislikes.” **The result is an unhealthy civil-military pattern that “**could alter the character of American government and **undermine national defense**.”

**No accidental launch**

**Williscroft 10** (Six patrols on the *John Marshall* as a Sonar Technician, and four on the *Von Steuben* as an officer – a total of twenty-two submerged months. Navigator and Ops Officer on *Ortolan* & *Pigeon* – Submarine Rescue & Saturation Diving ships. Watch and Diving Officer on *Oceanographer* and *Surveyor*. “Accidental Nuclear War” http://www.argee.net/Thrawn%20Rickle/Thrawn%20Rickle%2032.htm)

Is there a realistic chance that we could have a nuclear war by accident? Could a ballistic submarine commander launch his missiles without specific presidential authorization? Could a few men conspire and successfully bypass built-in safety systems to launch nuclear weapons? The key word here is “realistic.” In the strictest sense, yes, these things are possible. But are they realistically possible? This question can best be answered by examining two interrelated questions. Is there a way to launch a nuclear weapon by accident? Can a specific accidental series of events take place—no matter how remote—that will result in the inevitable launch or detonation of a nuclear weapon? Can one individual working by himself or several individuals working in collusion bring about the deliberate launch or detonation of a nuclear weapon? We are protected from accidental launching of nuclear weapons by mechanical safeguards, and by carefully structured and controlled mandatory procedures that are always employed when working around nuclear weapons. Launching a nuclear weapon takes the specific simultaneous action of several designated individuals. System designers ensured that conditions necessary for a launch could not happen accidentally. For example, to launch a missile from a ballistic missile submarine, two individuals must insert keys into separate slots on separate decks within a few seconds of each other. Barring this, the system cannot physically launch a missile. There are additional safeguards built into the system that control computer hardware and software, and personnel controls that we will discuss later, but—in the final analysis—without the keys inserted as described, there can be no launch—it’s not physically possible. Because the time window for key insertion is less than that required for one individual to accomplish, it is physically impossible for a missile to be launched accidentally by one individual. Any launch must be deliberate. One can postulate a scenario wherein a technician bypasses these safeguards in order to effect a launch by himself. Technically, this is possible, but such a launch would be deliberate, not accidental. We will examine measures designed to prevent this in a later column. Maintenance procedures on nuclear weapons are very tightly controlled. In effect always is the “two-man rule.” This rule prohibits any individual from accessing nuclear weapons or their launch vehicles alone. Aside from obvious qualification requirements, two individuals must be present. No matter how familiar the two technicians may be with a specific system, each step in a maintenance procedure is first read by one technician, repeated by the second, acknowledged by the first (or corrected, if necessary), performed by the second, examined by the first, checked off by the first, and acknowledged by the second. This makes maintenance slow, but absolutely assures that no errors happen. Exactly the same procedure is followed every time an access cover is removed, a screw is turned, a weapon is moved, or a controlling publication is updated. Nothing, absolutely nothing is done without following the written guides exactly, always under two-man control. This even applies to guards. Where nuclear weapons are concerned, a minimum of two guards—always fully in sight of each other—stand duty. There is no realistic scenario wherein a nuclear missile can be accidentally launched...ever...under any circumstances...period!

No Africa impact

Adusei, energy expert – Swedish University of Agricultural Sciences, 1/6/’12

(Lord Aikins, “Global Energy Security and Africa's rising Strategic Importance,” <http://www.modernghana.com/news/370533/1/global-energy-security-and-africas-rising-strategi.html>)

Additionally, the prospect of major inter-state conflict in Africa involving the use of deadly weapons that could destabilise oil and gas supply looks relatively distant. Few African countries possess the destructive war machines that Middle Eastern countries have acquired over the last 10 to 20 years. In 2010 for example Saudi Arabia purchased $60 billion worth of U.S. military hardware which experts believe is geared towards countering Iran's arms build up. Again most of Africa's oil is located offshore and could be exploited and transported relatively easily with very little contact with the local population. By way of distance the parts of Africa where most of the oil and gas are located is relatively closer to the U.S. making cost of transportation and the security associated with it relatively less expensive. These factors make oil and gas from Africa more reliable than say the Middle East and remain some of the main reasons why Africa's strategic importance is growing among oil and gas importers.

#### African conflict won’t draw in others

Morenike Taire, April 9, 2004, Vanguard (Nigeria), Global News Wire – Asia Africa Intelligence Wire, p. Lexis

Defining our role may not have to be as difficult as it might first seem. In the first instance, in spite of Libya feat in WMD technology, borrowed and invented, and despite the feat of others who, like Libya, has flirted and romanced with terrorism in the past, it is unlikely that Africa would be in a position to involve itself in any conflicts with any States outside its own shores. She does not have the technology, and might have trouble summoning the collective will. And so while America grapples with impending energy troubles or rumours of it and Europe battles with the European Union, Africa battles with hunger, and pretty much everything else that has ceased to be of any significance to anyone in the first world. It was Sting, appropriately enough, who’d coined the lyrics and sang the song: “We have just one world, but we live in different ones”. Indeed, we do. Unfortunately, we live, also, in perpetual danger of being sucked into the faster, more complicated vortex of the worlds of others. We can no longer be calm, cool and collected.

And they’re resilient – no impact

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, limiting the war on almost any terms would be better than prosecuting it for years, even to "victory," whatever that would mean. In fact, the least likely outcome is a takeover by widely unpopular Pakistani militants. The Pakistan military is the nation's strongest institution; while the army might not be able to rule alone, it can prevent any other force from ruling. Indeed, Bennett Ramberg made the important point: "Pakistan, Iran and the former Soviet republics to the north have demonstrated a brutal capacity to suppress political violence to ensure survival. This suggests that even were Afghanistan to become a terrorist haven, the neighborhood can adapt and resist." The results might not be pretty, but the region would not descend into chaos. In contrast, warned Bacevich: "To risk the stability of that nuclear-armed state in the vain hope of salvaging Afghanistan would be a terrible mistake."

## 2NC

### 2nc signing statements

#### Signing statements makes the aff meaningless—destroys the aff’s clarity and signal—AND causes a huge fight

Jeffrey Crouch, assistant professor of American politics at American University, Mark J. Rozell, acting dean and a professor of public policy at George Mason University, and Mitchel A. Sollenberger, associate professor of political science at the University of Michigan-Dearborn, December 2013, The Law: President Obama's Signing Statements and the Expansion of Executive Power, Presidential Studies Quarterly 43.4

Signing statements become objectionable **when a president attempts to transform statutory authority and circumvent the rule of law**. To be sure, a president may find that certain provisions of legislative enactments violate executive authority or principles of separation of powers. Such weighty issues are appropriate for resolution through a process of deliberation and accommodation between the political branches or, if not settled in that fashion, through the courts. However, signing statements do not, as some suggest, start a productive dialogue (Ostrander and Sievert 2013b, 60). Instead, **they invite interbranch conflict and encourage additional acts of presidential unilateralism**. From Andrew Jackson through Obama's 2009 objection to various provisions of the Supplemental Appropriations Act, signing statements have resulted in unnecessary battles between the branches.

Members of Congress often object to signing statements because the presence of one sometimes means that the administration is attempting to settle a policy debate without legislative input. The proper time to exchange views is during the legislative process, which takes place before a bill is submitted to the president to sign. Presidents often make deals with members of Congress on legislation in order to secure its passage. In 2009, President Obama did just that. In the process of convincing Congress to pass a funding measure for the International Monetary Fund and the World Bank “Obama agreed to allow the Congress to set conditions on how the money would be spent” and to attach a reporting requirement provision. However, the president turned around and issued a signing statement arguing that those restrictions would “interfere with my constitutional authority to conduct foreign relations.” Congress was not happy. Representative Barney Frank (D-MA) wrote to the president and accused him of breaking his word. The House even passed a bill that barred funding of the president's challenges (Kelley 2012, 11-12).

Instead of encouraging dialogue and political accommodations, such actions by presidents actually short circuit the free exchange of ideas and poison relations with Congress, including lawmakers of the president's own party. If a proposed statute so clearly violates what the president views as vital constitutional principles, then he has an obligation to veto it. He should not agree to the provisions during the legislative process and then turn around and effectively challenge them. Not only does this approach increase distrust and promote greater polarization on Capitol Hill, but it also goes against the text of the Constitution. Nowhere in Article I or Article II does the Constitution provide line-item veto authority to the chief executive. As George Washington explained, “From the nature of the constitution I must approve all the parts of a bill, or reject it in toto” (Washington 1889-93, XII, 327). Even if a president makes constitutional objections during the lawmaking process, such protests do not make credible his actions of signing a bill and later challenging certain provisions through a signing statement. As Representative Frank remarked, presidents “have a legitimate right to tell us their constitutional concerns—that's different from having a signing statement.” However, he explained that “Anyone who makes the argument that ‘once we have told you we have constitutional concerns and then you pass it anyway, that justifies us in ignoring it'—that is a constitutional violation. Those play very different roles and you can't bootstrap one into the other” (Savage 2010).

Louis Fisher cuts to the core of the problem with constitutional signing statements that purport to nullify statutory provisions. He argues that such statements “encourage the belief that the law is not what Congress puts in public law but what the administration decides to do later on.” Continuing, Fisher notes that “if the volume of signing statements gradually replaces Congress-made law with executive-made law and **treats a statute as a mere starting point on what executive officials want to do**, **the threat to the rule of law is grave**” (Fisher 2007, 210). We agree. It is unilateral presidential decision making itself that in this context strikes a serious blow against the core principles of separation of powers.

Another problem with constitutional signing statements is that they generally lack clarity and precision, which greatly hinders the idea that they could be used to help facilitate a dialogue between a president and Congress in the first place (Fisher 2007, 210). As noted earlier, signing statements are often crafted in a world of doublespeak where words are distorted to create confusion, and ambiguity is preferred in order to muddle the president's true intent. President Bush received frequent criticism for his vague statements. Likewise, as Christopher Kelley explained, “there are numerous instances where Obama's signing statements resort to the vagaries seen in the Bush signing statements, where it becomes difficult to discern precisely what is being challenged or why” (2012, 10).

The benefits of the obfuscating language are clear. Even when a president intends to ignore a statutory provision, there will be sufficient confusion among reporters, scholars, members of Congress, and certainly the public to prevent any kind of universal response. Consider, for example, President Obama's April 15, 2011, signing statement dealing with the provision to cut off funding for certain czar positions within the White House. In his analysis of that statement, presidential scholar Robert J. Spitzer argued that it merely “expresses displeasure, not disobedience to the law” (2012, 11). Two of us took the opposite view and declared that the president's statement “effectively nullified” the anti-czars provision (Sollenberger and Rozell 2011, 819). If scholars can disagree about the intended meaning of presidential signing statements, it is doubtful that a layperson can clearly discern the president's intentions.

### 2nc at signal

Takes out signal

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 81-2

First, in many cases **congressional signals will** likely have **only a modest influence on the calculations of the target state** at the conflict conduct phase. Uses of force involving the United States are different from most other uses of force occurring in the international system because of the tremendous asymmetric advantages in military capabilities that the United States enjoys over almost every adversary. By the time that the military policymaking process enters the conflict conduct phase, the target state's leader has already decided that his or her interests are best served by refusing to capitulate to American demands, even at the risk of almost certain tactical defeat at the hands of a superior military force. Having made this cost-benefit calculation, **congressional signals** during the course of a conflict **should have only a modest impact on the target state leader's subsequent behavior at the conflict conduct phase**." Moreover, the types of states whose leaders are most likely to make this calculation—weak states (including those harboring non-state actors who are the true target of a proposed use of force), failed states, and vulnerable dictatorships—are in many cases very different from most other members of the international community. For these actors, the costs of capitulating to American demands are so high that their cost-benefit calculations should be more impervious to congressional signals.

### at: no motive

#### Motive is inevitable—the president always wants to retain authority—signing statements guarantee he’s effective

Jeffrey Crouch, assistant professor of American politics at American University, Mark J. Rozell, acting dean and a professor of public policy at George Mason University, and Mitchel A. Sollenberger, associate professor of political science at the University of Michigan-Dearborn, December 2013, The Law: President Obama's Signing Statements and the Expansion of Executive Power, Presidential Studies Quarterly 43.4

Signing statements are a natural result of the vast growth in the exercise of unilateral presidential powers in the modern era. Presidents increasingly seek methods for governing by avoiding the traditional constraints provided by a system of separated powers. The rise of an increasingly powerful and virtually unchecked executive has been aided by various factors, including what Gene Healy (2008) calls a “cult of the presidency” in which power-seeking presidents are seen as the norm and even the ideal. It is hard to imagine a president today suggesting the need to give greater deference to the other branches of government.

Nonetheless, the Bush era witnessed a remarkably open and critical national debate over the limits of presidential powers. In 2007-08, presidential candidate Obama made no secret of his disagreement with President Bush's conception of executive powers. Through his pledges during the campaign, Senator Obama gave clear signals that he would not push the outer limits of executive power and that he would respect the system of checks and balances. Maybe he was not exactly promising to scale back the presidency, but he left the unmistakable impression that he would not continue the Bush era trend of runaway executive powers.

