### 1NC

#### A. Interpretation – Statutory restrictions must directly prohibit activities currently under the president’s war powers authority – this excludes regulation or oversight

#### Statutory restrictions prohibit actions

Lamont 5 (Michael, Legal Analyst @ Occupational health, "Legal: Staying on the right side of the law," http://www.personneltoday.com/articles/01/04/2005/29005/legal-staying-on-the-right-side-of-the-law.htm#.UgFe\_o3qnoI)

It will be obvious what 'conduct' and 'redundancy' dismissals are. A statutory restriction means that the employee is prevented by law from doing the job - for example, a driver who loses his driving licence. 'Some other substantial reason' means "Parliament can't be expected to think of everything".

#### Restrictions on authority are distinct from conditions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### B. Vote Neg –

#### 1. Limits – Regulation and oversight of authority allows a litany of new affs in each area – justifies indirect effects of statutory policies, undermines prep and clash

#### 2. Ground – Restriction ground is the locus of neg prep – their interpretation jacks all core disads because an aff doesn’t have to prevent the president from doing anything

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#### Shutdown will be avoided now

Yglesias 9/18/13 (Matthew, business/economics correspondent @ Slate, "The Odds of a Government Shutdown Are Falling, Not Rising," http://www.slate.com/blogs/moneybox/2013/09/18/government\_shutdown\_odds\_falling\_not\_rising.html)

But read on to the second graf of the piece and you'll see that the odds are not rising at all. What's happening is that John Boehner is preparing to pass an appropriations bill that also defunds Obamacare that he knows perfectly well stands no chance of passing, and he's hoping that doing this will placate the right wing of the his caucus for when he surrenders.¶ Here they explain:¶ House leaders are hoping the vote on the defunding measure will placate conservatives once the Democratically controlled Senate rejects it. The House, they are betting, would then pass a stopgap spending measure unencumbered by such policy baggage and shift the argument to the debt ceiling, which must be raised by mid-October if the government is to avoid an economically debilitating default.¶ The key thing to remember here is that the House, as a discretionary decision, operates by the "Hastert Rule" in which only bills that are supported by a majority of GOP members can be brought to the floor for a vote. There is no Hastert-compliant appropriations bill that can pass the Senate. But there very likely is majority support in the House for the kind of "clean" funding bill that can also pass the Senate. All that has to happen is for John Boehner to violate the Hastert Rule. And the Hastert Rule isn't actually a rule, it's something Boehner has put aside many times. But it's also a rule he can't flagrantly ignore, lest his caucus get too grumpy and depose him. The operating theory here is that if Boehner has the whole House GOP indulge the maximalist faction by all passing a defuding bill, that creates enough room to move to later violate the Hastert Rule and pass a continuing resolution.¶ If anything is happening to the odds of a shutdown, in other words, they're falling, not rising.

#### Obama fights the plan – strongly supports war powers

Rana 11 (Aziz – Assistant Professor of Law, Cornell Law School, “TEN QUESTIONS: RESPONSES TO THE TEN QUESTIONS”, 2011, 37 Wm. Mitchell L. Rev. 5099, lexis)

Thus, for many legal critics of executive power, the election of Barack Obama as President appeared to herald a new approach to security concerns and even the possibility of a fundamental break from Bush-era policies. These hopes were immediately stoked by Obama's decision before taking office to close the Guantanamo Bay prison. n4 Over two years later, however, not only does Guantanamo remain open, but through a recent executive order Obama has formalized a system of indefinite detention for those held there and also has stated that new military commission trials will begin for Guantanamo detainees. n5 More important, in ways small and large, the new administration remains committed to core elements of the previous constitutional vision of national security. Just as their predecessors, Obama officials continue to defend expansive executive detention and war powers and to promote the centrality of state secrecy to national security.

#### Presidential war power battles expend capital – it’s immediate and forces a trade-off

O’Neil 7 (David – Adjunct Associate Professor of Law, Fordham Law School, “The Political Safeguards of Executive Privilege”, 2007, 60 Vand. L. Rev. 1079, lexis)

a. Conscious Pursuit of Institutional Prerogatives The first such assumption is belied both by first-hand accounts of information battles and by the conclusions of experts who study them. Participants in such battles report that short-term political calculations consistently trump the constitutional interests at stake. One veteran of the first Bush White House, for example, has explained that rational-choice theory predicts what he in fact experienced: The rewards for a consistent and forceful defense of the legal interests of the office of the presidency would be largely abstract, since they would consist primarily of fidelity to a certain theory of the Constitution... . The costs of pursuing a serious defense of the presidency, however, would tend to be immediate and tangible. These costs would include the expenditure of political capital that might have been used for more pressing purposes, [and] the unpleasantness of increased friction with congressional barons and their allies. n182 Louis Fisher, one of the leading defenders of the political branches' competence and authority to interpret the Constitution independently of the courts, n183 acknowledges that politics and "practical considerations" typically override the legal and constitutional principles implicated in information disputes. n184 In his view, although debate about congressional access and executive privilege "usually proceeds in terms of constitutional doctrine, it is the messy political realities of the moment that usually decide the issue." n185 Indeed, Professor Peter Shane, who has extensively studied such conflicts, concludes that their successful resolution in fact depends upon the parties focusing only on short-term political [\*1123] considerations. n186 When the participants "get institutional," Shane observes, non-judicial resolution "becomes vastly more difficult." n187

#### Capital key

Dumain 9/18/13 (Emma, Roll Call, "Will House Democrats Balk at Sequester-Level CR?," http://blogs.rollcall.com/218/will-house-democrats-balk-at-sequester-level-cr/)

What would be helpful for the duration of the political battle over the CR between now and the end of the month, however, is if Obama more frequently took to the “bully pulpit” to blast Republicans and bolster Democrats, the aide said.¶ “The more the better,” he said.

#### Shutdown wrecks the economy

Wu 8/27/13 (Yi, “Government Shutdown 2013: Still a Terrible Idea,” PolicyMic, <http://www.policymic.com/articles/60837/government-shutdown-2013-still-a-terrible-idea>)

Around a third of House Republicans, many Tea Party-backed, sent a letter last week calling on Speaker John Boehner to reject any spending bills that include implementation of the Affordable Care Act, otherwise known as Obamacare. Some Senate Republicans echo their House colleagues in pondering this extreme tactic, which is nothing other than a threat of government shutdown as neither congressional Democrats nor President Obama would ever agree on a budget that abolishes the new health care law. Unleashing this threat would amount to holding a large number of of the federal government's functions, including processing Social Security checks and running the Centers for Disease Control, hostage in order to score partisan points. It would be an irresponsible move inflicting enormous damage to the U.S. economy while providing no benefit whatsoever for the country, and Boehner is rightly disinclined to pursue it. Government shutdowns are deleterious to the economy. Two years ago in February 2011, a similar government shutdown was looming due to a budget impasse, and a research firm estimated that quater's GDP growth would be reduced by 0.2 percentage points if the shutdown lasted a week. After the budget is restored from the hypothetical shutdown, growth would only be "partially recouped," and a longer shutdown would result in deeper slowdowns. Further, the uncertainties resulting from a shutdown would also discourage business. A shutdown was avoided last-minute that year, unlike in 1995 during the Clinton administration where it actually took place for four weeks and resulted in a 0.5 percentage-point dent in GDP growth. Billions of dollars were cut from the budget, but neither Boehner nor the Republicans at the time were reckless enough to demand cancellation of the entire health care reform enacted a year before.

#### Global nuclear war

Harris & Burrows 9 (Mathew, PhD European History @ Cambridge, counselor of the U.S. National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the **harmful effects on fledgling democracies** and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which **the potential for** greater **conflict could grow** would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism**’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any **economically-induced drawdown** of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, **acquire additional weapons**, and consider pursuing their own **nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an **unintended escalation** and **broader conflict** if clear red lines between those states involved are not well established. The close proximity of potential **nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on **preemption** rather than defense, potentially leading to **escalating crises**. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in **interstate conflicts** if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

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#### Private military contractor use is decreasing

Schwartz 10 (Moshe – Specialist in Defense Acquisition, CRS Report, “The Department of Defense’s Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress”, 6/22, http://fpc.state.gov/documents/organization/145576.pdf)

According to DOD, from September 2007 to June 2009, the number of armed security contractors increased from 5,481 to a high of 13,232, an increase of 140%. However, from June 2009 to March 2010 the number of armed security contractors has decreased by 2,203, or 17% (see Figure 1 ). 24 DOD officials anticipate that the number of armed contractors in Iraq will continue to decrease, much as the overall number of contractors and troops in Iraq has also decreased.