It is therefore appropriate to criticize President Obama for the actions we have described here because he had promised a higher standard of conduct than that practiced by his predecessors. Longtime observers of the modern presidency should not be surprised, though, as his actions fall into a customary pattern: when a new president sees the utility of a particular power established by his predecessors, he is not going to give that power away. On several occasions now, **what** President **Obama has not been able to achieve through the normal ebb and flow of deliberations with the legislative branch, he has stipulated through the issuance of a signing statement**. He has even made quips about how he looks for ways to govern without direct congressional involvement (Savage 2012).

The “Unitary Executive” Theory

During the George W. Bush presidency, there was substantial scholarly debate over what had been termed the “unitary executive” theory, defined by Stephen Skowronek as the claim “that the Constitution mandates an integrated and hierarchical administration—a unified executive branch—in which all officers performing executive business are subordinate to the President, accountable to his interpretations of their charge, and removable at his discretion” (2009, 2077). Skowronek's definition is drawn from four crucial constitutional provisions relating to presidential power. First, the “executive power” vested in the president by Article II is interpreted broadly by unitary executive theory proponents to justify vast authority over the rest of the executive branch. Second, the “vesting” clause of Article II, which does not contain the “herein granted” language of Article I, seems to imply greater executive power than the explicit words of the Constitution may suggest. Third, the president's oath of office is his responsibility to “preserve, protect and defend the Constitution.” Finally, the “take care” clause—the idea that the president has total control over his subordinates in the executive branch and is responsible to the entire nation for the implementation of the laws—rounds out the list (Skowronek 2009, 2076; see Kelley, forthcoming, 12-13).

For legal scholars Steven Calabresi and Christopher Yoo “all of our nation's presidents have believed in the theory of the unitary executive” (2008, 4). Along similar lines, although looking at the question from a political development perspective, Skowronek casts the unitary executive theory backers as the latest in a long line of insurgents. In the past progressives extolled the virtues of a strong presidency; more recently the rebels have been conservatives who see the unitary executive theory as a way to gather power and avoid accountability (Skowronek 2009).

The unitary executive theory—at least, in its current form—was essentially a creation of conservative attorneys in the Ronald Reagan Justice Department. As Christopher Kelley and Bryan Marshall note, presidents from Reagan onward have, to some degree, exhibited a belief in the unitary executive theory (2007, 144). After Watergate, the presidency faced unprecedented scrutiny from the public and the mass media, and Congress had passed a series of laws intended to check presidential power, including the Congressional Budget and Impoundment Control Act, the Ethics in Government Act, and the War Powers Resolution (Kelley 2010, 108; see Kelley 2003, 23; Rudalevige 2006). To fight back, lawyers in the Reagan OLC devised plans for the president to act unilaterally, even if against Congress's wishes (Kelley forthcoming, 6).

Their actions stimulated a debate over the constitutional powers of the presidency. One prominent critic, Cass Sunstein, writes, “It has become a pervasive view within the executive branch, and to a large degree within the courts, that the original vision of the Constitution put the President on top of a pyramid, with the administration below him. This vision, set out in numerous documents by the Department of Justice's Office of Legal Counsel, my former home, is not an accurate interpretation of the Constitution. It is basically a fabrication by people of good intentions who have spoken ahistorically” (Sunstein 1993-94, 300).

Similarly, it is obvious to Louis Fisher that the president does not have complete control over the executive branch. The Constitution assumes that others will share in the workload: “The Constitution does not empower the President to carry out the law. That would be an impossible assignment. It empowers the President to see that the law is faithfully carried out” (Fisher 2009-10, 591). In the separation of powers system, those executive branch agencies actually executing the laws necessarily have relationships with—and are responsible to—the other branches of government and to the laws passed by Congress, not just the president.

The “Decider” Model

Peter Shane argues that a different presidential model took hold during the Bush years. Shane contends that the traditional understanding of the president's role is that of the chief executive regarding himself as the “overseer” of the executive branch responsible for “general oversight” and able to “indirectly” influence his subordinates. In contrast, Bush believed more in the “decider” model, which gave him direct input into everything his subordinates might do, “without regard to any limitations Congress might try to impose on the President's power of command” (Shane 2009, 144-45). Shane concludes that the “decider” model is “profoundly undemocratic and deeply dangerous” (2009, 144). It is also contrary to law. Executive officials carry out numerous mandatory and adjudicatory duties pursuant to statutory policy. Presidents and White House aides may not intervene to change the outcomes of those decisions. Many attorneys general have advised presidents that they may not interfere with statutory duties assigned to particular executive officials (Fisher 2009-10, 576-79).

Signing statements comfortably fit the “decider” model of presidential power. Scholars identify signing statements as among the current litany of unilateral presidential powers (see Cooper 2002; Moe and Howell 1999), and some see no danger in the exercise of this practice (Ostrander and Sievert 2013a, 2013b). The trouble is that some presidents have used signing statements to revise legislative intent or even to alter the balance of power between the political branches and have thus undermined democratic controls on executive power (Pfiffner 2008, 196; see also Korzi 2011, 197; Fisher 2006, 1).

#### Obama would circumvent to retain authority, even if he supported the plan’s practice

Gordon Silverstein, UC Berkeley Assistant Professor, December 2009, Bush, Cheney, and the Separation of Powers: A Lasting Legal Legacy?, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1161&context=schmooze\_papers

Less than six months into the new administration, many of Obama’s staunch supporters have been surprised—even appalled—that the new president not only had failed to fully repudiate many of the Bush-Cheney legal policies, but in some instances, actually seems to be embracing and extending those policy choices (Gerstein 2009; Goldsmith 2009a, 2009b; Greenwald 2009a, 2009b; Herbert 2009; Savage 2009a). In areas ranging from the assertion of the state secrets privilege in efforts to shut down lawsuits over warrantless wiretapping (Al-Haramain v. Obama; Jewel v. NSA) and extraordinary rendition (Mohamed v. Jeppesen Dataplan) to those concerning lawsuits over detention and treatment at Guantánamo (Bostan v. Obama) and the reach of habeas corpus to Bagram Air Force Base in Afghanistan (Al Maqaleh v. Gates), as well as the continuing use of signing statements, the new Obama administration’s policies in a number of areas that were of intense interest during the campaign certainly do appear less dramatically different than one might have expected. Does this suggest that Obama actually will salvage and enhance the Bush-Cheney legal legacy?

Early evidence suggests the answer is no. There is a critical difference between policy and the legal foundation on which that policy is constructed. The policies may be quite similar, at least in the first few months of the new administration, but the legal legacy will turn on the underlying legal arguments, the legal foundation on which these policies are built. Here we find a dramatic difference between Obama and Bush. Both are clearly interested in maintaining strong executive power, but whereas Bush built his claims on broad constitutional arguments, insisting that the executive could act largely unhampered by the other branches of government, the Obama administration has made clear that its claims to power are built on statutes passed by Congress, along with interpretations and applications of existing judicial doctrines. It may be the case, as one of the Bush administration’s leading Office of Legal Counsel attorneys argued, that far from reversing Bush-era policies, the new administration “has copied most of the Bush program, has expanded some of it, and has narrowed only a bit” (Goldsmith 2009a). But what is profoundly different are the constitutional and legal default foundations on which these policies, and the assertions of executive power to enforce them, are built.

Obama, like virtually every chief executive in American History, seems committed to building and holding executive power. But unlike Bush, Obama is developing a far more traditional approach to this task, building his claims not on constitutional assertions of inherent power, but rather interpreting and applying existing statutes and judicial doctrines or, where needed, seeking fresh and expansive legislative support for his claims.

### CMR Adv

### Internal link

Be highly skeptical of their internal links

Yingling says detention, funding, raising forces key

Yingling 10

(Paul, not the guy who invented Yuengling beer – although I wish he was – Lieutenant Colonel in the United States Army, Professor of Security Studies at the George C. Marshall Center, “The Founders’ Wisdom”, Armed Forces Journal, February, <http://armedforcesjournal.com/article/2010/02/4384885>)

The U.S. faces a number of difficult challenges in civil-military relations that carry with them profound effects on our national security. Among these issues are declining popular support for the wars in Iraq and Afghanistan, growing isolation between the U.S. military and the society it serves, and unresolved disputes over the limits of executive authority. However difficult these problems may be, they are neither unprecedented nor insoluble.¶ The underlying issues in these debates were explicitly addressed by America’s Founders in drafting the U.S. Constitution. Winston Churchill famously observed that “America will always do the right thing, but only after exhausting all other options.” Having today exhausted all other options to provide for our security, Americans would be well served to return to the system of war powers established by the Constitution.¶ James Madison’s elegant system of checks and balances created a system to ensure that we choose our wars carefully and prosecute them intelligently and vigorously. After rebelling against Great Britain and rejecting the Articles of Confederation, the Founders were well aware of the dangers of both tyranny and anarchy. They created a system of government that provided for strong legislative and popular oversight of national security and vigorous executive power to deal with crises. Many of the challenges in civil-military relations that we face are attributable to insufficient legislative and popular oversight of executive authority. The solution to these challenges therefore lies in a reassertion of this authority.¶ It’s important to consider the historical context in which the Constitution developed. The rebellion against British tyranny was a defining experience for America’s Founders, shaping their views on virtually every aspect of governance. While the American Revolution was largely a dispute over the authority of Parliament to tax the colonies, civil-military disputes also played a significant role. The American colonists’ grievances against King George III cited in the Declaration of Independence included the maintenance and quartering of standing armies in times of peace without the consent of colonial legislatures and the denial of colonial jurisdiction over crimes committed by British troops in the colonies.¶ The Founders were deeply suspicious of standing armies accountable solely to executive power. The colonists accepted the presence of British regulars out of necessity during the French and Indian War (1758-1763) but wished for the removal of these forces to the greatest extent possible once the war ended. Consistent with this view, the Founders raised a Continental Army only for the duration of the Revolution, and all but disbanded it once the British were defeated.¶ Unfortunately, the Articles of Confederation replaced British tyranny with a government too weak to defend American interests. Each state maintained its militia, and 11 also maintained their own navies. The Congress lacked the power to tax, which made it difficult not only to provide for future expenses but also to pay past debts, including those owed to veterans of the Revolution. Amending the Articles required unanimity, and the passage of any law required the assent of nine of the 13 states. The national government lacked the authority to resolve disputes among the states, creating numerous disputes in every aspect of public life. The new government was nearly paralyzed on questions of foreign policy and defense, including negotiating a peace treaty with Great Britain, resolving boundary disputes with Spain and raising a navy capable of protecting commercial interests. Throughout the 1780s, the newly created United States drifted toward anarchy. George Washington feared that unless the national government could be made more vigorous, the new country would “become the sport of European politics.”¶ The Constitution created a system of war powers that remedied many of the weaknesses of the Articles of Confederation while ensuring that the war powers of the U.S. remained under strong legislative and popular oversight. This system of checks and balances applied to every aspect of war powers, from raising forces to conducting operations. The Founders vested the power to raise armies with Congress, using specific language intended to ensure these forces would remain beholden to Congress for support. The Constitution states that Congress shall have the power “to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.” The Founders used different language when describing support for naval forces. While the Constitution empowers Congress to raise armies, it then states that Congress shall have the power “to provide and maintain a navy.” The Founders viewed armies as temporary necessities to deal with particular crises but understood that the maintenance of a navy was an enduring requirement. Naval forces, both the fleet and Marines, gave the young republic an enduring expeditionary capability to protect its commercial interests. As these commercial interests were enduring, so too the capability to protect them must be enduring. Additionally, the Founders viewed naval forces as less of a threat to popular liberties than armies, as the latter are capable of controlling land, populations and resources for extended periods.¶ The Founders also ensured that executive branch officials, including senior military officers, were accountable to Congress. While the authority to appoint military officers resides with the president, the Constitution requires Senate confirmation for the appointment of officers.¶ Perhaps no check on executive power is more important than the provisions concerning the writ of habeas corpus. The Constitution states that “the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.” Two issues are worth noting here. The first is that there are no “emergency war powers” in the Constitution. The Founders expected us to govern ourselves in time of war according to the same laws that apply in times of peace. Second, the language regarding the suspension of the Great Writ is found in Article I, which covers Congress, and not Article II covering the president. This omission was no accident; the Founders considered executive power to be both a necessary guardian and a potential danger to popular liberty. The Great Writ is the most important of all checks on executive power, for if the executive has the unchecked power to imprison its opponents, every other liberty is meaningless.¶ The Founders also extended legislative oversight to the conduct of war itself. By vesting the power to declare war with Congress, the Founders ensured that America would choose its wars carefully. While Congress may be less well-suited to vigorous unitary action than the executive, it is far better-suited to engage in deliberation over the purpose and necessity of committing the nation to war. At the same time, entrusting Congress with the power to declare war ensured that America would prosecute its wars vigorously. The Founders expected that the prosecution of war would require the mobilization of the militia under federal service paid for under the federal budget.¶ The president alone is the commander in chief, but he is dependent on the Congress to raise and maintain military forces and to mobilize the militia. The president may appoint officers to positions of command, but such appointments are dependent on Senate confirmation. Most importantly, the president cannot commit the nation to war without congressional authority. While in practice the president may act in the interest of public safety, Congress’ power of the purse limits such actions to brief expeditionary operations.¶ Many of the difficulties in civil-military relations today are attributable to our departure from the elegant system of checks and balances established in the Constitution. Congress has all but abdicated many of its war powers, including raising forces, confirming the appointment of officers, providing oversight to operations and declaring war. This has made the U.S. weaker by allowing hasty, ill-considered and poorly supported executive actions to imperil national security. The remedy for these failures requires not innovation, but rather a return to the time-tested principles of America’s founding.

#### Congress must move first – only vigorous assertion of its role solves CMR

Yingling 10

(Paul, not the guy who invented Yuengling beer – although I wish he was – Lieutenant Colonel in the United States Army, Professor of Security Studies at the George C. Marshall Center, “The Founders’ Wisdom”, Armed Forces Journal, February, <http://armedforcesjournal.com/article/2010/02/4384885>)

Congress must be equally vigorous in resisting expansive interpretations of executive authority. Hasty and ill-considered executive decisions may burden the country with untenable and counterproductive policies whose consequences endure for decades. No issue makes this point more clearly than the Bush administration’s policies regarding the detainees at Guantanamo Bay, Cuba. The Bush administration asserted broad authority to detain suspected terrorists, asserting that they were neither lawful combatants fully protected by the Geneva Conventions nor criminal suspects fully protected by the Constitution. The Supreme Court ultimately rejected these arguments, but not before these policies did substantial damage to America’s reputation around the world. Greater congressional oversight in the formulation of the Bush administration’s detention policies might have prevented this. The Founders provided Congress with ample authority to conduct such oversight, including the appropriation of funds and the confirmation of executive branch nominees. The Founders did not provide the executive with expanded power in time of war, and placed the authority to suspend the writ of habeas corpus under Congress. The Founders were not naive and understood that not every exigency of war could be anticipated and satisfactorily resolved by the law. Even strong advocates of legislative supremacy recognized the possibility that an executive might act contrary to the law for the purpose of preserving the state. John Locke, whose “Second Treatise on Government” powerfully influenced the Founders’ thinking, acknowledged the possibility of executive prerogative, defined as “power to act according to the discretion for the public good, without the prescription of the law, and sometimes even against it.” However, Locke warned that “the people shall be judge” as to whether such sweeping executive action was intended for the public good. Lincoln’s suspension of the Great Writ in the Civil War, imposed during congressional recess and affirmed only after the fact, is an example of the exercise of executive prerogative for the public good. Especially in times of war, the people’s elected representatives must balance executive demands for broad discretion with equally important concerns for accountability and oversight.¶ Finally and most importantly, Congress must discontinue the practice of authorizing protracted military operations without a formal declaration of war. Since World War II, Congress has abandoned the practice of declaring war prior to the onset of military hostilities. This practice may be justified in the immediate aftermath of an attack, such as the Japanese attack on Pearl Harbor or the al-Qaida attacks of Sept. 11, 2001. In such circumstances, the president as commander in chief has the authority to act in self-defense until he can bring the matter before Congress. However, the Constitution places the power to declare war and commit the armed forces of the U.S. to battle with the Congress.¶ The Founders recognized that war placed substantial demands on the public in both blood and treasure. For a self-governing society to fight a protracted war, the people must believe in the wisdom and justice of the conflict. Because they will bear the burdens of war, the people through their elected representatives are the best judges in the decision to use force to achieve the aims of policy. The Founders relied on the people and their elected representatives to ask hard questions and seek peaceful solutions in order to avoid potential conflicts.

No internal link to PROMOTION—it’s inevitable, and many alt causes

Kohn 2

(Richard H., professor of military history at the University of North Carolina at Chapel Hill and a former chief of Air Force history, “The erosion of civilian control of the military in the United States today, Naval War College Review, 6-22-02, [http://www.thefreelibrary.com/The+erosion+of+civilian+control+of+the+military+in+the+United+States...-a092745784](http://www.thefreelibrary.com/The%2Berosion%2Bof%2Bcivilian%2Bcontrol%2Bof%2Bthe%2Bmilitary%2Bin%2Bthe%2BUnited%2BStates...-a092745784))

Ponder whether you are prepared to accept, as a principle of civilian control, that it includes the right of civilians to be wrong, to make mistakes--indeed, to insist on making mistakes. (112) This may be very hard to accept, given that people's lives, or the security of the nation, hang in the balance. But remember that the military can be wrong, dead wrong, about military affairs--for after all, you are not politicians, and as Carl von Clausewitz wrote long ago, war is an extension of politics. (113) Were you prepared to work for and with, and to accept, a Gore administration had the Democratic candidate won the 2000 election? If there is doubt on your part, ponder the implications for civil-military relations and civilian control. It is likely that within the next dozen years, there will be another Democratic administration. If the trend toward increasing friction and hostility in civil-military relations during the last three--those of Johnson, Carter, and Clinton--continues into the future, the national security of the United States will not be well served. ¶ Last of all, consider that if civilian control is to function effectively, the uniformed military will have not only to forswear or abstain from certain behavior but actively encourage civilians to exercise their authority and perform their legal and constitutional duty to make policy and decisions. You cannot and will not solve those problems yourselves, nor is it your responsibility alone. Civilian behavior and historical circumstances are just as much the causes of the present problems in civil-military relations as any diminution of military professionalism. But you can help educate and develop civilian leaders in their roles and on the processes of policy making, just as your predecessors did, by working with them and helping them--without taking advantage of them, even when the opportunity arises. Proper professional behavior calls for a certain amount of abstinence. What is being asked of you is no more or less than is asked of other professionals who must subordinate their self-interest when serving t heir clients and customers: lawyers to act against their self-interest and advise clients not to press frivolous claims; doctors not to prescribe treatments that are unnecessary; accountants to audit their clients' financial statements fully and honestly; clergymen to refrain from exploiting the trust of parishioners or congregants. (114) It will be up to you to shape the relationship with your particular client, just as others do. At its heart, the relationship involves civilian control in fact as well as form. ¶ Civilian control ultimately must be considered in broad context. In the long history of human civilization, there have been military establishments that have focused on external defense--on protecting their societies--and those that have preyed upon their own populations. (115) The American military has never preyed on this society. Yet democracy, as a widespread form of governance, is rather a recent phenomenon, and our country has been fortunate to be perhaps the leading example for the rest of the world. For us, civilian control has been more a matter of making certain the civilians control military affairs than of keeping the military out of civilian politics. But if the United States is to teach civilian control--professional military behavior--to countries overseas, its officers must look hard at their own system and their own behavior at the same time. (116) Our government must champion civilian control in all circumstances, without hesitation. In April 2002 the United States acted with stupefying and self-defeating hypocrisy when the White House initially expressed pleasure at the apparent overthrow of President Hugo Chavez in Venezuela by that country's military, condoning an attempted coup while other nations in the hemisphere shunned the violation of democratic and constitutional process. (117) "No one pretends that democracy is perfect or all-wise," Winston Churchill shrewdly observed in 1947. "Indeed, it has been said that democracy is the worst form of Government except all those other forms that have been tried." (118) Churchill certainly knew the tensions involved in civil-military relations as well as any democratic head of government in modern history. Both sides--civilian and military--need to be conscious of these problems and to work to ameliorate them.

I cant find the article bc of a paywall, but the article actually advocates the aff AND A FREAKING DRAFT

NYT 10

<http://atwar.blogs.nytimes.com/2010/02/04/a-critic-returns/?_r=0>

WASHINGTON — Lt. Col. Paul Yingling became a pivotal figure in the Iraq debate when he wrote an article three years ago that faulted the performance of American generals. It was a hard-hitting commentary that broadcast out loud the sort of misgivings that many of the Army’s younger officers had been keeping to themselves.

Now, Colonel Yingling is back with a provocative article on the American way of waging war. With his characteristic bluntness, he has called for the reinstitution of the draft and the reassertion of Congress’s role in deciding when the United States should use force.

In a national security debate often filled with fuzz words, equivocation and not-for-attribution quotes, Colonel Yingling has boldly taken on an issue that has been simmering for years, one that most politicians and policy makers in Washington are happy to avoid.

“In many ways, the prosecution of the war in Iraq is a cautionary tale against bypassing the war powers of Congress,” Colonel Yingling wrote in his article on “The Founders’ Wisdom,” which is being published by Armed Forces Journal, a nongovernmental publication that covers military issues.

 If members of Congress had to impose conscription and fully mobilize the National Guard, they might have been more skeptical of the case for war. Had members of Congress been required to cut popular domestic programs to pay for the war, they might have insisted on prosecuting the war more intelligently and vigorously. Instead, Iraq edged toward chaos over the course of four years, costing the lives of thousands of volunteers and hundreds of billions of dollars in borrowed money. Members of Congress held hearings and asked questions, but took no action to change the course of events in Iraq.

 As the United States commits additional forces to Afghanistan, Americans would be well served to return to our Constitutional system of war powers. The burdens of fighting in Afghanistan cannot and will not be shouldered solely by those in uniform today.

I first met Colonel Yingling a few years back. As the deputy commander of the Third Armored Cavalry Regiment, Colonel Yingling had attended an emotional ceremony for his soldiers who had been awarded the Purple Heart. The troops had given their all. Some arrived in wheelchairs or had terrible wounds. But had the generals developed a strategy that was worthy of their sacrifice? Colonel Yingling was troubled by that question. There was talk going around at senior levels that the military had done everything it could, and that it was the Iraqis or civilians who had dropped the ball. To some, that seemed too convenient, and not entirely honest.

Colonel Yingling’s previous article — “A Failure in Generalship,” completed in late 2006 during the dark days of sectarian cleansing before the surge and published in May 2007 — was a seismic event in military circles. Colonel Yingling received hundreds of e-mail messages from soldiers endorsing his comments. The reaction from on high was mostly a deafening silence, though one member of the brass, Maj. Gen. Jeff Hammond, the senior officer at Fort Hood at the time, assembled the captains at the base chapel to hear his rebuttal.

After Gen. David H. Petraeus’s counterinsurgency strategy began to turn things around in Iraq, Colonel Yingling sought to return for his third tour. An officer on General Petraeus’s staff helped him secure a spot on the military task force that was dealing with detention issues. After he finished that tour of duty in July 2009 Colonel Yingling took up a post as a professor of security studies at the George C. Marshall European Center for Security Studies in Germany, a research center operated by the American and Germany governments.

But Iraq was still very much on his mind. Colonel Yingling was talking at the Marshall center with a group of Bulgarians, who asked how the United States made decisions on war and peace.

“They started asking about American war powers and the constitutional system,” Colonel Yingling said in a telephone interview. “I started to explain normatively what it was supposed to be and what it actually was — how different what we do is from what was envisioned in the Constitution.”

He put down his thoughts in the article, which was reviewed by the dean at the Marshall center before its publication in Armed Forces Journal.

Colonel Yingling’s essential argument is that the all-volunteer military has placed an enormous burden for the fight in Iraq and Afghanistan upon the shoulders of a tiny sliver of the American population. In so doing, it has effectively exempted the most privileged members of American society from military service, constrained the size of the armed forces, forced the military to pay large bonuses to fill the gaps in its ranks and encouraged Congress to acquiesce in decisions on war and peace without the sort of thorough review that would be carried out for a military operation that affected a broader swath of the population.

“Soldiers, Marines and their families are bearing the whole burden of the war, and 99 percent of the public is disengaged from the war,” Colonel Yingling told me. “The two control mechanisms to control executive ambition — asking the people to supply the blood and treasure for war — are missing.

“I have never heard any political leader ask people to volunteer and fight,” he said. “That is fantastic to me. How can it be that we choose to fight a war but don’t ask people to fight it?

“In Afghanistan, we went through an agonizing decision to commit 30,000 troops, which will take months to get in place. We are a nation of 300 million people. The reason that the burdens of war are so heavy is that they are borne by so few people.”

Many arguments can be made against a return to conscription. Most experts believe the all-volunteer military is better trained and more professional that the Vietnam-era force of volunteers and draftees. If a draft were to be introduced, only a relatively small portion of the population would likely be needed to fill out the ranks, which could foment resentment.

As a practical political matter, the vast majority of politicians, Democrat as well as Republican, prefer things as they are now, as does the Pentagon. The professional military is highly competent and can be used as a tool of foreign policy without sparking the sort of momentous political debate or demonstrations that might follow if thousands were drafted and sent to war against their will. In a capital that cannot reach accord on health care, the possibility of reintroducing the draft seems fantastically remote, barring a major high-intensity conflagration.

But having spent nearly seven years moving from the Iraq battlefields to the Washington policy arena and back, I have enormous sympathy for Colonel Yingling’s argument that most of American society is isolated from the sacrifices that a few Americans make, albeit volunteers. Congressional scrutiny of the Bush administration’s planning before the invasion and challenges of occupation was shallow, and the reflexive opposition of many representatives to the surge indicated that they failed to understand the dynamics on the battlefield.