#### Plan causes a Shift to PMC’s

Michaels 4 (Jon – Law Clerk to the Honorable Guido Calabresi, U.S. Court of Appeals for the Second Circuit; Law Clerk designate, the Honorable David H. Souter, U.S. Supreme Court; J.D., Yale Law School, “ARTICLE: BEYOND ACCOUNTABILITY: THE CONSTITUTIONAL, DEMOCRATIC, AND STRATEGIC PROBLEMS WITH PRIVATIZING WAR”, 2004, 82 Wash. U. L. Q. 1001, lexis)

 [\*1008] Military privatization of combat duties, on the other hand, decidedly does. It has the potential to introduce a range of novel constitutional, democratic, and strategic harms that have few, if any, analogues in the context of domestic, commercial outsourcing. Military privatization can be, and perhaps already has been, used by government policymakers under Presidents Bill Clinton and George W. Bush to operate in the shadows of public attention, domestic and international laws, and even to circumvent congressional oversight. For a variety of political and legal reasons, the Executive may at times be constrained in deploying U.S. soldiers. The public's aversion to a military draft, the international community's disdain for American unilateralism, and Congress's reluctance to endorse an administration's hawkish foreign goals may each serve to inhibit, if not totally restrict, the president's ability to use U.S. troops in a given zone of conflict. In such scenarios, resorting to private contractors, dispatched to serve American interests without carrying the apparent symbolic or legal imprimatur of the United States, may be quite tempting. In those instances, it would not necessarily be the cheaper price tag or specialized expertise that makes private contractors desirable. Rather, it might be the status of the actors (as private, non-governmental agents) vis-a-vis public opinion, congressional scrutiny, and international law that entices policymakers to turn to contracting. Indeed, "tactical privatization," as I call it, is motivated at least in part by a desire to alter substantive policy: Private agents would be used to achieve public policy ends that would not otherwise be attainable, were the government confined to relying exclusively on members of the U.S. Armed Forces. Tactical privatization thus stands in contradistinction to what is widely understood to be the conventional privatization agenda, driven by economic goals, that strives for verisimilitude in replicating government responsibilities (only more efficiently). n19 To elude public debate, circumvent Congress's coordinate role in conducting military affairs, and evade Security Council dictates may help an administration achieve short-term, realpolitik ends; but in the process, the structural damage to the vibrancy and authenticity of public deliberation, to the integrity of America's constitutional architecture of separation of powers, and to the legitimacy of collective security may prove irreparable.

#### That kills readiness and causes WMD terrorism

Singer 2 (P.W. – Director of the 21st Century Defense Initiative at the Brookings Institution, “Corporate Warriors: The Rise of the Privatized Military Industry and Its Ramifications for International Security”, International Security, Vol. 26, No. 3, Winter 2001/2002 http://www.brookings.edu/~/media/research/files/articles/2002/1/01us%20military%20singer/20020128.pdf)

INCOMPLETE INFORMATION AND MONI TORING DIFFICULTIES. Problems of incomplete information and monitoring generally accompany outsourcing. Yet these are intensified in the military realm because few clients have experience in contracting with security agents. In most cases, there is ei ther little oversight or a lack of clearly defined requirements, or both. Add in the fog of war, and proper mon itoring becomes extremely difficult. Moreover, PMFs are usually autonomous and thus require extraterritorial monitoring. And at times, the actual consumer may not be the contracting party: Some states, for example, pay PMFs to supply personnel on their behalf to international organizations. Another difficulty is the firms' focus on the bottom line: PMFs may be tempted to cut corners to increase their profits. No matter how powerful the client, this risk cannot be 23 completely eliminated. During the Balkans conflict, for example, Brown & Root is alleged to have failed to deliver or severely overcharged the U.S. Army on four out of seven of its contractual obligations. 43 A further manifestation of this monitoring difficulty is the danger that PMFs may not perform their missions to the fullest. PMFs have incentives not only to prolong their contracts but also to avoid taking undue risks that might endanger their own corporate assets. The result may be a protracted conflict, which perhaps could have been avoided if the client had built up its own military forces or more closely monitored its private agent. This was certainly true of mercenaries in the Biafra conflict in the 1970s, and many suspect that this was also the case with PMFs in the Ethiopia-Eritrea conflict in 1997ñ99. In the latter instance, the Ethiopians essentially leased a small but complete air force from the Russian aeronautics firm Sukhoió including a wing of Su-27 jet fighter planes, pilots, and ground staff. Some contend, though, that this private Russian force failed to prosecute the war fullyófor example, by rarely engaging Eritreaís air force, which itself was rumored to have hired Russian and Ukrainian pilots. 44 A CRITICAL LOSS OF CONTROL. As PMFs become increasingly popular, so too does the danger of their clients becoming overly dependent on their services. Reliance on a private firm means that an integral part of one’s strategic success is vulnerable to changes in market costs and incentives. This can result in two potential risks to the security of the client: (1) the agent (the firm) might leave its principal (the client) in the lurch, or (2) the agent might gain dominance over the principal. A PMF may have no compunction about suspending a contract if a situation becomes too risky, in either financial or physical terms. Because they are typically based elsewhere, and in the absence of applicable international laws to enforce compliance, PMFs face no real risk of 24 punishment if they or their employees defect from their contractual obligations. Industry advocates dismiss these claims by noting that firms failing to fulfill the terms of their contracts would sully their reputation, thus hurting their chances of obtaining future contracts. Nevertheless, there are a number of situations in which shorter-term c onsiderations could prevail over long-term market punishment. In game-theoretic terms, each interaction with a private actor is sui generis. Exchanges in the international security market take the form of one-shot games, rather than guaranteed repeated plays. 45 Sierra Leone faced such a situation in 1994, when the type 1 firm that it had hired (the Gurkha Security Guards, made up primarily of Nepalese soldie rs) lost its commander in a rebel ambush. Reports suggest that the commander was la ter cannibalized. The firm decided to break its contract, and its employees fled the country, leaving its client wi thout an effective military option until it was able to hire another firm. 46 The loss of direct control as a result of privatization carries risks even for strong states. For U.S. military commanders, an added worry of terrorist targeting or the potential use of weapons of mass destruction is that their forces are more reliant than ever on the surge capacity of type 3 support firms. The employees of these firms, however, cannot be forced to stay at their posts in the face of these or any other dangers. 47 Because entire functions, such as weapons maintenance and supply, have become completely privatized, the entire military machine would break down if even a modest number of PMF employees chose to leave. In addition to sometimes failing to fulfill thei r contractual obligations, type 1 firms may pose another risk. In weak or failed states, PMFs , which are often the most powerful force on the local scene, may take steps to protect their own interests. Thus early termination of a contract, dissatisfaction with the terms of payment, or di sagreements over specific orders could lead to unpleasant repercussions for a weak client. Ind eed the corporate term "hostile takeover" may 25 well take on new meaning when speaking of the privatized military industry. The precedent does existófrom the condottieri , who took over their client regime s in the Middle Ages to the 1969 Mercenary Revolt in Zaire. More recently, there is continued suspicion that in 1996 Executive Outcomes helped to oust the leader of Sierra Le one, who headed the very regime that had hired it, in favor of another local general with w hom the firmís executives had a better working relationship

#### Extinction

Ayson 10 (Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand – Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects”, Studies in Conflict & Terrorism, 33(7), July)