### Alt causes

CMR conflict inevitable -

Different expectations

Davidson 13

Janine Davidson is assistant professor at George Mason University’s Graduate School of Public Policy. From 2009-2012 she served as the Deputy Assistant Secretary of Defense, Plans in the Pentagon, Presidential Studies Quarterly, March 2013, " Civil-Military Friction and Presidential Decision Making: Explaining the Broken Dialogue", Vol. 43, No. 1, Ebsco

In contrast, Eliot Cohen (2002) demonstrates in his book, Supreme Command, that a more “hands on” approach to civilian control is likely to yield better outcomes. In his model, civilians respect the military’s operational expertise, but the commander in chief is understood to have broader responsibilities and insight in his role as president, thus requiring him—indeed legally authorizing him—to determine whether or not various military options are sound. What the military considers the appropriate plan to achieve an operational “victory,” a president might view as more strategically or politically risky given other macro objectives. President Kennedy colorfully described this mismatch when he remarked that the Joint Chiefs “advise you the way a man advises another one about whether he should marry a girl. He doesn’t have to live with her” (Zegart 2000, 45).

The president’s responsibility to see broader strategic issues and goals often leads him to disregard or override military advice. In Cohen’s study (2002), for example, Winston Churchill insisted the military continue advancing beyond the point where the generals had declared the enemy defeated because he understood that where forces physically stood and held ground when the bullets stopped ﬂying would dictate the terms of peace, especially in critical places like Berlin. Of course, the right to disregard operational expertise also grants presidents the right to make bold strategic errors as well. Consider that George W. Bush’s decision to divert operational resources from an ongoing ﬁght in Afghanistan in order to invade Iraq led to failure in the battle of Tora Bora, missed opportunity to kill or capture Osama bin Laden, and tragic and unnecessary U.S. casualties in the mountains of Afghanistan (Berntsen and Pezzullo 2006; Fury 2008).

For best results, Cohen (2002) proposes the need for a respectful, but “unequal” dialogue between the military and the president. In this model, the military provides its best advice, and the president can and should question it until there is ideally a mutual understanding. Regardless of reaching consensus, the president has the ﬁnal say in how or if to execute. In this unequal dialogue, the roles are clear as each side has distinct responsibilities based on position and expertise. Because the military are considered the experts in the art of war, their advice should inform presidential decision making by offering operational military options as well as details about resources required and timelines. A president must know how a potential conﬂict will unfold, how many forces it might require, and how long it might take to achieve various objectives (or alternative “end states” in military language). The military is not necessarily expected (nor invited) to offer strategic and political advice, such as whether or not the mission is in the “national interest” or if the American people will or will not support it. Presidents would consider those issues theirs to determine after weighing the myriad factors and options.

Cohen’s model is useful in that it outlines the perspective and responsibilities of the commander in -chief, helps one understands his constraints and expectations, and draws clear lines around the roles each side should play in an “unequal” civil-military dialogue. Cohen’s book, which was published in 2002, is a clear challenge to the “normal” Huntington model, which has been the prevailing model for military professionals for decades. Based on the historical record of frustrated presidents, it appears that Cohen’s model comes closer to how civilians assume the process should work. It easily follows that where presidents and their civilian advisors subscribe to Cohen and military ofﬁcers to Huntington (1981), friction is bound to ensue. This mismatch in expectations creates not an “unequal” dialogue, but a broken one.

Disagreements over logistics and strategy

Davidson 13

Janine Davidson is assistant professor at George Mason University’s Graduate School of Public Policy. From 2009-2012 she served as the Deputy Assistant Secretary of Defense, Plans in the Pentagon, Presidential Studies Quarterly, March 2013, " Civil-Military Friction and Presidential Decision Making: Explaining the Broken Dialogue", Vol. 43, No. 1, Ebsco

A perennial source of tension in the broken planning dialogue is the issue of resource requirements or force size. From Kennedy’s search for options in the Cuban Missile Crisis, to Rumsfeld’s ideas about a leaner, faster invasion force in Iraq, or President Obama’s haggling with the military over numbers of “boots on the ground” in Afghanistan, it seems civilians and the military are often out of synch when it comes to just how much force is required to “win.” In these cases, presidents often have more limited objectives in mind and cannot understand why the military cannot provide smaller force packages for smaller, more limited operations.

Presidents have a number of issues weighing on them that drive their predilection for small deployments and limited mission objectives. The ﬁrst is a desire to limit the bloodshed. The more troops in harm’s way, they assume, the more risk for casualties and body bags. As an elected ofﬁcial, presidents are also sensitive to public opinion and the desire to avoid large expensive and bloody wars “on their watch.” Presidents also are trying to avoid a nasty political ﬁght over war powers with the Congress, which would clearly be triggered by a large buildup and deployment of forces requiring large appropriations of funds. Thus, in the up-front haggling over force size, presidents prefer a smaller footprint so as not to alarm Congress and the public, be overtly provocative, or be accused of overstretch.

From the military’s perspective, as Brigadier General Hix explains, this is again just a simple matter of physics; or as the cliché goes, “amateurs discuss strategy; professionals talk logistics.” From the logistician and planner’s points of view, terms like “limited” or “surgical” are fraught with risk. Images of small units of troops on the ground handing rice to starving Somalis or perhaps conducting a targeted raid in the Federally Administered Tribal Areas of Pakistan, is not as easy as it looks on CNN. According to Hix, “civilians who want a small footprint mistakenly think this will limit the bloodshed— but as soon as American troops are deployed someplace, they become a target.”13

### 2nc ssr fails

#### Prefer our evidence—noting all the problems with SSR would take this whole debate!

Scheye, Justice and Security Consultant – Security System Implementation Framework @ OECD, ‘10

(Eric, “Realism and Pragmatism in Security Sector Development,” USIP Special Report 257, October)

To begin updating SSR policies, it is necessary first to review the persistent and apparently endemic challenges that have plagued their implementation. Although there are numerous such challenges, all of which have already been cataloged, this report touches on only the most salient of them,9 and specifically those pertaining to substantive SSR issues.

#### Err neg—their authors underestimate the difficulty of SSR

Nathan, visiting fellow – Crisis States Programme @ London School of Economics, August ‘4

(Laurie, “Obstacles to Security Sector Reform in New Democracies,” Berghof Research Center for Constructive Conflict Management)

I focus on the obstacles because donors frequently underestimate the complexities and long-term nature of security sector reform in developing countries. They consequently tend to attribute a lack of reform to a failure of political will when other considerations may equally be at play.

The obstacles to security sector reform in emerging democracies are many and varied. They include a lack of vision, expertise and resources; an abiding tendency to view security in an authoritarian, militarist and secretive fashion; resistance to reform from politicians and/or security officers; manipulation by foreign powers and neighbouring states; and the on-going politicisation of the security services. The higher the level of instability and violence in the national or regional arenas, moreover, the less likely it is that reforms with an anti-militarist orientation will be introduced. These various problems can be grouped in the following overlapping categories.

#### Our solvency defense should reduce the case to zero—implementation failures outweigh everything

Scheye, Justice and Security Consultant – Security System Implementation Framework @ OECD, ‘10

(Eric, “Realism and Pragmatism in Security Sector Development,” USIP Special Report 257, October)

A host of other endemic challenges to how SSR is implemented in the field further illustrate the gap between SSR policy prescriptions and the reality of how programming plays out in practice. Less generously, the discrepancy between policy and practice is more like a chasm than a gap. For example, while SSR proponents have continually insisted it addresses justice development, there is a unanimous consensus among practitioners that the reality is decidedly different and that justice is frequently overlooked in SSR programs.17 Among the acknowledged obstacles is the fact that justice practitioners do not self-identify as members of the security sector or system. It is for this reason alone that the SSR policy needs to be updated and revised. Most likely, the better concept is justice and security development, because no amount of persuasion will bring justice development under an SSR umbrella.

In a similar vein, although accountability and civilian oversight are heralded as intrinsic components of SSR doctrine, many practitioners insist that they too are neglected areas of donor-supported programs. The general claim is that SSR has narrowly focused on technical aspects of SSR and traditional security agencies at the expense of governance issues. As the EU expenditures figure suggests, the largest percentage of SSR support remains centered on military and police development, and as a result, insufficient time and effort are paid to questions of civilian oversight and accountability.

Similarly and troublingly, while gender is loudly proclaimed to be a core operational objective, SSR programs in the field often lapse into generalized security programs without adequate attention to women’s rights. An additional challenge to SSR gender programming is that it tends to focus too narrowly on violence against women. While violence against women is a horrendous problem, a narrow focus on it slights the institutionalized gender inequities and inequalities that exist in family, property, administrative, and commercial and civil law, and it may be these forms of discrimination that are most problematic in the day-to-day lives of women.

Donor Approaches in Response to the Challenges of Operationalizing SSR

In response to the persistent challenges and gaps in how SSR has been implemented in the field, practitioners agree that it is necessary first to move beyond the truisms and boilerplate language of SSR dogma, and second to focus more concertedly on changing the behaviors of the service providers in partner countries in ways that are sustainable. It appears that strategies to reconcile the undeniable gap between SSR policy prescriptions and how SSR has been implemented in the field fall into two broad groups. While the two approaches are not mutually exclusive, they incorporate decidedly different assumptions and premises. The first strategy refocuses attention on the need to undertake comprehensive and integrated donor-supported development, as originally enunciated by the OECD Handbook, emphasizing strategic policymaking and institution and capacity building, civilian oversight, and accountability. This is the traditional or orthodox approach. The alternative is the realistic and pragmatic school, which adopts a consistent problem-solving justice and security orientation in the belief that SSR programming ought to tackle discrete issues and, therefore, be disaggregated.

The Traditional or Orthodox Approach

The Need for a Common SSR Language. The key pillar of the traditional or orthodox approach to healing the rift between SSR principles and their implementation in the field is to reaffirm and underscore the importance and centrality of those principles to SSR. Adherents of the traditional approach repeatedly called for a common SSR language with respect to definitions, policies, guidance, and implementation. This call for, and the expected development of, an agreed-upon universal language have, according to proponents, a number of benefits. First, the search for a common language has propelled the promulgation of additional donor policies and strategies. It has also encouraged multilateral and regional organizations, such as the AU, to begin to formulate or hone their policies and strategies with regard to SSR. Second, it has invigorated the various training exercises conducted by donors for their personnel, which, by harmonizing SSR language, should enable better and more effective implementation of programs through greater coordination.

Unfortunately, these benefits have been watered down because many of the revised policies and training initiatives are based on SSR policies and practices that have already proved to be ineffective.18 The preferred sequence is, first, to rethink and retool SSR practice, and only then to update policies and strategies accordingly. A case in point is the recently published Measuring and Monitoring Armed Violence: Goals, Targets and Indicators.19 While the framework certainly advances the agenda of reducing armed violence, particularly with regard to information management, its underlying orientation remains largely state-centric and does not adequately address the connections between that practice area and development of the justice sector.

While the drive for more concise polices and cohesive training programs is appropriate, there appears to be little direct correlation between the publication of new donor policies or the development of enhanced training initiatives and donor activities in the field. The difficulty seems to stem from a disconnect between headquarters initiatives and their uptake in the field. A clear indication of this is that the efforts made to strengthen the UN’s SSR policies have had little immediate or significant effect in changing how justice and security development is implemented in either Liberia or Timor-Leste’s peacekeeping missions. Another example of the disconnect between the issuance of initiatives and their actualization in the field is the heightened attention paid to policies and guidance notes on how to conduct assessments and the need for these assessments to be comprehensive and multisectoral without reference to the political imperatives that, frequently, limit the time period during which assessments can be conducted. This is not to fault the new SSR policies and training initiatives per se but rather to suggest that they primarily address the needs of headquarters staff and do not adequately correspond to the political realities on the ground.

### Africa

Mil not key Nigeria

Volman, director – African Security Research Project, 3/13/’9

(Daniel, <http://www.fpif.org/reports/making_peace_or_fueling_war_in_africa>)

Of particular strategic importance for the future is Nigeria, where U.S. military concerns of anti-terrorism and energy security converge. As Nigeria specialists Paul Lubeck, Michael Watts, and Ronnie Lipschutz outline in a 2007 policy study, the threat to Nigeria from Islamic extremism is wildly exaggerated in statements by U.S. military officials. In contrast, they note, "nobody doubts the strategic significance of contemporary Nigeria for West Africa, for the African continent as a whole, and for the oil-thirsty American economy." But the solution to the growing insurgency in the oil-rich Niger Delta isn't a buildup of U.S. naval forces and support for counter-insurgency actions by the Nigerian military. The priority is rather to resolve the problems of poverty, environmental destruction, and to promote responsible use of the country's oil wealth, particularly for the people of the oil-producing regions.

Currently, U.S. military ties with Nigeria and other oil-producing states of West and Central Africa include not only bilateral military assistance, but also the naval operations of the Africa Partnership Station and other initiatives to promote maritime safety, particularly for the movement of oil supplies. In recent years, United States military aid to Nigeria has included at least four coastal patrol ships to Nigeria, and approximately $2 million a year in other funds, including for development of a small boat unit in the Niger Delta. According to the State Department's budget request justification for the 2007 fiscal year, military aid to the country is needed because "Nigeria is the fifth largest source of U.S. oil imports, and disruption of supply from Nigeria would represent a major blow to U.S. oil security strategy." In fact, maritime security is a legitimate area for concern for both African nations and importers of West African oil. Piracy for purely monetary motives, as well as the insurgency in the Niger Delta, is a real and growing threat off the West African coast. Yet strengthening the military capacity of Nigeria and other oil-producing states, without dealing with the fundamental issues of democracy and distribution of wealth, won't lead to security for African people or for U.S. interests, including oil supplies. Likewise, a military solution can't resolve the issue of piracy in the Indian Ocean and Red Sea.

#### African conflict won’t draw in others

Morenike Taire, April 9, 2004, Vanguard (Nigeria), Global News Wire – Asia Africa Intelligence Wire, p. Lexis

Defining our role may not have to be as difficult as it might first seem. In the first instance, in spite of Libya feat in WMD technology, borrowed and invented, and despite the feat of others who, like Libya, has flirted and romanced with terrorism in the past, it is unlikely that Africa would be in a position to involve itself in any conflicts with any States outside its own shores. She does not have the technology, and might have trouble summoning the collective will. And so while America grapples with impending energy troubles or rumours of it and Europe battles with the European Union, Africa battles with hunger, and pretty much everything else that has ceased to be of any significance to anyone in the first world. It was Sting, appropriately enough, who’d coined the lyrics and sang the song: “We have just one world, but we live in different ones”. Indeed, we do. Unfortunately, we live, also, in perpetual danger of being sucked into the faster, more complicated vortex of the worlds of others. We can no longer be calm, cool and collected.

### Zenko

Zenko 9-25-13

(Micah, Douglas Dillon fellow in the Center for Preventive Action at the Council on Foreign Relations, “The Soldier and the State Go Public,” <http://www.foreignpolicy.com/articles/2013/09/25/the_soldier_and_the_state_go_public>)

Washington has found itself in a crisis over the proper relationship between senior civilian and military officials. This has played out in recent op-eds ("A War the Pentagon Doesn't Want") and articles ("Some U.S. Military Officers Not Happy With Syrian War Prep"), which have been countered by other op-eds ("No Military Consensus on Syria" and "U.S. War Decisions Rightfully Belong to Elected Civilian Leaders, Not the Military"). It's a tension that shows little sign of abating, regardless of how the Syria issue plays out: Underlying forces seem guaranteed to make it worse.¶ Every administration has its share of disputes with the Pentagon, but when it comes to where and how U.S. armed forces will be used, civil-military relations have not been this tense and precarious since the end of the Cold War. Military officers are increasingly willing to express their personal opinions about interventions, while civilian policymakers are increasingly willing to disregard professional military advice. Worse, a growing number of individuals from both "sides" seem unaware of the appropriate civilian and military roles and relationships, and their conflicts play out in public more prominently and immediately than ever before.¶ For example, senior civilian officials have strongly contested Gen. Martin Dempsey's doubts about intervening in the Syrian civil war. The New York Times reported last week that Dempsey, the chairman of the Joint Chiefs of Staff, is "adamant that he not influence the public debate about whether to strike Syria," but Obama administration civilians and Capitol Hill staffers will tell you that the general has emphasized only the risks and costs associated with intervening. "They," meaning the military, "just don't want to do it" is a common refrain. Sen. John McCain has even characterized Dempsey's assessment as "beyond anything that any rational military thinker that I know would ever contemplate," and earlier this month he said: "I really don't pay a lot of attention to General Dempsey anymore. With me he just doesn't have any credibility."

### warfighting

### 2nc legitimacy of power

#### Data disproves hegemony impacts

Fettweis, 11

Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence.

The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated.

Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered.

However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation.

It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

### 2nc no impact to legitimacy

Their scholarship's mediocre

Robinson 11

Paul Robinson is an Associate Professor in Public and International Affairs at the University of Ottawa, Canada, and until recently was a lecturer in security studies, and deputy director of the Institute of Applied Ethics, at the University of Hull, England, Honor Ethics, November 10, 2011, "Why Leaders Really Care about ‘Credibility’", http://honorethics.org/2011/11/10/why-leaders-really-care-about-credibility/

Read the rhetoric used by political and military leaders for wars in the past few decades, and you will be struck by the repeated references to ‘credibility’. The justification of war is very often that it is necessary to uphold our reputation for strength, without which we would become targets for attack. The Vietnam domino theory was a good example of this mode of thought, and similar thinking continues to drive foreign policy today. Yet academic studies into the origins of war suggest that upholding your ‘credibility’ does not actually make you less likely to be attacked. Would-be aggressors pay very little attention to whether you have proved willing to fight in the past. Authors such as Daryl Grayson Press in his book Calculating Credibility and Christopher Fettweis in a number of related articles, have illustrated this very well. What this means is that waging wars for reputation makes no sense. Why then do states persist in doing so?

Richard Ned Lebow’s 2010 book Why Nations Fight perhaps contains the answer, although Lebow himself does not address the question. Lebow argues, on the basis of a quantitative analysis, that very few wars are fought for material or security purposes. The great majority are about ‘standing’, in other words honour. Nations fight above all because they feel that their status in the international community depends on being seen to be strong and willing to fight. But this is not due to reason. It is not that honour serves an instrumental purpose; rather it is, says Lebow, a product of ‘the universal drive for self-esteem.’ Following Aristotle, Lebow sees human behaviour as deriving from three drives: spirit, appetite, and reason. Honour is associated with spirit, and ‘the spirit’, he writes, ‘is the principle cause of war across the centuries.’ In short, political leaders fight because fighting boosts their self-esteem, whereas not fighting makes them feel inadequate. This would explain why they accept so readily the instrumental arguments about credibility. The fact that these arguments are not actually true, and that a reputation for strength doesn’t make you safer, are neither here nor there, because safety isn’t really what the leaders in question are worried about. When they talk about credibility, what they are actually talking about is their own self-esteem. So, for instance, if you hear arguments that NATO must stay in Afghanistan in order to protect the ‘credibility of the alliance’, this is not because that credibility will make NATO members any more secure, but because losing will be bad for the leaders’ self-image.

This is not something generally recognized in international relations theory, which insists on viewing matters of honour purely through an external and instrumental lens, ignoring the fact that the external facets of honour are intimately and inextricably tied up with the internal ones. It also reveals how a deeper understanding of the dynamics of honour can help us explain many otherwise inexplicable aspects of human behaviour, and shows that despite occasional claims of its obsolescence, honour remains vitally important in the modern world.

Best studies go neg

Tang 5 – Shiping Tang, associate research fellow and deputy director of the Center for Regional Security Studies at the Chinese Academy of Social Sciences in Beijing, January-March 2005, “Reputation, Cult of Reputation, and International Conflict,” Security Studies, Vol. 14, No. 1, p. 34-62

The general validity of reputation, however, has come under assault. Whereas in 1961 Glenn Snyder touted the virtue of drawing the line in places such as Quemoy and Matsu,4 he later all but acknowledged the flaw of his logic.5 Likewise, a decade after claiming that "a state can usually convince others of its willingness to defend its vital interests by frequently fighting for interests others believe it feels are less than vital,"6 Jervis was no longer so sure in 1982: "We cannot predict with great assurance how a given behavior will influence others' expectations of how the state will act in the future."7 This assault on reputation remains anathema for most politicians (and many political scientists). As statesman Henry Kissinger warned his colleagues, "No serious policymaker could allow himself to succumb to the fashionable debunking of 'prestige,' or 'honor\* or 'credibility.'"8 Judging from politicians' rhetoric and behavior, Kissinger's advice has been well taken. There seems to be a gap, therefore, between politicians' persistent obsession with reputation and scholars' increasing doubt about reputation's importance, and that gap is widening. Several more recent studies have taken the case against reputation (and credibility) even further.9 Compared to previous studies, these tend to be more systematic and better grounded empirically. They can be divided into two categories. The first group of work focuses on the impact of politicians' concern for reputation on state behavior and concludes that the concern for reputation has had a profound influence on state behavior in conflicts.10 The second group of work, taking politicians' belief in reputation as a fact, argues that this belief is unjustified because reputation in international conflicts is difficult, if not impossible, to develop. To put it differently, this line of work contends that reputation actually does not matter as much as politicians usually believe, if it matters at all.11

### 2nc can't solve legitimacy

The shutdown tanked our credibility

Zenko, fellow @ Council on Foreign Relations, 10/1/2013

(Micah, The Federal Shutdown and Foreign Credibility, http://blogs.cfr.org/zenko/2013/10/01/the-federal-shutdown-and-foreign-credibility)

At midnight last night, the U.S. federal government began partial shutdown procedures, which are mandated whenever Congress and the President do not appropriate funds at the start of a new fiscal year, either through an appropriations bill or a continuing resolution. Subsequently, all affected federal agencies have to stop any programs funded by annual appropriations which are not deemed “essential” under the law. This means that employees of these agencies are placed on emergency furlough, a time during which they cannot come to work, bring work home, or even check their work emails. Subsequently the Department of Commerce will lose 87 percent of its workforce, Department of Energy 81 percent, Health and Human Services 52 percent, and the Department of Defense roughly half of its eight-hundred thousand civilian employees. The inability of the legislative and executive branches of government to the fulfill the few primary tasks that are presented in Sections One and Two of the U.S. Constitution should be deeply embarrassing for all responsible elected officials and political appointees. However, neither shame nor a sense of duty appear to be motivating forces in compelling Congress and the White House to compromise on funding the government. What is remarkable about the tolerance for this long approaching mini-crisis is that many of these same policymakers and officials routinely assert that U.S. credibility is the essential underpinning for American power and influence in the world. Indeed, many militarized foreign policy activities are justified on the basis of signaling resolve to U.S. allies and adversaries; whether this is bombing Syria, maintaining troops in Afghanistan beyond the end of 2014, or preventing sequestration on defense budget. Moreover, these policymakers and officials make extraordinary claims about how political leaders in Iran, North Korea, China, and elsewhere will perceive every U.S. foreign policy action—always along the spectrum of “weak” to “strong.” Why does Washington claim that demonstrating resolve in the world requires intermittently using military force, but not funding the federal government on time? For those who claimed that attacking Syria with cruise missiles was required to maintain U.S. credibility in the eyes of Iran’s Supreme Leader, doesn’t Capitol Hill’s behavior over the past week **do more to demonstrate America’s incompetence**? If the foundations of functioning governance are impossible at home, shouldn’t U.S. allies question America’s commitments to their security thousands of miles away? Finally, given that many foreign policy tasks require congressional oversight or approval, why should U.S. citizens have **any faith** in their elected officials’ ability to evaluate controversial programs, such as drone strikes, Guantanamo trials, or National Security Agency surveillance, since they cannot pass a budget? [End of article]

### 2nc soft power

And, best studies prove that issues don’t spill over

Stephen **Brooks and** William **Wohlforth 8**, IR @ Dartmouth (World Out of Balance, p. 158-170)

According to the logic of institutionalist theory, the United States thus now faces very significant constraints on its security policy due to the institutional order: the United States must be strongly cooperative across the board to maintain cooperation in those aspects of the order that it favors. As it turns out, the institutionalist argument for why the United States needs to pursue a highly cooperative approach regarding all parts of the institutional order is premised on a particular view of how reputations work. Institutionalist theory rests on the notion that "states carry a general reputation for cooperativeness that determines their attractiveness as a treaty partner both now and in the future. A defection in connection with any agreement will impose reputation costs that affect all current and future agreements."36 Despite the fact that this conception of a general reputation does a huge amount of work within institutionalist theory, the theory's proponents have so far not provided a theoretical justification for this perspective .17 Rather, they have simply assumed this is how reputation works. In the most detailed theoretical analysis of the role that reputation plays within international institutions to date, Downs and Jones argue that there is no theoretical basis for viewing states as having a "a single reputation for cooperation that characterizes its expected reliability in connection with every agreement to which it is a party."" Downs and Jones maintain that it is more compelling to view states as having multiple, or segmented, reputations: "states develop a number of reputations, often quite different, in connection with different regimes and even with different treaties within the same regime."" In other words, there is reason to think that a state's reputation within the security realm cannot be different from the reputation that it has within the economic realm, or, indeed, that a state cannot have varying reputations within different parts of the security realm. As an illustrative example, Downs and Jones note: The United States has one simple reputation for making good on its financial commitments with workers in the UN Office of the Secretary General and another quite different simple reputation with officials of European states in connection with its financial commitments to NATO. Neither group is much concerned with characterizing the reliability of the United Stales in meeting its financial commitments in general. Those inside the Office of the Secretary General are aware of the fact that the United States has paid its NATO bills, and NATO workers know that the United States is behind on its UN dues. However, they design their policies in response to the behavior of the United States in the subset of contexts that is relevant to them.43

### 2nc legitimacy wrong

**They don’t access Ikenberry---he says complete overhaul of grand strategy is necessary**

**Ikenberry 11** – G. John Ikenberry, Peter F. Krogh Professor of Global Justice at the School of Foreign Service at Georgetown University, “A World of Our Making”, Democracy: A Journal of Ideas, Issue #21, Summer, <http://www.democracyjournal.org/21/a-world-of-our-making-1.php?page=all>