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,[40](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928" \l "EN0040) and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”[41](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0041) Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents' … long-standing interest in all things nuclear.”[42](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0042) American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither “for us or against us”) might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability? If Washington decided to use, or decided to threaten the use of, nuclear weapons, the responses of Russia and China would be crucial to the chances of avoiding a more serious nuclear exchange. They might surmise, for example, that while the act of nuclear terrorism was especially heinous and demanded a strong response, the response simply had to remain below the nuclear threshold. It would be one thing for a non-state actor to have broken the nuclear use taboo, but an entirely different thing for a state actor, and indeed the leading state in the international system, to do so. If Russia and China felt sufficiently strongly about that prospect, there is then the question of what options would lie open to them to dissuade the United States from such action: and as has been seen over the last several decades, the central dissuader of the use of nuclear weapons by states has been the threat of nuclear retaliation. If some readers find this simply too fanciful, and perhaps even offensive to contemplate, it may be informative to reverse the tables. Russia, which possesses an arsenal of thousands of nuclear warheads and that has been one of the two most important trustees of the non-use taboo, is subjected to an attack of nuclear terrorism. In response, Moscow places its nuclear forces very visibly on a higher state of alert and declares that it is considering the use of nuclear retaliation against the group and any of its state supporters. How would Washington view such a possibility? Would it really be keen to support Russia's use of nuclear weapons, including outside Russia's traditional sphere of influence? And if not, which seems quite plausible, what options would Washington have to communicate that displeasure? If China had been the victim of the nuclear terrorism and seemed likely to retaliate in kind, would the United States and Russia be happy to sit back and let this occur? In the charged atmosphere immediately after a nuclear terrorist attack, how would the attacked country respond to pressure from other major nuclear powers not to respond in kind? The phrase “how dare they tell us what to do” immediately springs to mind. Some might even go so far as to interpret this concern as a tacit form of sympathy or support for the terrorists. This might not help the chances of nuclear restraint.

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#### The aff doesn’t provide real reform – continued crisis discourse allows a re-expansion of executive authority

Scheuerman 12 -- Professor of Political Science and West European Studies at Indiana University (William E., Summer 2012, "Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy," Law & Social Inquiry 37(3), EBSCO)