Grand Strategy as Liberal Order Building¶ American dominance of the global system will eventually yield to the rise of other powerful states. The unipolar moment will pass. In facing this circumstance, American grand strategy should be informed by answers to this question: What sort of international order would we like to see in place in 2020 or 2030 when America is less powerful?¶ Grand strategy is a set of coordinated and sustained policies designed to address the long-term threats and opportunities that lie beyond the country’s shores. Given the great shifts in the global system and the crisis of liberal hegemonic order, how should the United States pursue grand strategy in the coming years? The answer is that the United States should work with others to rebuild and renew the institutional foundations of the liberal international order and along the way re-establish its own authority as a global leader. The United States is going to need to invest in alliances, partnerships, multilateral institutions, special relationships, great-power concerts, cooperative security pacts, and democratic security communities. That is, the United States will need to return to the great tasks of liberal order building.¶ It is useful to distinguish between two types of grand strategy: positional and milieu oriented. With a positional grand strategy, a great power seeks to diminish the power or threat embodied in a specific challenger state or group of states. Examples are Nazi Germany, Imperial Japan, the Soviet bloc, and perhaps—in the future—Greater China. With a milieu-oriented grand strategy, a great power does not target a specific state but seeks to structure its general international environment in ways that are congenial with its long-term security. This might entail building the infrastructure of international cooperation, promoting trade and democracy in various regions of the world, and establishing partnerships that might be useful for various contingencies. My point is that under conditions of unipolarity, in a world of diffuse threats, and with pervasive uncertainty over what the specific security challenges will be in the future, this milieu-based approach to grand strategy is necessary.¶ The United States does not face the sort of singular geopolitical threat that it did with the fascist and communist powers of the last century. Indeed, compared with the dark days of the 1930s or the Cold War, America lives in an extraordinarily benign security environment. Rather than a single overriding threat, the United States and other countries face a host of diffuse and evolving threats. Global warming, nuclear proliferation, jihadist terrorism, energy security, health pandemics—these and other dangers loom on the horizon. Any of these threats could endanger Americans’ lives and way of life either directly or indirectly by destabilizing the global system upon which American security and prosperity depends. What is more, these threats are interconnected—and it is their interactive effects that represent the most acute danger. And if several of these threats materialize at the same time and interact to generate greater violence and instability, then the global order itself, as well as the foundations of American national security, would be put at risk.¶ What unites these threats and challenges is that they are all manifestations of rising security interdependence. More and more of what goes on in other countries matters for the health and safety of the United States and the rest of the world. Many of the new dangers—such as health pandemics and transnational terrorist violence—stem from the weakness of states rather than their strength. At the same time, technologies of violence are evolving, providing opportunities for weak states or nonstate groups to threaten others at a greater distance. When states are in a situation of security interdependence, they cannot go it alone. They must negotiate and cooperate with other states and seek mutual restraints and protections. The United States can-not hide or protect itself from threats under conditions of rising security interdependence. It must get out in the world and work with other states to build frameworks of cooperation and leverage capacities for action against this unusually diverse, diffuse, and unpredictable array of threats and challenges.¶ This is why a milieu-based grand strategy is attractive. The objective is to shape the international environment to maximize your capacities to protect the nation from threats. To engage in liberal order building is to invest in international cooperative frameworks—that is, rules, institutions, partnerships, networks, standby capacities, social knowledge, etc.—in which the United States operates. To build international order is to increase the global stock of “social capital”—which is the term Pierre Bourdieu, Robert Putnam, and other social scientists have used to define the actual and potential resources and capacities within a political community, manifest in and through its networks of social relations, that are available for solving collective problems.¶ If American grand strategy is to be organized around liberal order building, what are the specific objectives and what is the policy agenda? There are five such objectives. First, the United States needs to lead in the building of an enhanced protective infrastructure that helps prevent the emergence of threats and limits the damage if they do materialize. Many of the threats mentioned above are manifest as socioeconomic backwardness and failure that cause regional and international instability and conflict. These are the sorts of threats that are likely to arise with the coming of global warming and epidemic disease. What is needed here is institutional cooperation to strengthen the capacity of governments and the international com-munity to prevent epidemics or food shortages or mass migrations that create global upheaval—and mitigate the effects of these upheavals if they occur. The international system already has a great deal of this protective infrastructure—institutions and networks that pro-mote cooperation over public health, refugees, and emergency aid. But as the scale and scope of potential problems grow in the twenty-first century, investments in these preventive and management capacities will also need to grow. Early warning systems, protocols for emergency operations, standby capacities, etc.—these safeguards are the stuff of a protective global infrastructure.¶ Second, the United States should recommit to and rebuild its security alliances. The idea is to update the old bargains that lie behind these security pacts. In NATO, but also in the East Asia bilateral partner-ships, the United States agrees to provide security protection to the other states and brings its partners into the process of decision-making over the use of force. In return, these partners agree to work with the United States—providing manpower, logistics, and other types of support—in wider theaters of action. The United States gives up some autonomy in strategic decision-making, although it is more an informal restraint than a legally binding one, and in exchange it gets cooperation and political support.¶ Third, the United States should reform and create encompassing global institutions that foster and legitimate collective action. The first move here should be to reform the United Nations, starting with the expansion of the permanent membership on the Security Council. Several plans have been proposed. All of them entail adding new members—such as Germany, Japan, India, Brazil, South Africa, and others—and reforming the voting procedures. Almost all of the candidates for permanent membership are mature or rising democracies. The goal, of course, is to make them stakeholders in the United Nations and thereby strengthen the primacy of the UN as a vehicle for global collective action. There really is no substitute for the legitimacy that the United Nations can offer to emergency actions—humanitarian interventions, economic sanctions, uses of force against terrorists, and so forth. Public support in advanced democracies grows rapidly when their governments can stand behind a UN-sanctioned action.¶ Fourth, the United States should accommodate and institution-ally engage China. China will most likely be a dominant state, and the United States will need to yield to it in various ways. The United States should respond to the rise of China by strengthening the rules and institutions of the liberal international order—deepening their roots, integrating rising capitalist democracies, sharing authority and functional roles. The United States should also intensify cooperation with Europe and renew joint commitments to alliances and multilateral global governance. The more that China faces not just the United States but the entire world of capitalist democracies, the better. This is not to argue that China must face a grand counterbalancing alliance against it. Rather, it should face a complex and highly integrated global system—one that is so encompassing and deeply entrenched that it essentially has no choice but to join it and seek to prosper within it.¶ The United States should also be seeking to construct a regional security order in East Asia that can provide a framework for managing the coming shifts. The idea is not to block China’s entry into the regional order but to help shape its terms, looking for opportunities to strike strategic bargains at various moments along the shifting power trajectories and encroaching geopolitical spheres. The big bargain that the United States will want to strike is this: to accommodate a rising China by offering it status and position within the regional order in return for Beijing’s acceptance and accommodation of Washington’s core strategic interests, which include remaining a dominant security provider within East Asia. In striking this strategic bargain, the United States will also want to try to build multilateral institutional arrangements in East Asia that will tie China to the wider region.¶ Fifth, the United States should reclaim a liberal internationalist public philosophy. When American officials after World War II championed the building of a rule-based postwar order, they articulated a distinctive internationalist vision of order that has faded in recent decades. It was a vision that entailed a synthesis of liberal and realist ideas about economic and national security, and the sources of stable and peaceful order. These ideas—drawn from the experiences with the New Deal and the previous decades of war and depression—led American leaders to associate the national interest with the building of a managed and institutionalized global system. What is needed today is a renewed public philosophy of liberal internationalism—a shift away from neoliberal-ism—that can inform American elites as they make trade-offs between sovereignty and institutional cooperation.¶ Under this philosophy, the restraint and the commitment of American power went hand in hand. Global rules and institutions advanced America’s national interest rather than threatened it. The alternative public philosophies that have circulated in recent years—philosophies that champion American unilateralism and disentanglement from global rules and institutions—did not meet with great success. So an opening exists for America’s postwar vision of internationalism to be updated and rearticulated today.¶ The United States should embrace the tenets of this liberal public philosophy: Lead with rules rather than dominate with power; provide public goods and connect their provision to cooperative and accommodative policies of others; build and renew international rules and institutions that work to reinforce the capacities of states to govern and achieve security and economic success; keep the other liberal democracies close; and let the global system itself do the deep work of liberal modernization.¶ As it navigates this brave new world, the United States will find itself needing to share power and rely in part on others to ensure its security. It will not be able to depend on unipolar power or airtight borders. It will need, above all else, authority and respect as a global leader. The United States has lost some of that authority and respect in recent years. In committing itself to a grand strategy of liberal order building, it can begin the process of gaining it back.

### 2nc speed/flex key

Key to winning all future conflicts

Johson ‘6

Karlton, Army War College, “Temporal and Scalar Mechanics of Conflict Strategic Implications of Speed and Time on the American Way of War,” http://www.dtic.mil/dtic/tr/fulltext/u2/a449394.pdf

The U.S. Army War College uses the acronym “VUCA” to describe the volatile, uncertain, chaotic and ambiguous environment in which strategy is made.4 If the present is any indication of the future, then it is reasonable to assume that the world will become increasingly dangerous as long as that strategic environment exists. Many long-range assessments predict that global tensions will continue to rise as resources become even more constrained and as transnational threats endanger international security. 5 Future leaders and planners can expect to see weak and failed states persisting to dominate U.S. foreign policy agendas. Terrorism will remain a vital interest, and the use of American military strength will remain focused on the dissuasion, deterrence, and, where necessary, the preemption of strategic conflict. Enemies will work aggressively to offset U.S. military superiority by seeking out technologies that will offer some level of asymmetric advantage, and the challenging asymmetric nature of future conflicts will add deeper complexity to both war planning and the development of national security strategy. 6 The “National Defense Strategy of the United States,” published in March 2005, addressed the unconventional nature of the future. It argued that enemies are increasingly likely to pose asymmetric threats resulting in irregular, catastrophic and disruptive challenges.7 This means that, in some cases, non-state actors will choose to attack the United States using forms of irregular warfare that may include the use of weapons of mass destruction. These actors may also seek new and innovative ways to negate traditional U.S. strengths to their advantage.8 In fact, one author theorizes that “speed of light engagements” will be the norm by the year 2025, and America may lose its monopoly on technological advances as hostile nations close the gap between technological “haves” and “have nots.”9 This type of warfare lends itself to engagements of varying speed and temporal geometry. 10 Therefore, in conflicts of the future, time and speed will matter. Consequently, it is necessary to analyze these elements with rigor and discipline in order to understand their far-reaching implications.

### 2nc econ

War powers affect executive power – momentum of power

Weiner ’13 [Greg Weiner, 5/1/13, Liberty Forum, Liberty Forum is a platform for the discussion of the legal and philosophical principles that inform and govern a free people, “Congress and Deliberation in the Age of Woodrow Wilson: An Elegy,” http://www.libertylawsite.org/liberty-forum/congress-and-deliberation-in-the-age-of-wilson-an-elegy/, accessed 6/30/13, JTF]

Wilson ultimately found a strong Presidency useful for Progressive aims; contemporary neoconservatives have tended to find it hospitable to their goals in national security and foreign affairs.[2] But they would do well to remember that the power inheres in the office, not the function. It is difficult to quarantine it to a single purpose. If Congress is emasculated on matters of foreign policy it can hardly assert itself on issues of domestic affairs, just as a President who possesses extraordinary powers to wage war on terror is sure to claim them to wage war on purported domestic crises too. President Obama already has, threatening Congress to its face in the State of the Union address that either it would act on climate change or he would, the two courses apparently being interchangeable.

Key to the economy---takes out resiliency---they dropped the impact in the 2ac

Posner and Vermuele 9—Professor of Law, UChicago AND Professor of Law, Harvard Law School (Eric and Adrian, Fall 2009, “Crisis Governance in the Administrative State: 9/11 and the Financial Meltdown of 2008,” University of Chicago Law Review, 76 U. Chi. L. Rev. 1613, Accessed 06-27-2013)

Finally, we mention a dynamic that further tightens the political constraints in times of crisis. Precisely because markets expected the House to pass the EESA, the House's initial failure to do so created a perceived "crisis of authority," n202 suggesting a risk that dysfunctional political institutions would not be able to coordinate on any economic policy at all. That second-order crisis supervened on the underlying economic crisis, but acquired force independent of it. The Senate had [\*1665] to scramble to undo the damage and did so in world-record time. The House quickly fell into line. In this way, measures urged by the executive to cope with a crisis of unclear magnitude acquired a kind of self-created momentum. Rejection of those measures would themselves create a political crisis that might, in turn, reduce confidence and thus trigger or exacerbate the underlying financial crisis. A similar process occurred in the debates over the AUMF and the Patriot Act, where proponents of the bills urged that their rejection would send terrorist groups a devastating signal about American political will and unity, thereby encouraging more attacks. These political dynamics, in short, create a self-fulfilling crisis of authority that puts legislative institutions under tremendous pressure to accede to executive demands, at least where a crisis is even plausibly alleged. Critics of executive power contend that the executive exploits its focal role during crises in order to bully and manipulate Congress, defeating Madisonian deliberation when it is most needed. n203 On an alternative account, the legislature rationally submits to executive leadership because a crisis can be addressed only by a leader. Enemies are emboldened by institutional conflict or a divided government; financial markets are spooked by it. n204 A government riven by internal conflict will produce policy that varies as political coalitions rise and fall. Inconsistent policies can be exploited by enemies, and they generate uncertainty at a time that financial markets are especially sensitive to agents' predictions of future government action. It is a peculiar feature of the 2008 financial crises that a damaged president could not fulfill the necessary leadership role, but that role quickly devolved to the Treasury secretary and Fed chairman who, acting in tandem, did not once express disagreement publicly.

## 1NR

### preemption

Obama doctrine solved the bush doctrine and there’s no impact or modeling

Brooks 12 (Stephen, Associate Professor of Government at Dartmouth College, John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College “Don’t Come Home America: The Case Against Retrenchment,” International Security, Vol. 37, No. 3 (Winter 2012/13), pp. 7–51

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

Won’t happen

Ganguly 8

[Sumit Ganguly is a professor of political science and holds the Rabindranath Tagore Chair at Indiana University, Bloomington. “Nuclear Stability in South Asia,” International Security, Vol. 33, No. 2 (Fall 2008), pp. 45–70]

As the outcomes of the 1999 and 2001–02 crises show, nuclear deterrence is robust in South Asia. Both crises were contained at levels considerably short of full-scale war. That said, as Paul Kapur has argued, Pakistan’s acquisition of a nuclear weapons capability may well have emboldened its leadership, secure in the belief that India had no good options to respond. India, in turn, has been grappling with an effort to forge a new military doctrine and strategy to enable it to respond to Pakistani needling while containing the possibilities of conflict escalation, especially to the nuclear level.78 Whether Indian military planners can fashion such a calibrated strategy to cope with Pakistani probes remains an open question. This article’s analysis of the 1999 and 2001–02 crises does suggest, however, that nuclear deterrence in South Asia is far from parlous, contrary to what the critics have suggested. Three specific forms of evidence can be adduced to argue the case for the strength of nuclear deterrence. First, there is a serious problem of conflation in the arguments of both Hoyt and Kapur. Undeniably, Pakistan’s willingness to provoke India has increased commensurate with its steady acquisition of a nuclear arsenal. This period from the late 1980s to the late 1990s, however, also coincided with two parallel developments that equipped Pakistan with the motives, opportunities, and means to meddle in India’s internal affairs—particularly in Jammu and Kashmir. The most important change that occurred was the end of the conflict with the Soviet Union, which freed up military resources for use in a new jihad in Kashmir. This jihad, in turn, was made possible by the emergence of an indigenous uprising within the state as a result of Indian political malfeasance.79 Once the jihadis were organized, trained, armed, and unleashed, it is far from clear whether Pakistan could control the behavior and actions of every resulting jihadist organization.80 Consequently, although the number of attacks on India did multiply during the 1990s, it is difficult to establish a firm causal connection between the growth of Pakistani boldness and its gradual acquisition of a full-fledged nuclear weapons capability.

Second, India did respond with considerable force once its military planners realized the full scope and extent of the intrusions across the Line of Control. Despite the vigor of this response, India did exhibit restraint. For example, Indian pilots were under strict instructions not to cross the Line of Control in pursuit of their bombing objectives.81 They adhered to these guidelines even though they left them more vulnerable to Pakistani ground ªre.82 The Indian military exercised such restraint to avoid provoking Pakistani fears of a wider attack into Pakistan-controlled Kashmir and then into Pakistan itself. Indian restraint was also evident at another level. During the last war in Kashmir in 1965, within a week of its onset, the Indian Army horizontally escalated with an attack into Pakistani Punjab. In fact, in the Punjab, Indian forces successfully breached the international border and reached the outskirts of the regional capital, Lahore. The Indian military resorted to this strategy under conditions that were not especially propitious for the country. Prime Minister Jawaharlal Nehru, India’s first prime minister, had died in late 1964. His successor, Lal Bahadur Shastri, was a relatively unknown politician of uncertain stature and standing, and the Indian military was still recovering from the trauma of the 1962 border war with the People’s Republic of China.83 Finally, because of its role in the Cold War, the Pakistani military was armed with more sophisticated, U.S.-supplied weaponry, including the F-86 Sabre and the F-104 Starfighter aircraft. India, on the other hand, had few supersonic aircraft in its inventory, barring a small number of Soviet-supplied MiG-21s and the indigenously built HF-24.84 Furthermore, the Indian military remained concerned that China might open a second front along the Himalayan border. Such concerns were not entirely chimerical, because a Sino-Pakistani entente was under way. Despite these limitations, the Indian political leadership responded to Pakistani aggression with vigor and granted the Indian military the necessary authority to expand the scope of the war. In marked contrast to the politico-military context of 1965, in 1999 India had a self-confident (if belligerent) political leadership and a substantially more powerful military apparatus. Moreover, the country had overcome most of its Nehruvian inhibitions about the use of force to resolve disputes.85 Furthermore, unlike in 1965, India had at least two reserve strike corps in the Punjab in a state of military readiness and poised to attack across the border if given the political nod.86 Despite these significant differences and advantages, the Indian political leadership chose to scrupulously limit the scope of the conflict to the Kargil region. As K. Subrahmanyam, a prominent Indian defense analyst and political commentator, wrote in 1993:.

The awareness on both sides of a nuclear capability that can enable either country to assemble nuclear weapons at short notice induces mutual caution. This caution is already evident on the part of India. In 1965, when Pakistan carried out its “Operation Gibraltar” and sent in infiltrators, India sent its army across the cease-fire line to destroy the assembly points of the infiltrators. That escalated into a full-scale war. In 1990, when Pakistan once again carried out a massive infiltration of terrorists trained in Pakistan, India tried to deal with the problem on Indian territory and did not send its army into Pakistan-occupied Kashmir.87

### ov

Failure to act in Syria is the biggest link to hegemony and Iran – Congress will reject strikes

Boot, Senior Fellow in National Security Studies at the Council on Foreign Relations in New York, 9/9/2013

(Max, Obama’s Syria Blunder, http://www.commentarymagazine.com/2013/09/09/obamas-syria-blunder/)

With his solitary, last-minute decision to ask Congress for authorization in advance for any military strikes on Syria–taken against the advice of his senior advisors–President Obama has set himself up for the biggest failure of his presidency, one that could haunt the United States for years to come.

Perhaps Obama figured that he would get easy approval from Congress–although why he thought the House, which has been growing increasingly isolationist, would go along with the strikes is a mystery. And indeed the publicly available evidence of House members’ voting intentions shows scant support for the Syria strikes. So far 118 House members have come out publicly against the strikes; only 25 have come out in favor of them. The Washington Post reports that another 119 are “leaning” against the resolution.

There is still time to change minds and to twist arms. Perhaps the president’s speech on Tuesday will mark a turnaround on the Hill. But the trend seems to be running against the White House with public-opinion polls indicating growing popular opposition that has been expressed in a deluge of calls, emails, letters, and oral comments to members of Congress. The Senate is still likely to approve action, but the odds are growing that the House won’t. And if the House doesn’t go along it will, as a practical political matter, be virtually impossible for Obama to order strikes anyway.

The result if the U.S. does nothing: Bashar Assad will get away with the most significant use of chemical weapons since Saddam Hussein gassed the Kurds in 1988. This, in turn, will send a signal to weapons proliferators such as North Korea and Iran that the U.S. lacks the will to stop them. Any hopes of a negotiated stop to the Iranian nuclear program–admittedly slim to begin with–will disappear altogether. Israel will be left standing alone against the Iranians and their Hezbollah proxies. The opposition in Syria will suffer a substantial blow and Assad may well be emboldened to employ sarin gas again.

Beyond the Middle East, a failure to back up the president’s threats regarding the “red line” will be read–correctly, I fear–as proof that America is retreating from its global responsibilities, a development which will dismay allies from Taiwan to Poland, gladden rivals such as China and Russia, and cause American influence to plummet.

On the home front, meanwhile, Obama will be seen as a lame-duck president with the defeat shadowing his entire second term.

All this because Obama chose to do something he repeatedly stressed he didn’t need to do–ask Congress for approval for airstrikes of the kind that previous presidents from Ronald Reagan to Bill Clinton routinely launched without asking for Congress’s approval in advance. Indeed the War Powers Act gives the president 90 days to seek congressional approval; it doesn’t require approval in advance. As a practical matter presidents only ask for such approval when they are contemplating the use of ground forces for a major campaign–e.g., in the Gulf War of 1991 or the Iraq War of 2003.

It would take a psychologist to unravel what the president was thinking in making this monumental blunder. I am still not convinced by those who claim he is consciously trying to diminish American power, because if the U.S. is less powerful so is our president. But even if he has no such conscious design, Obama’s actions are definitely leading in the direction of a diminished superpower–one that will be increasingly derided, not respected, on the world stage.

We control their hegemony advantage – their impact author explicitly votes neg

Kagan, their 1AC impact author and resident scholar at AEI, 9/6/2013

(Frederick, “On Syria, a weak strike is better than none,” http://articles.washingtonpost.com/2013-09-06/opinions/41830438\_1\_chemical-weapons-syrian-rebels-u-s-credibility)

The idea is gaining ground in some circles that an excessively limited strike against Bashar al-Assad’s chemical weapons program would undermine U.S. credibility and interests more than would a decision not to strike. On its face, this argument is appealing: After all the buildup and expressions of moral indignation, supporters of intervention would, of course, feel let down by a weak attack. Assad and his Russian and Iranian backers would no doubt declare that they have once again defeated the great superpower. And the media may fill with questions about the United States’ strength and determination.

But even a weak strike is more in line with U.S. interests than a refusal to strike or, worse, congressional action blocking any attack. Not just U.S. credibility but also the will of the Syrian opposition is at stake.

And we have uniqueness – the conclusion of their article:

Kagan 7 – Frederick Kagan, Resident Scholar at the American Enterprise Institute, and Michael O’Hanlon, Senior Fellow and Sydney Stein Jr. Chair in Foreign Policy Studies at the Brookings Institution, "The Case for Larger Ground Forces", Stanley Foundation Report, April, http://stanleyfoundation.org/publications/other/Kagan\_OHanlon\_07.pdf

The United States is deeply unpopular in world public opinion, especially in Europe and much of the Islamic world, and Americans are understandably frustrated and saddened by a war in Iraq that is not going well, with a tragic human toll. For some, this frustration leads to discouragement over the US international role and desire to turn inward. But at such a time, Americans must remember two things. First, for all of our faults, and for all the controversies over recent American foreign policy, the United States still leads the greatest alliance system in human history, with some 60 nations and 75 percent of the planet’s collective economic strength linked in some type of military partnership with the United States. This is a good thing, for it helps organize and stabilize the international order, making even countries such as China willing to accept American global leadership for the economic rewards and other benefits it brings. Second, there are threats to this global order, but they are threats we can generally do something about at affordable cost.

To be sure, defense planners and security specialists owe the country sound advice about how to do so economically, and about how to deploy force judiciously and carefully and effectively—though our past record is mixed. But we can afford to do what is needed to protect our security and global interests. And we must.

**[END OF ARTICLE]**

It’s a bigger link to their allies cards—

Kagan, their 1AC impact author and resident scholar at AEI, 9/6/2013

(Frederick, “On Syria, a weak strike is better than none,” http://articles.washingtonpost.com/2013-09-06/opinions/41830438\_1\_chemical-weapons-syrian-rebels-u-s-credibility)

At this point, either action or inaction will affect the balance. Even weak action would keep hope alive among the opposition. Inaction would probably convince them that they’re on their own. This wouldn’t be the first time that a U.S. administration has disappointed allies with inadequate support or weak strikes. Although it has generally been possible, over time, to recover from such disappointments by increasing support and other demonstrations of commitment, overcoming the sense of abandonment likely to be instilled by inaction at this point might be impossible.

The president created this sour choice between an inadequate strike and no strike. It is a choice between a bad option and a less bad option. The less bad option is to strike now and continue to push for more robust action as necessary in the future. That decision demands the support of those who are serious about the outcome in Syria and maintaining U.S. credibility.

Failed Syria deal wrecks NATO cohesion

Braun, Professor of IR and Poli Sci at the University of Toronto, November 2013

(Aurel, “How Putin Bested Obama,” *Commentary*,136.4: 26-29., Proquest)

The dangers posed by Moscow's plan to rid Assad of his chemical weapons are numerous. There is, of course, the broad issue of the United States having signalled a lack of concern and commitment regarding its interests abroad; Russia could use the coming months and years to exploit the fissures among America's allies such as France and Turkey, both of which feel let down by Washington's decision. But beyond that, the deal has already furnished Putin with a set of options for leveraging his new importance in support of his malign adventurism.