IV. REFORMISM'S LIMITS Bruce Ackerman, one of our country's most observant analysts of its clunky constitutional machinery, is similarly impatient with the "comforting notion that our heroic ancestors" created an ideal constitutional and political system (2010, 10). He even agrees that the US model increasingly seems to overlap with Schmitt's dreary vision of executive-centered plebiscitarianism motored by endless crises and emergencies (2010, 82). In sharp contrast to Posner and Vermeule, however, he not only worries deeply about this trend, but he also discards the unrealistic possibility that it might be successfully countered without recourse to legal and constitutional devices. Although Madison's original tripartite separation of powers is ill-adjusted to the realities of the modern administrative state, we need to reinvigorate both liberal legalism and checks and balances. Unless we can succeed in doing so, US citizens are likely to experience a "quantum leap in the presidency's destructive capacities" in the new century (2010, 119). Despite its alarmist tenor, for which he has been—in my view—unfairly criticized,'' Ackerman's position is grounded in a blunt acknowledgment of the comparative disadvantages of the US constitutional system. More clearly than any of the other authors discussed in this article, he breaks cleanly with the intellectual and constitutional provincialism that continues to plague so much legal and political science research on the United States. In part because as "late developers" they learned from institutional mistakes in the United States and elsewhere, more recently designed liberal democracies often do a better job than our Model T version at guaranteeing both policy effectiveness and the rule of law (2010, 120-22). Following the path-breaking work of his colleague Juan Linz, Ackerman offers a critical assessment of our presidential version of liberal democracy, where an independently elected executive regularly finds itself facing off against a potentially obstructionist Congress, which very well may seek to bury "one major presidential initiative after another" (2010, 5; see also Linz 1994). In the context of either real or imagined crises, executives facing strict temporal restraints (i.e., an upcoming election), while claiming to be the people's best protector against so-called special interests, will typically face widespread calls for swift (as well as legally dubious) action. "Crisis talk," in part endogenously generated by a flawed political system prone to gridlock rather than effective policy making, "prepares the ground for a grudging acceptance of presidential unilateralism" (2010, 6). Executives everywhere have much to gain from crisis scenarios. Yet incentives for declaring and perpetuating emergencies may be especially pronounced in our presidential system. The combination of temporal rigidity (i.e., fixed elections and terms of office) and "dual democratic legitimacy" (with both Congress and the president claiming to speak for "we the people") poses severe challenges to law-based government (Linz 1994). Criticizing US scholarship for remaining imprisoned in the anachronistic binary contrast of "US presidentialism vs. Westminster parliamentarism," Ackerman recommends that we pay closer attention to recent innovations achieved by what he describes as "constrained parliamentarism," basically a modified parliamentary system that circumvents the worst design mistakes of both Westminster parliamentarism and US presidentialism. As he has argued previously in a lengthy Harvard Law Review article, constrained parliamentarism—as found, for example, in recent democracies like Germany and Spain—locates law making in a Westminster-style popular assembly. But in contrast to the UK model, "legislative output is constrained by a higher lawmaking process" (2000, 666). The German Eederal Republic, for example, rests on a written constitution (e.g., the Basic Law) and has a powerful constitutional court. In Ackerman's view, constrained parliamentarism lacks many of the institutional components driving the growth of executive-dominated emergency govemment. Not surprisingly, he posits, it suffers to a reduced degree from many of the institutional pathologies plaguing US-style presidentialism. Ackerman argues that, in contrast, US-style presidential models have regularly collapsed elsewhere (e.g., in Latin and South American countries, where US-style presidentialism has been widely imitated [Linz and Valenzuela 1994]), devolving on occasion into unabated authoritarianism (2000, 646). Ackerman now seems genuinely concerned that a similar fate might soon befall its original version. Even if his most recent book repeats some earlier worries, he has now identified additional perils that he thinks deserve immediate attention. Not surprisingly, perhaps, his anxiety level has noticeably increased. Even Schmitt's unattractive vision of presidential authoritarianism appears "a little old-fashioned," given some ominous recent trends (2010, 82). To an extent unfathomable in Schmitt's day, the executive can exploit quasi-scientific polling data in order to gauge the public pulse. Presidents now employ a small but growing army of media gurus and consultants who allow them to craft their messages in astonishingly well-skilled—and potentially manipulative—ways. Especially during crisis moments, an overheated political environment can quickly play into the hands of a "White House propaganda machine generating a stream of sound bites" (2010, 33). Pundits and opinion makers already tend to blur the crucial divide between polling "numbers" and actual votes, with polls in both elite and popular consciousness tending not only to supplement but increasingly displace election results.'^ The decline of the print media and serious joumalism—about which Ackerman is understandably distressed—means that even the most fantastic views are taken seriously. Thus far, the Internet has failed to pick up the slack; it tends to polarize public opinion. Meanwhile, our primary system favors candidates who successfully appeal to an energized partisan base, meaning that those best able to exploit public opinion polling and the mass media, but out of sync with the median voter, generally gain the party nomination. Linz earlier pointed out that presidentialism favors political outsiders; Ackerman worries that in our emerging presidential model, the outsiders will tend to be extremists. Polling and media-savvy, charismatic, and relatively extreme figures will colonize the White House. In addition, the president's control over the massive administrative apparatus provides the executive with a daunting array of institutional weapons, while the Office of Legal Counsel (OLC) and Office of Counsel to the President offer hyperpoliticized sites from which distinctly executive-centered legal and constitutional views now are rapidly disseminated. Ackerman raises some tough questions for those who deem the OLC and related executive organs fundamentally sound institutions that somehow went haywire under David Addington and John Yoo. In his view, their excesses represent a logical result of basic structural trends currently transforming both the executive and political system as whole. OLC's partisan and sometimes quasi-authoritarian legal pronouncements are now being eagerly studied by law students and cited by federal courts (2010, 93). Notwithstanding an admirable tradition of executive deference to the Supreme Court, presidents are better positioned than ever to claim higher political legitimacy and neutralize political rivals. Backed by eager partisan followers, adept at the media game, and well armed with clever legal arguments constructed by some of the best lawyers in the country, prospective presidents may conceivably stop deferring to the Court (2010, 89). Ackerman's most unsettling amendment to his previous views is probably his discussion of the increasingly politicized character of the military—an administrative realm, by the way, ignored by other writers here, despite its huge role in modern US politics. Here again, the basic enigma is that the traditional eighteenth-century tripartite separation of powers meshes poorly with twenty-first-century trends: powerful military leaders can now regularly play different branches of govemment against one another in ways that undermine meaningful civilian oversight. Top officers possess far-reaching opportunities "to become an independent political force—allowing them to tip the balance of political support in one direction, then another," as the competing branches struggle for power (2010, 49). For Ackerman, the emergence of nationally prominent and media-savvy figures such as Colin Powell and David Petraeus, who at crucial junctures have communicated controversial policy positions to a broader public,'^ suggests that this long-standing structural flaw has recently gotten worse. The Goldwater-Nichols Act of 1996, for example, transformed the chair of the Joint Chiefs of Staff from a mediator for the competing services into the military's principal—and hugely influential—spokesperson within the National Security Council (2010, 50). Not only does the military constitute a hugely significant segment of the administrative machinery, but it is now embodied—both in govemment and the public eye—in a single leader whose views carry tremendous weight. The fact that opinion surveys show that the officer corps is increasingly conservative in its partisan orientation, Ackerman notes, only adds to the dangers. Americans need not fear an imminent military putsch, along the lines that destroyed other presidential regimes elsewhere. Nonetheless, we would do well not to be "lulled into a false sense of security" (2010, 87). Having painted a foreboding portrait of institutional trends, Ackerman points to paths we might take to ward off the worst. In light of the obvious seriousness of the illness he has diagnosed, however, his antidotes tend to disappoint: he proposes that we treat cancer with some useful but limited home remedies. Like Shane, Ackerman wants to improve popular deliberation by reforming the mass media and institutionalizing "Deliberation Day" (2010, 125-40). Yet how such otherwise potentially appealing initiatives might counteract the symbiotic relationship between presidentialism and crisis government remains ambiguous. A modernized electoral college, for example, might simply engender executives better positioned to claim to stand in for "we the people" than their historical predecessors. Given Ackerman's own worries about plebiscitarianism, this reform might compound rather than alleviate our problems. More innovatively, Ackerman endorses the idea of a quasi-judicial check within the executive branch, a "Supreme Executive Tribunal" given the task of expeditiously determining the legality of proposed executive action, whose members would be appointed to staggered terms and subject to Senate confirmation. Forced to gain a seal of approval from jurists relatively insulated from sitting presidents, the executive tribunal would act more quickly than an ordinary court and thereby help put a "brake on the presidential dynamic before it can gather steam" (2010,143). Before the president could take the first political move and potentially alter the playing field, he or she might first have to clear the move with a body of legal experts, a requirement that presumably over time would work to undergird the executive branch's commitment to legality. The proposed tribunal could allow the president and Congress to resolve many of their standoffs more expeditiously than is typical today (2010, 146). Congressional representatives, for example, might rely on the tribunal to challenge executive signing statements. Existing exemptions for a significant number of major executive-level actors (e.g., the president's National Security Advisor) from Senate confirmation also need to be abandoned, while the military should promulgate a new Canon of Military Ethics, aimed at clarifying what civilian control means in contemporary real-life settings, in order to counteract its ongoing politicization. Goldwater-Nichols could be revised so as better to guarantee the subordination of military leaders to the Secretary of Defense (2010, 153-65). Ackerman also repeats his previous calls for creating an explicit legal framework for executive emergency action: Congress could temporarily grant the president broad discretionary emergency powers while maintaining effective authority to revoke them if the executive proved unable to gain ever more substantial support from the legislature (2010, 165-70; see also Ackerman 2006). Each of these suggestions demands more careful scrutiny than possible here. Nonetheless, even if many of them seem potentially useful, room for skepticism remains. Why, for example, would the proposed executive tribunal not become yet another site for potentially explosive standoffs between presidents and Congress? Might not highlevel political conflicts end up simply taking the forms of destructive (and misleadingly legalistic) duels? To the extent that one of the tribunal's goals is to decelerate executive decision making, its creation would perhaps leave our already sluggish and slow-moving political system even less able than at the present to deal with fast-paced challenges. Faced with time constraints and the need to gain popular support, executives might then feel even more pressed than at present to circumvent legality. As Ackerman knows, even as it presently operates, the Senate confirmation process is a mess. His proposal to extend its scope might simply end up reproducing at least some familiar problems. Last but not least, given the perils he so alarmingly describes, his proposed military reforms seem unsatisfying. Why not instead simply cut our bloated military apparatus and abandon US imperial pretensions? The obvious Achilles heel is that none of the proposals really deals head-on with what Ackerman himself conceives as the fundamental root of executive-centered government: an independently elected president strictly separated from legislative bodies with which he periodically clashes in potentially destructive ways. Despite Ackerman's ambition, his proposals do not provide structural reform: he concludes that US-based reformers should "take the independently elected presidency as a fixture" (2010, 124). Thus, presidential government is here to stay; reformers can also forget about significantly altering our flawed system of presidential primaries, activist government, and powerful military that intervenes frequently abroad (2010, 124). Given contemporary political developments, one can certainly appreciate why Ackerman is skeptical that the US system might finally be ripe for a productive institutional overhaul. Nonetheless, this just makes an already rather bleak book look even bleaker. His book's title. The Decline and Fall of the Arnerican Republic, is out of step with the somewhat upbeat reformist proposals detailed in its final chapters. Regretfully, the title better captures his core message. Only Ackerman's ultimately disturbing book both adeptly rejects the tendency among recent students of executive power to revert to constitutional nostalgia while forthrightly identifying the very real dangers posed by recent institutional trends. In an age of permanent or at least seemingly endless emergencies, where the very attempt to cleanly distinguish dire crises from "normal" political and social challenges becomes exceedingly difficult, the executive threatens to become an even more predominant— and potentially lawless—institutional player Unfortunately, US-style presidential democracy may be particularly vulnerable to this trend. Ackerman proves more successful than the other authors discussed here because he is best attuned to a rich body of comparative constitutional and political science scholarship that has raised legitimate doubts about the alleged virtues of US-style liberal democracy. Not surprisingly, some of his own reform ideas—for example, his proposed system of emergency law making—draw heavily on foreign examples, including Canada and new democracies such as South Africa. He convincingly argues that we might at least ameliorate the widespread tendency among presidents to manipulate crises for narrow partisan reasons, for example, by relying on the clever idea of a supermajoritarian escalator, which would require every legislative renewal of executive emergency authority to rest on ever more numerous supermajorities (2006). Ackerman is right to suggest that the United States needs to look abroad in order to improve our rather deficient system of emergency rule (Scheuerman 2006, 2008). Our system is broken; it is time to see what can be learned from others. Ackerman's latest book's overly cautious reformism thus seems especially peculiar in light of his own powerful and indeed enthusiastic defense of constrained parliamentarism, which he quite plausibly describes as potentially offering a superior approach to emergency government. The key point is not that we can be absolutely sure that the "grass is greener" in new democracies such as postwar Germany or post-Franco Spain; existing empirical evidence offers, frankly, a mixed picture. Contemporary Germany, for example, has certainly experienced its own fair share of emergency executive excesses (Frankenberg 2010). Scholars have criticized not only the empirical thesis that presidentialism and a strict separation of powers can help explain the substantial growth of executive discretion (Carolan 2009; Gross and Ni Aolain 2006), but also more farreaching assertions about their alleged structural disadvantages (Cheibub 2006). Still others argue that parliamentary regimes even of the "old type" (i.e., the UK Westminster model) have done relatively well in maintaining the rule of law during serious crises (Ewing and Gearty 2000; Bellamy 2007, 249-53). Unfortunately, we still lack wellconceived empirical studies comparing constrained parliamentarism with US-style presidentialism. Too much existing scholarship focuses on single countries, or relies on "foreign" cases but only in a highly selective and anecdotal fashion. Until we have more properly designed comparative studies, however, it seems inaccurate to assume a priori that core institutional features of US presidential democracy are well equipped to tackle the many challenges at hand. As I have tried to argue here, a great deal of initial evidence suggests that this simply is not the case. Admittedly, every variety of liberal democracy confronts structural tendencies favoring the augmentation of executive power: many of the social and economic roots (e.g., social acceleration) of executive-centered crisis govemment represent more-or-less universal phenomena, likely to rattle even well-designed constitutional systems. One can also easily imagine that in decades to come, extreme "natural" catastrophes— increasingly misnamed, because of their links to human-based climate change— justifying declarations of martial law or states of emergency will proliferate, providing novel possibilities for executives to expand their authority.^° So it would be naive to expect any easy constitutional or political-institutional fix. However, this sobering reality should not lead us to abandon creative institutional thinking. On the contrary, it arguably requires of us that we try to come up with new institutional models, distinct both from existing US-style presidentialism and parliamentarism, constrained or otherwise.

#### Causes global destruction

**Der Derian 98** (James, Professor of Political Science – University of Massachusetts, On Security, Ed. Lipschutz, p. 24-25)

No other concept in international relations packs the metaphysical punch, nor commands the disciplinary power of "security." In its name, peoples have alienated their fears, rights and powers to gods, emperors, and most recently, sovereign states, all to protect themselves from the vicissitudes of nature--as well as from other gods, emperors, and sovereign states. In its name, weapons of mass destruction have been developed which have transfigured national interest into a security dilemma based on a suicide pact. And, less often noted in international relations, in its name billions have been made and millions killed while scientific knowledge has been furthered and intellectual dissent muted. We have inherited an ontotheology of security, that is, an a priori  argument that proves the existence and necessity of only one form of security because there currently happens to be a widespread, metaphysical belief in it. Indeed, within the concept of security lurks the entire history of western metaphysics, which was best described by Derrida "as a series of substitutions of center for center" in a perpetual search for the "transcendental signified." Continues... [7](http://libcat1.cc.emory.edu:32888/20050307122932441313c0%3Dwww.ciaonet.org%3A80/book/lipschutz/lipschutz12.html#note7) In this case, Walt cites IR scholar Robert Keohane on the hazards of "reflectivism," to warn off anyone who by inclination or error might wander into the foreign camp: "As Robert Keohane has noted, until these writers `have delineated . . . a research program and shown . . . that it can illuminate important issues in world politics, they will remain on the margins of the field.' " [8](http://libcat1.cc.emory.edu:32888/20050307122932441313c0%3Dwww.ciaonet.org%3A80/book/lipschutz/lipschutz12.html%22%20%5Cl%20%22note8) By the end of the essay, one is left with the suspicion that the rapid changes in world politics have triggered a "security crisis" in security studies that requires extensive theoretical damage control. What if we leave the desire for mastery to the insecure and instead imagine a new dialogue of security, not in the pursuit of a utopian end but in recognition of the world as it is, other than us ? What might such a dialogue sound like? Any attempt at an answer requires a genealogy: to understand the discursive power of the concept, to remember its forgotten meanings, to assess its economy of use in the present, to reinterpret--and possibly construct through the reinterpretation--a late modern security comfortable with a plurality of centers, multiple meanings, and fluid identities. The steps I take here in this direction are tentative and preliminary. I first undertake a brief history of the concept itself. Second, I present the "originary" form of security that has so dominated our conception of international relations, the Hobbesian episteme of realism. Third, I consider the impact of two major challenges to the Hobbesian episteme, that of Marx and Nietzsche. And finally, I suggest that Baudrillard provides the best, if most nullifying, analysis of security in late modernity. In short, I retell the story of realism as an historic encounter of fear and danger with power and order that produced four realist forms of security: epistemic, social, interpretive, and hyperreal. To preempt a predictable criticism, I wish to make it clear that I am not in search of an "alternative security." An easy defense is to invoke Heidegger, who declared that "questioning is the piety of thought." Foucault, however, gives the more powerful reason for a genealogy of security: I am not looking for an alternative; you can't find the solution of a problem in the solution of another problem raised at another moment by other people. You see, what I want to do is not the history of solutions, and that's the reason why I don't accept the word alternative. My point is not that everything is bad, but that everything is dangerous, then we always have something to do. The hope is that in the interpretation of the most pressing dangers of late modernity we might be able to construct a form of security based on the appreciation and articulation rather than the normalization or extirpation of difference. Nietzsche transvalues both Hobbes's and Marx's interpretations of security through a genealogy of modes of being. His method is not to uncover some deep meaning or value for security, but to destabilize the intolerable fictional identities of the past which have been created out of fear, and to affirm the creative differences which might yield new values for the future. Originating in the paradoxical relationship of a contingent life and a certain death, the history of security reads for Nietzsche as an abnegation, a resentment and, finally, a transcendence of this paradox. In brief, the history is one of individuals seeking an impossible security from the most radical "other" of life, the terror of death which, once generalized and nationalized, triggers a futile cycle of collective identities seeking security from alien others--who are seeking similarly impossible guarantees. It is a story of differences taking on the otherness of death, and identities calcifying into a fearful sameness.

#### The alternative is to reject dominant security discourse – no one policy solves every problem – good theory now drives better policies later

Bruce 96 (Robert, Associate Professor in Social Science – Curtin University and Graeme Cheeseman, Senior Lecturer – University of New South Wales, Discourses of Danger and Dread Frontiers, p. 5-9)

This goal is pursued in ways which are still unconventional in the intellectual milieu of international relations in Australia, even though they are gaining influence worldwide as traditional modes of theory and practice are rendered inadequate by global trends that defy comprehension, let alone policy. The inability to give meaning to global changes reflects partly the enclosed, elitist world of professional security analysts and bureaucratic experts, where entry is gained by learning and accepting to speak a particular, exclusionary language. The contributors to this book are familiar with the discourse, but accord no privileged place to its ‘knowledge form as reality’ in debates on defence and security. Indeed, they believe that debate will be furthered only through a long overdue critical re-evaluation of elite perspectives. Pluralistic, democratically-oriented perspectives on Australia’s identity are both required and essential if Australia’s thinking on defence and security is to be invigorated. This is not a conventional policy book; nor should it be, in the sense of offering policy-makers and their academic counterparts sets of neat alternative solutions, in familiar language and format, to problems they pose. This expectation is in itself a considerable part of the problem to be analysed. It is, however, a book about policy, one that questions how problems are framed by policy-makers. It challenges the proposition that irreducible bodies of real knowledge on defence and security exist independently of their ‘context in the world’, and it demonstrates how security policy is articulated authoritatively by the elite keepers of that knowledge, experts trained to recognize enduring, universal wisdom. All others, from this perspective, must accept such wisdom or remain outside the expert domain, tainted by their inability to comply with the ‘rightness’ of the official line. But it is precisely the official line, or at least its image of the world, that needs to be problematised. If the critic responds directly to the demand for policy alternatives, without addressing this image, he or she is tacitly endorsing it. Before engaging in the policy debate the critics need to reframe the basic terms of reference. This book, then, reflects and underlines the importance of Antonio Gramsci and Edward Said’s ‘critical intellectuals’.15 The demand, tacit or otherwise, that the policy-maker’s frame of reference be accepted as the only basis for discussion and analysis ignores a three thousand year old tradition commonly associated with Socrates and purportedly integral to the Western tradition of democratic dialogue. More immediately, it ignores post-seventeenth century democratic traditions which insist that a good society must have within it some way of critically assessing its knowledge and the decisions based upon that knowledge which impact upon citizens of such a society. This is a tradition with a slightly different connotation in contemporary liberal democracies which, during the Cold War, were proclaimed different and superior to the totalitarian enemy precisely because there were institutional checks and balances upon power. In short, one of the major differences between ‘open societies’ and their (closed) counterparts behind the Iron Curtain was that the former encouraged the critical testing of the knowledge and decisions of the powerful and assessing them against liberal democratic principles. The latter tolerated criticism only on rare and limited occasions. For some, this represented the triumph of rational-scientific methods of inquiry and techniques of falsification. For others, especially since positivism and rationalism have lost much of their allure, it meant that for society to become open and liberal, sectors of the population must be independent of the state and free to question its knowledge and power. Though we do not expect this position to be accepted by every reader, contributors to this book believe that critical dialogue is long overdue in Australia and needs to be listened to. For all its liberal democratic trappings, Australia’s security community continues to invoke closed monological narratives on defence and security. This book also questions the distinctions between policy practice and academic theory that inform conventional accounts of Australian security. One of its major concerns, particularly in chapters 1 and 2, is to illustrate how theory is integral to the practice of security analysis and policy prescription. The book also calls on policy-makers, academics and students of defence and security to think critically about what they are reading, writing and saying; to begin to ask, of their work and study, difficult and searching questions raised in other disciplines; to recognise, no matter how uncomfortable it feels, that what is involved in theory and practice is not the ability to identify a replacement for failed models, but a realisation that terms and concepts – state sovereignty, balance of power, security, and so on – are contested and problematic, and that the world is indeterminate, always becoming what is written about it. Critical analysis which shows how particular kinds of theoretical presumptions can effectively exclude vital areas of political life from analysis has direct practical implications for policy-makers, academics and citizens who face the daunting task of steering Australia through some potentially choppy international waters over the next few years. There is also much of interest in the chapters for those struggling to give meaning to a world where so much that has long been taken for granted now demands imaginative, incisive reappraisal. The contributors, too, have struggled to find meaning, often despairing at the terrible human costs of international violence. This is why readers will find no single, fully formed panacea for the world’s ills in general, or Australia’s security in particular. There are none. Every chapter, however, in its own way, offers something more than is found in orthodox literature, often by exposing ritualistic Cold War defence and security mind-sets that are dressed up as new thinking. Chapters 7 and 9, for example, present alternative ways of engaging in security and defence practice. Others (chapters 3, 4, 5, 6 and 8) seek to alert policy-makers, academics and students to alternative theoretical possibilities which might better serve an Australian community pursuing security and prosperity in an uncertain world. All chapters confront the policy community and its counterparts in the academy with a deep awareness of the intellectual and material constraints imposed by dominant traditions of realism, but they avoid dismissive and exclusionary terms which often in the past characterized exchanges between policy-makers and their critics. This is because, as noted earlier, attention needs to be paid to the words and the thought processes of those being criticized. A close reading of this kind draws attention to underlying assumptions, showing they need to be recognized and questioned. A sense of doubt (in place of confident certainty) is a necessary prelude to a genuine search for alternative policies. First comes an awareness of the need for new perspectives, then specific policies may follow. As Jim George argues in the following chapter, we need to look not so much at contending policies as they are made for us but at challenging ‘the discursive process which gives [favoured interpretations of “reality”] their meaning and which direct [Australia’s] policy/analytical/military responses’. This process is not restricted to the small, official defence and security establishment huddled around the US-Australian War Memorial in Canberra. It also encompasses much of Australia’s academic defence and security community located primarily though not exclusively within the Australian National University and the University College of the University of New South Wales. These discursive processes are examined in detail in subsequent chapters as authors attempt to make sense of a politics of exclusion and closure which exercises disciplinary power over Australia’s security community. They also question the discourse of ‘regional security’, ‘security cooperation’, ‘peacekeeping’ and ‘alliance politics’ that are central to Australia’s official and academic security agenda in the 1990s. This is seen as an important task especially when, as is revealed, the disciplines of International Relations and Strategic Studies are under challenge from critical and theoretical debates ranging across the social sciences and humanities; debates that are nowhere to be found in Australian defence and security studies. The chapters graphically illustrate how Australia’s public policies on defence and security are informed, underpinned and legitimised by a narrowly-based intellectual enterprise which draws strength from contested concepts of realism and liberalism, which in turn seek legitimacy through policy-making processes. Contributors ask whether Australia’s policy-makers and their academic advisors are unaware of broader intellectual debates, or resistant to them, or choose not to understand them, and why?