First, it should be understood that if the plan to rid Assad of his weapons is indeed impossible-as it is widely believed to be-Putin will benefit. Securing chemical arms in a war zone is an incredibly difficult task requiring a vast number of inspectors and troops to guard, transfer, and destroy them. With the battles of the Syrian civil war still raging, the Russian and the Syrian governments can always blame their enemies, the rebels, for delays or mishaps in obtaining or moving the weapons. When such complications arise, moreover, the Kremlin might let Washington know that a few concessions to Moscow could make the inspectors and handlers more vigilant. Putin could request, for example, that the United States cancel the remnants of the antiballistic missile sites that it offered East Europeans. When the administration was in official reset mode, in 2009 and 2010, it scrapped the more ambitious missile-defense plan owing to Putin's concerns. Why not get rid of the whole thing to save its Syria policy? This would, of course, tremendously weaken NATO by denying the Eastern European states the hard security guarantees that only the U.S. can provide within the alliance. Additionally, Moscow could demand that offensive American measures such as those envisioned by the Magnitsky Act (which imposes sanctions against Russian human-rights violations) be watered down or suspended. It may pressure Washington and the Europeans on plans to extend EU benefits or even membership to Ukraine, a country that Russia wants in its tight sphere of economic control.

### AT: Perm

1. It’s mutually exclusive – the plan requires consultation “prior to” action, but the perm does both at the same time:

Merriam Webster No Date

http://www.merriam-webster.com/dictionary/prior%20to

Definition of PRIOR TO

: in advance of : before

3. We have a DA to Congressional rejection – it signals U.S. withdrawal from the world and gives the green light to Iranian aggression – that’s Boot

And North Korea – that causes nuclear war:

STRATFOR 10 [5/26/10, “North Korea, South Korea: The Military Balance on the Peninsula,” http://www.stratfor.com/analysis/20100526\_north\_korea\_south\_korea\_military\_balance\_peninsula]

So the real issue is the potential for escalation — or an accident that could precipitate escalation — that would be beyond the control of Pyongyang or Seoul. With both sides on high alert, both adhering to their own national (and contradictory) definitions of where disputed boundaries lie and with rules of engagement loosened, the potential for sudden and rapid escalation is quite real. Indeed, North Korea’s navy, though sizable on paper, is largely a hollow shell of old, laid-up vessels. What remains are small fast attack craft and submarines — mostly Sang-O “Shark” class boats and midget submersibles. These vessels are best employed in the cluttered littoral environment to bring asymmetric tactics to bear — not unlike those Iran has prepared for use in the Strait of Hormuz. These kinds of vessels and tactics — including, especially, the deployment of naval mines — are poorly controlled when dispersed in a crisis and are often impossible to recall. For nearly 40 years, tensions on the Korean Peninsula were managed within the context of the wider Cold War. During that time it was feared that a second Korean War could all too easily escalate into and a thermonuclear World War III, so both Pyongyang and Seoul were being heavily managed from their respective corners. In fact, USFK was long designed to ensure that South Korea could not independently provoke that war and drag the Americans into it, which for much of the Cold War period was of far greater concern to Washington than North Korea attacking southward. Today, those constraints no longer exist. There are certainly still constraints — neither the United States nor China wants war on the peninsula. But current tensions are quickly escalating to a level unprecedented in the post-Cold War period, and the constraints that do exist have never been tested in the way they might be if the situation escalates much further.

Congressional rejection destroys hegemony and emboldens Iran

Cohen, columnist for the New York Times, 9/3/2013

(Roger, “Red Lines Matter,” http://www.nytimes.com/2013/09/04/opinion/global/cohen-red-lines-matter.html?\_r=1&pagewanted=all&)

Values cannot be all of foreign policy; perhaps they cannot even be a quarter of it; but a U.S. foreign policy stripped entirely of values is no longer American. U.S. authority is tied to its moral stature as a state of laws committed to freedom. It is equally tied to the credibility of its word. In Syria the two inextricable strands of U.S. foreign policy — values and realpolitik — have come together.

That is the kernel of the matter now before Congress. As Senator John McCain has said, a no vote in Congress on a U.S. military riposte to the chemical weapons attack would be “catastrophic” for the United States and its credibility in the world. If Assad can thumb his nose at America anyone can, including the Islamic Republic of Iran.

### at: morrissey

Happens within months

Bellinger, Adjunct Senior Fellow in International and National Security Law at the Council on Foreign Relations, 9/28/2013

In short, the Syria resolution is a strong, legally binding resolution that reflects the political compromises that typically take place in the Security Council. For the time being, the Obama Administration can be justifiably proud of it. The problem, of course, is that it simply kicks the can down the road. If Syria does not comply fully with its obligations (and I would be surprised if Syria does so), this will bring the whole matter back to the Security Council within a few months. At that point, Russia and China may (or may not) be willing to make good on their commitment to take action under Chapter VII (such as by imposing sanctions), but they are highly unlikely to authorize the use of force that President Obama has threatened. And then, President Obama, like President Bush after Iraqi non-compliance with UNSCR 1441, will be faced with a difficult decision how to respond.

### AT: We Solve Iran

Our link outweighs: rogue states appreciate the threat of force more than costly commitment signals

Nzelibe, assistant professor of law at Northwestern, and Yoo, professor of law at Cal, 2006

(Jide and John, “Rational War and Constitutional Design,” 115 Yale L.J. 2512, Lexis)

This Section addresses a factor that often goes unexamined in arguments supporting congressional participation in war: the costs. We can understand the costs by asking whether the signaling value of congressional authorization varies with the regime type of an opposing nation. If it does, then a rule that Presidents must seek congressional permission ought to vary as well.

The non-cooperative bargaining model of international conflict assumes that the actors of concern are rational, self-interested nation-states. Recent developments in the international system may require that we relax this assumption. Taking rogue states or international terrorist organizations such as al Qaeda into account may distinguish cases in which the benefits of signaling do not outweigh the benefits of executive speed, secrecy, and flexibility. Threats to American national security now come not only from the hostile intentions of other nation-states, but from three other sources: the easy availability of the knowledge and technology to create weapons of mass destruction; the emergence of rogue nations; and the rise of international [\*2533] terrorism of the kind practiced by the al Qaeda terrorist organization. n55 The al Qaeda terrorist network and similar organizations may pose a threat that does not lend itself to resolution through bargaining. n56 In particular, signaling may prove ineffective when applied against these nations or groups because they are unlikely to have the proper incentives to respond to the information conveyed by such signals.

Significantly, the informational value of the signaling mechanism among democracies depends heavily on the existence of transparency and domestic political accountability, both of which are usually lacking in terrorist organizations and rogue states. In a sense, the very logic of the signaling mechanism assumes that because democracies are aware that other democracies are less likely to back down in an escalating international crisis, democracies will be less reluctant to get involved in wars against each other in the first place. n57

On the other hand, because rogue states and terrorist organizations face little or no political accountability for their foreign policy failures, they can afford to ignore their domestic audiences and take more aggressive stances in initiating international conflicts. n58 Conversely, once they enter into an escalating international crisis, rogue states can more easily afford to back out of the crisis without paying a political price for seeming inconsistent or weak. In sum, the crisis bargaining model suggests that rogue states are neither likely to signal credible commitments of their resolve in an international crisis, nor likely to appreciate costly signals made by other states.

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#### Can’t win a uq turn – Obama isn’t threatening invasion now, he’s actively pursuing a peaceful deal

Jonathan Weisman, NYT, 11/15/13, Obama asks for room to reach Iran deal, Lexis

The Obama administration is pressing senators to give it breathing room to reach an accord with Iran to freeze its nuclear programs, warning that a new round of sanctions could mean war instead of diplomacy.

But it is facing extreme skepticism from lawmakers in both parties who worry the administration is prepared to give the Iranian government too much for too little.

On Thursday, President Obama offered a vigorous defense of the diplomatic approach to Iran, during a news conference called to discuss a change in his health-care law. He asked for forbearance, saying that there was little to lose in pursuing a short-term deal. ''Let's see if this short-term Phase 1 deal can be completed to our satisfaction,'' he said.

In the worst case, he said, the West will have bought time and delayed any Iranian progress toward a nuclear weapon. Administration officials said they were in striking distance of an agreement that would halt much of Iran's nuclear program for six months.

''We will have lost nothing if, at the end of the day, it turns out that they are not prepared to provide the international community the hard proof and assurances necessary for us to know that they're not pursuing a nuclear weapon,'' the president said.

Secretary of State John Kerry, briefing the Senate Banking, Housing and Urban Affairs Committee on Wednesday, made his case against the committee's moving forward with a proposal for new sanctions even as Western diplomats were talking about easing existing sanctions in exchange for concessions on Iran's nuclear program.

Moving too soon on new sanctions amounted to ''getting in the way of diplomacy,'' he said, suggesting that Congress could always act later.

''Let's give them a few weeks, see if it works and we have all our options at our disposal,'' he said as he ducked into the closed-door meeting.

The briefing was part of an all-out effort by the administration both to tamp down congressional saber-rattling and to move diplomacy forward to reach the agreement that proved elusive last weekend in Geneva. Mr. Obama has made a flurry of calls to the leaders of Britain and France before the resumption of negotiations in Geneva on Nov. 21 and 22. On Tuesday night, he called Senator Harry Reid of Nevada, the majority leader, to discuss Iran, among other issues.

But negotiations get tubed by the GOP – the plan’s concession does nothing because Iran isn’t the problem

Weisman 11/12/13

Jonathan, NYT, “Iran Talks Face Resistance in U.S. Congress,” http://www.nytimes.com/2013/11/13/world/middleeast/iran-talks-face-resistance-in-us-congress.html?\_r=0

After having come tantalizingly close over the weekend to an agreement to freeze Iran’s nuclear program, the Obama administration is gingerly weighing a threat to the talks potentially more troublesome than the opaque leadership in Tehran: Congress. Secretary of State John Kerry will meet behind closed doors on Wednesday afternoon with members of the Senate Banking, Housing and Urban Affairs Committee to try to head off a new round of stiff sanctions on Iran that administration officials fear could derail the talks in Geneva. In addition, Vice President Joseph R. Biden Jr.; Mr. Kerry; Wendy R. Sherman, the administration’s chief negotiator; and David S. Cohen, under secretary of the Treasury for terrorism and financial intelligence, are scheduled to brief Senate Democratic leaders that day in a full-court press to win backing of the diplomatic initiative. But the **administration is running headlong into** Prime Minister Benjamin **Netanyahu** of Israel **and pro-Israel lobbyists** pressing their case that the deal taking shape would be a major blunder. Diplomats from the United States and five other countries are pursuing an accord that would cause Iran to freeze its nuclear program in exchange for the loosening of some of the sanctions that have crippled the Iranian economy. Talks broke off this weekend but are scheduled to resume on Nov. 20. But they are facing bipartisan doubt about their course. “I understand what they’re saying about destroying a chance for a peaceful outcome here with new sanctions, but I really do believe if the new sanctions were crafted in the right way, they would be more helpful than harmful,” said Senator Lindsey Graham, Republican of South Carolina. Senator Charles E. Schumer of New York, the third-ranking Democrat, was briefed Monday on the negotiations by Mr. Biden and has met with the White House chief of staff, Denis R. McDonough, as well as with cabinet officials. Yet he still proclaimed himself “dubious” of the possible agreement because of concerns that the administration might be willing to give too much away while getting too little in return. In a letter to the editor in The New York Times last week and an opinion article in USA Today, Senator Robert Menendez of New Jersey, the Democratic chairman of the Foreign Relations Committee, indicated he would press forward against the administration’s wishes on the sanctions legislation. “Iran is on the ropes because of its intransigent policies and our collective will, and it would be imprudent to want an agreement more than the Iranians do,” he wrote in USA Today on Monday. “Tougher sanctions will serve as an incentive for Iran to verifiably dismantle its nuclear weapons program.” A powerful lobbying group, the American Israel Public Affairs Committee, issued its own broadside. “Aipac continues to support congressional action to adopt legislation to further strengthen sanctions, and there will absolutely be no pause, delay or moratorium in our efforts,” the group’s president, Michael Kassen, said in a statement this month. But the group’s officials are taking a wait-and-see stance for now. If the talks collapse on their own, the group can avoid wading into a political donnybrook, but if a diplomatic breakthrough is achieved, Aipac is ready to mount an aggressive campaign to stop it, according to one person familiar with its thinking. Senator Tim Johnson, Democrat of South Dakota, the chairman of the Banking Committee, has said he will not move forward with sanctions legislation until he has consulted with committee members after the Wednesday briefing from Mr. Kerry. But Republicans are threatening to move on their own, possibly by attaching the sanctions to a defense policy bill that will reach the Senate floor **this week**.

====MARKED=====

 “I understand the problem that this creates at the negotiating table,” said Senator Bob Corker of Tennessee, the top Republican on the Foreign Relations Committee and a member of the Banking Committee, which has jurisdiction over economic sanctions. But, he added, the administration’s fears are misplaced: “New sanctions wouldn’t kick in for three to six months. The important period of time for this country, candidly for the world community, on this issue is over the next two to three weeks.” Sanctions legislation would require the president’s signature, **but even its introduction** could upset the talks. Administration officials fear that congressional action would raise questions in Tehran about the value of Western promises while potentially angering some negotiating team members, especially China and Russia, whose companies would be hit especially hard by the tightening economic noose.