### 1NC

#### Text: The Executive Branch of the United States should seek Congressional authorization prior to initiating offensive use of military force. The Executive Branch will comply with the result of Congressional authorization.

#### Self-restraint solves and is more effective than the plan

Posner and Vermeule 10 (Eric A. Posner is the Kirkland and Ellis Professor of Law @ the University of Chicago School of Law and Editor of the Journal of Legal Studies, Adrian Vermeule is a legal scholar, Oxford University Press, “The Executive Unbound: After the Madisonian Republic”, Google Books)

A Preliminary Note on Law and Self-Binding Many of our mechanisms are unproblematic from a legal perspective, as they ¶ involve presidential actions that are clearly lawful. But a few raise legal questions; in ¶ particular, those that involve self-binding.**74** Can a president bind himself to respect ¶particular first-order policies? With qualifications, the answer is “yes, at least to the same ¶ extent that a legislature can.” Formally, a duly promulgated executive rule or order binds ¶ even the executive unless and until it is validly abrogated**,** thereby establishing a new ¶ legal status quo.75 The legal authority to establish a new status quo allows a president to ¶ create inertia or political constraints that will affect his own future choices. In a practical ¶ sense**,** presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term ¶ project of defense procurement or infrastructure or foreign policy, narrowing his own ¶future choices and generating new political coalitions that will act to defend the new rules ¶or policies.

### 1NC

#### The United States federal government should require Congressional authorization prior to initiating offensive use of non-nuclear military force.

**Presidential flexibility on nuclear weapons key to deterrence**

**Chilcoat 99** (Richard, President – National Defense University, “Strategic Forces and Deterrence: New Realities, New Roles?” Strategic Assuessment, National Defense University, http://se1.isn.ch:80/serviceengine/FileContent?serviceID=ISN&fileid=A28BAB6C-38EA-B58D-A4F2-10FE0E95174A&lng=en)

The United States has consistently eschewed an unequivocal policy of “no first use” of nuclear weapons. Under the “Negative Security Assurance” concept, U.S. policy is not to use nuclear weapons unless (1) the state attacking the United States or its allies, or its military forces, is nuclear capable; (2) the state is not a party in good standing under the Nonproliferation Treaty; or (3) the state is engaged in a conflict where it is supported by a nuclear state. Moreover, U.S. officials on several occasions have made it a point **not to exclude nuclear weapons** use in retaliation for use of chemical and biological weapons against the United States, its forces, or allies. This does not mean that a nuclear response is the first line of defense against such an attack or that nuclear weapons use is inevitable, even to destroy biological and chemical facilities and stocks. However, U.S. policy seeks to make clear that no state can plan on using chemical or biological weapons against the United States without taking into account the possibility of a U.S. nuclear response. This **helps to deter use** in a crisis and **plays a role in dissuading states** from pursuing new or improved capabilities. In some cases, ambiguous declaratory policy may be perceived as a lack of U.S. commitment that could be exploited. If opponents are tolerant of cost and risk, greater clarity may be needed for deterrence. However, such declarations can be situation dependent and made privately without compromising a broader policy of calculated ambiguity and flexibility. At the same time, the overall posture of the U.S. must be able to support such a declaratory policy. This includes a defense against chemical and biological weapons. The United States must also be capable of a credible and proportional response, with nuclear weapons if necessary.

**Nuclear Deterrence prevents CBW**

**Joseph 00** (Robert, Director – Center for Counterproliferation Research, senior scholar at the National Institute for Public Policy, professor – Missouri State University, and formerly Special Envoy for Nuclear Nonproliferation, Congressional Testimony – Senate Foreign Relations Nonproliferation Policy, 3-21)

Therefore, it is essential that the United States acquire the capabilities to deny an enemy the benefits of these weapons. These capabilities - including passive and active defenses as well as improved counterforce means (such as the ability to destroy deep and hardened underground targets and mobile missiles) - offer the best chance to strengthen deterrence, and provide the best hedge against deterrence failure. A further dimension of the WMD threat that undercuts deterrence is the growing ability of adversaries to deliver these weapons against the United States homeland, including against our cities. This is most visible with the North Korean long-range missile program but also includes the potential for unconventional delivery, especially of biological agents. For rogue states, acquiring the capability to strike our population centers denies us the convenience and simplicity of thinking in terms of fighting a purely theater war, and makes essential our development and deployment of new defensive capabilities. In this context, I commend the initiatives undertaken by the Senate to insure that our first responders are trained to deal with chemical and biological incidents, and for the passage of the National Missile Defense Act. I do not want to give the impression that **the threat of punishment** is not unimportant. Although not adequate by itself, such a threat **remains essential for deterrence** of both initial use and follow-on use of WMD by rogue states. Here, conventional superiority alone cannot provide for a credible deterrent. In fact, despite sustained and determined efforts by some to de-legitimize our nuclear weapons and assertions that their utility ended with the Cold War, our **nuclear weapons play a unique and indispensable role in deterring** the use of chemical, biological and nuclear weapons in regional contexts. This is in addition to the hedge our nuclear weapons provide against the strategic uncertainties associated with Russia and China - two states that continue to value and modernize their nuclear forces. From our examination of the real-world case of deterring Iraqi chemical and biological use in Desert Storm, and from our extensive experience in gaming, we have concluded that our nuclear weapons are **the single most important instrument** we have for deterring the use of chemical and biological weapons against us by rogue states. Conventional superiority, which in certain critical ways is perceived as vulnerable, especially if the enemy uses his WMD capabilities early in a conflict, is not enough. Our conventional and nuclear forces must work together to enhance deterrence in a very complex and dangerous environment. In conclusion, preventing proliferation -- and especially the spread of nuclear weapons -- has long been a stated goal of U.S. policy, beginning in the months immediately following the conclusion of World War 11 and continuing to the present. Every Administration, from President Truman forward, has made non-proliferation a central element of American foreign policy. This was evident in the Baruch proposals and in President Eisenhower's Atoms for Peace initiative. It was also apparent in the negotiation of the Nuclear Non-Proliferation Treaty under President Johnson and in the conventions on prohibiting biological and chemical weapons negotiated Nixon and Bush respectively. Presidents Kennedy and Carter were not only eloquent but also passionate in their stated goal of preventing the further spread of nuclear weapons, and President Reagan held the vision of eliminating these weapons altogether.

**Extinction**

**Sandberg et al 8**—Research Fellow at the Future of Humanity Institute at Oxford University. PhD in computation neuroscience, Stockholm—AND—Jason G. Matheny—PhD candidate in Health Policy and Management at Johns Hopkins. special consultant to the Center for Biosecurity at the University of Pittsburgh—AND—Milan M. Ćirković—senior research associate at the Astronomical Observatory of Belgrade. Assistant professor of physics at the University of Novi Sad. (Anders, How can we reduce the risk of human extinction?, 9 September 2008, http://www.thebulletin.org/web-edition/features/how-can-we-reduce-the-risk-of-human-extinction)

The risks from anthropogenic hazards appear at present larger than those from natural ones. Although great progress has been made in reducing the number of nuclear weapons in the world, humanity is still threatened by the possibility of a global thermonuclear war and a resulting nuclear winter. We may face even greater risks from emerging technologies. Advances in synthetic biology might **make it possible** to engineer pathogens capable of extinction-level pandemics. The knowledge, equipment, and materials needed to engineer pathogens are more accessible than those needed to build nuclear weapons. And unlike other weapons, pathogens **are self-replicating, allowing a small arsenal to become exponentially destructive**. Pathogens have been implicated in the extinctions of many wild species. Although most pandemics "fade out" by reducing the density of susceptible populations, pathogens with wide host ranges in multiple species can reach even isolated individuals. The intentional or unintentional release of engineered pathogens with high transmissibility, latency, and lethality might be capable of causing **human extinction**. While such an event seems unlikely today, the likelihood may increase as biotechnologies continue to improve at a rate rivaling Moore's Law.

## Interventionism

### 1NC

#### Informal checks are sufficient to address groupthink

Kennedy 12 [ Copyright (c) 2012 Gould School of Law Southern California Interdisciplinary Law Journal Spring, 2012 Southern California Interdisciplinary Law Journal 21 S. Cal. Interdis. L.J. 633 LENGTH: 23138 words NOTE: THE HIJACKING OF FOREIGN POLICY DECISION MAKING: GROUPTHINK AND PRESIDENTIAL POWER IN THE POST-9/11 WORLD NAME: Brandon Kennedy\* BIO: \* Class of 2012, University of Southern California Gould School of Law; M.A. Regional Studies: Middle East 2009, Harvard Graduate School of Arts and Sciences; B.A. Government 2009, Harvard University.]

Neither the president nor the decision-making group members implement "hybrid" checks; the checks do, however, originate in the executive branch and directly affect the president and the group members. Hybrid checks relate to the bureaucratic machine and typically address the structural faults within the executive branch that can affect the core decision-making group. Although the president and his or her advisers constitute the insiders of the decision-making group, they ultimately belong [\*676] to a larger organization - the executive branch - and thereby become part of the bureaucratic machine. 1. Inter-Agency Process The "inter-agency process" check involves getting approval for, or opinions about, a proposed decision from **other agencies**. n252 The inter-agency process is particularly common for national security and foreign policy decisions. n253 "Occasionally, it will operate at a higher level in principals' committees involving Cabinet-level or sub-Cabinet people and their deputies," thus directly checking the decision-making group members. n254 2. Intra-Agency Process Another similar check is the "intra-agency process," in which the circulation of proposed decisions **within the agency** empowers dissidents and harnesses a diversity of thinking. n255 If nothing else, the process catches errors, or at least increases the odds of avoiding them, given the number of people who must review or approve a document or decision within the agency. n256 3. Agency or Lawyer Culture The culture of a particular agency - the institutional self-awareness of its professionalism - provides another check. n257 "Lawyer culture" - which places high **value on competency** and adherence to rules and laws - resides at the core of agency culture; n258 its "nay-saying" objectivity "is especially important in the small inner circle of presidential decision making to counter the tendency towards groupthink and a vulnerability to sycophancy." n259 [\*677] 4. Public Humiliation A final check in this category is the "public humiliation" check. n260 This check only comes into play when the previous three have failed, and involves the threat to ""go public' by leaking embarrassing information or publicly resigning."

#### Groupthink Inevitable – secrecy means the executive retains control

Posner 12 (Eric, Kirkland & Ellis Professor, University of Chicago Law School,

REFLECTIONS ON THE LAW OF SEPTEMBER 11: A TEN-YEAR RETROSPECTIVE: DEFERENCE TO THE EXECUTIVE IN THE UNITED STATES AFTER SEPTEMBER 11: CONGRESS, THE COURTS, AND THE OFFICE OF LEGAL COUNSEL, Winter, 2012 Harvard Journal of Law & Public Policy 35 Harv. J.L. & Pub. Pol'y 213)

Recall that Professor Holmes says that the argument that the executive can act more swiftly than Congress and the courts does not apply to the rule-development stage because the crisis is past even if the threat remains. n33 But if we think back to September 11, the crisis did not end on that day, even if the immediate threat of violence did. It was reasonable to believe that other plots had been put into action and that violence could erupt at any moment. As the weeks and months passed, these concerns faded. But it also became clear that al Qaeda had sympathizers in the United States, and that these people might strike at any time, possibly on their own initiative, or volunteer for training that would later make them considerably more dangerous. The anthrax scare brought home the possibility that al Qaeda could use even more deadly weapons than hijacked airplanes. Every day brought another revelation of a hole in border security. Thus, it was a matter of urgency to develop new rules that would address the threat. The government maintained the confidentiality of a constant supply of intelligence, for fear of exposing sources and methods. n34 Meanwhile, the government was already taking secret actions (many of which were later exposed), including tapping cell phone calls, tracking monetary transfers, and infiltrating terrorist organizations. n35 Optimal policy going forward necessarily depended on secrecy. Policy X, which might seem plausible given publicly available information, might turn out to be unnecessary, redundant, or even counterproductive in light of secret information about the activities of al Qaeda or secret Policy Y. Thus, although Congress could no doubt give useful advice, it seems hard to believe that it could have contributed much to the development of counterterrorism tactics, any more than it can contribute to military tactics (where to invade, where to bomb) during a regular war. A set of constitutional protocols normally applies to the making of policy and its embodiment in government action. The executive [\*227] must act with Congress, and it must respect the courts; it cannot act by itself. But these rules apply to normal times, and the medical protocol analogy is of little use here. Medical protocols do not need to be secret because patients have no incentive to game them--unlike terrorists who benefit greatly from knowing the methods that the United States uses to spy on them, capture them, and interrogate them. Furthermore, medical protocols are not based on secret information; they are based on widely available medical research. Thus, when medical researchers develop medical protocols at the rule development stage, they can do so publicly without undermining the purpose of developing the protocols in the first place. By contrast, rules governing counterterrorism operations must be developed mostly in secret, and mostly on the basis of secret information. Hence the importance of keeping rule development as much as possible within the only branch that possesses the power to act against security threats. Those rules, of course, would constrain only lower-level executive agents, not the executive itself. There is an obvious reason for this; if the rules are wrong, they need to be corrected. It would similarly make little sense for doctors to develop emergency room protocols that could never be changed in the future as new technologies and new health problems rendered the old protocols worthless. Professor Holmes argues that the executive becomes subject to groupthink and other decision-making pathologies when it makes policy itself rather than with Congress and other agents. n36 But the same point can be made about executive decision-making during regular wars, when the risk of groupthink (if it is a risk) is tolerated because of the need for secrecy. If Congress and the judiciary cannot constrain the executive during emergencies because of the problem of secrecy, then perhaps this problem can be overcome by putting the source of constraint in the executive branch itself, where norms of secrecy prevail. That brings us to the Office of Legal Counsel.

#### Intelligence agencies norms of conduct exacerbate executive secrecy – makes groupthink unavoidable

Schulhofer 10 (Stephen J., Robert B. McKay Professor of Law, New York University “Secrecy and Democracy: Who Controls Information in the National Security State?, New York University Public Law and Legal Theory Working Papers, Paper 217, http://lsr.nellco.org/nyu\_plltwp/217)

The impetus to over-classify, even when acting from legitimate motives, is heightened by the psychology of response to danger; “the ease with which disasters are imagined need not reflect their actual likelihood.”62 A wealth of experimental evidence suggests that individuals overestimate the likelihood of catastrophic harm and accordingly overreact to it.63 In some settings, individuals may under-react when the risk is low and the potential harm is difficult to deal with.64 But in the secrecy system, the tendency to overestimate risk consistently dominates. For the official charged with the classification decision, the risks of disclosure are always salient – she is specifically charged with assessing them. And responding to those risks is easy: she need only complete a small amount of paperwork. The countervailing harm of too much secrecy, in contrast, is remote, abstract and outside the scope of her assignment. “Groupthink” reinforces this over-classification dynamic.65 To counteract the dangers of groupthink, the intelligence community itself uses a variety of procedures for vetting assessments that bear on operational issues. But there is no comparable process to insure skepticism about decisions to impose secrecy.66 In sum, national security officials face strong incentives and strong psychological pressures to withhold information unnecessarily. Secrecy affords freedom to pursue policies that would be controversial if known, it gives officials the ability to exaggerate or invent justifications for policies that would otherwise lack support, it prevents public awareness of inefficiency and misconduct, it enables government to shape public perceptions of its actions and their justification, and where abuses become known or suspected, secrecy blocks litigation and other authoritative efforts to substantiate them. Review within the executive branch is the first place to turn for a means to counteract these distortions.

### Case - Resolve DA

#### Plan kills resolve

Newton 12 (Michael – Professor of the Practice of Law, Vanderbilt University Law School, “Presidential Powers and Foreign Affairs: The War Powers Resolution at 40: Still Controversial: Inadvertent Implications of the War Powers Resolution”, 2012, 45 Case W. Res. J. Int'l L. 173, lexis)

B. US Enemies' Ability to Manipulate American Political Will The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that our enemies now focus on American political will as the Achilles heel of our vast capabilities. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to "seek the cooperation of the Congress. Only with that can we give the reassurance needed to deter aggression." n62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the "risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact." n63 In his letter to Congress "consistent with the War Powers Resolution," the president reported that the strikes "were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities" and "were intended to prevent and deter additional attacks by a clearly identified terrorist threat." n64 The following day, in a radio address to the nation, the president explained his decision to take military action, stating, "Our goals were to disrupt bin Laden's terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden's network is associated, which was producing an ingredient essential for nerve [\*189] gas." n65 Citing "compelling evidence that the bin Laden network was poised to strike at us again" and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes. n66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war. n67 Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima. n68 Seeking to bolster legislative support and to better explain the strategic objectives, he explained that: It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability. They are an important deterrent, a symbol of the international backing behind the legitimate Government of Lebanon, and an important weight in the scales. To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our domestic controversy over the war powers has been so disturbing. Uncertainty about the American commitment can only weaken our effectiveness. Doubts about our staying power can only cause political aggressors to discount our presence or to intensify their attacks in hopes of hastening our departure. [\*190] An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our political hand. n69 Following the spectacularly successful terrorist attack on the Marine barracks in Beirut, President Reagan withdrew the Marines. Osama bin Laden later cited this as an example of American weakness that could not withstand the jihadist fury he sought. n70 The legal battles over the scope and effect of the War Powers Resolution have highlighted the focus on national political will as the fulcrum of successful military operations by requiring assurances that military operations are limited in nature, duration, and scope, and therefore well within the president's constitutional authority as Commander-in-Chief and chief executive. President Obama's report to Congress in the context of the Libya operations in 2011 cited precedent from air strikes in Bosnia that took just over two weeks and involved more than 2,300 US sorties and the deployment of US forces in Somalia in 1992 and Haiti in 1993. n71 The White House released a memorandum from the OLC, similar to previous interventions, explaining how the authorization to use such force was constitutional on the basis that "'war' within the meaning of the [Constitution's] Declaration of War Clause" does not encompass all military engagements, but only those that are "prolonged and substantial . . . typically involving exposure of U.S. military personnel to significant risk over a substantial period." n72 President Obama consistently maintained that the US role in Libya was limited, unlikely to expose any US persons to attack (especially given the role of missiles and drones and the utter inability of Qaddafi's forces to strike back with conventional means), and likely to end expeditiously. n73 By that logic, it did not require authorization from [\*191] Congress. The administration ultimately adopted a legal analysis that the US military's activities fell short of "hostilities," and thus, the president needed no permission from Congress to continue the mission after the expiration of the sixty-day reporting window specified in the War Powers Resolution. n74 The president's reasoning rested on previous OLC opinions that what counts as war depends on "a fact- specific assessment of the 'anticipated nature, scope, and duration' of the planned military operations." n75 Present justifications for bypassing the War Powers Resolution hinge on interpretations that it requires "prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period." n76 The OLC engaged in similar reasoning in the Bosnia intervention in 1995, explaining that in deciding whether the proposed deployment into Bosnia amounted to a "'war' in the constitutional sense, considerable weight was given to the consensual nature and protective purposes of the operation." n77 That deployment was similarly intended to be a limited mission but that mission, in contrast to the present one, was in support of an agreement that the warring parties had reached and it was at the invitation of the parties that led to the belief that little or no resistance to the deployment would occur. Though some scholars argued that the Libya OLC Memorandum defended its reasoning for why the operation did not amount to "war," it did not address whether the administration believed that it will have to stop [\*192] operations upon expiration of the sixty-ninety-day clock under the War Powers Resolution. n78 The deadline passed with little fanfare. The memorandum also relied upon quite distinguishable precedent to serve as a guiding point in this intervention. Professor Goldsmith argued the opinion broke "new ground . . . in its extension of the 'no war' precedents beyond the Bosnia and Haiti situations--which involved consensual peacekeeping-like introductions of ground troops but no significant uses of force--to cover two weeks of non-consensual aerial bombardments." n79 Thus, even as it incentivizes short term, limited deployments, the War Powers Resolution embeds an inevitable constitutional collision between the coordinate branches. Our enemies can rely upon constitutional carping from Congress, and in fact can adapt tactics and statements that seek to undermine political will in the US Congress and among the American people from the first days of an operation. The Resolution helps to ensure that such debates over the national political will take center stage sooner rather than later, and an asymmetric enemy can in theory erode our political will even before it solidifies.

#### Causes global instability – turns the case

Chapinand Hanson, 12/7/2009 (Bernard - interviewer and Victor Davis - Martin and Illie Anderson senior fellow at the Hoover Institution, Change, weakness, disaster, p. http://pajamasmedia.com/blog/change-weakness-disaster-obama-answers-from-victor-davis-hanson/)

BC: Are we currently sending a message of weakness to our foes and allies? Can anything good result from President Obama’s **marked submissiveness** before the world? Dr. Hanson: Obama is one bow and one apology away from a circus. The world can understand a kowtow gaffe to some Saudi royals, but not as part of a deliberate pattern. Ditto the mea culpas. Much of **diplomacy** **rests on public perceptions**, however trivial. We are now in a great waiting game, as regional hegemons, wishing to **redraw the existing landscape** — whether China, Venezuela, Iran, North Korea, Pakistan, Syria, etc. — are just waiting to see who’s going to be the first to try Obama — and whether Obama really will be as tenuous as they expect. If he slips once, it will be 1979 redux, when we saw the rise of radical Islam, the Iranian hostage mess, the communist inroads in Central America, the Soviet invasion of Afghanistan, etc. BC: With what country then — Venezuela, Russia, Iran, etc. — do you believe his global repositioning will cause the most damage? Dr. Hanson: I think all three. I would expect, in the next three years, Iran to get the bomb and begin to threaten ever so insidiously its Gulf neighborhood; Venezuela will probably cook up some scheme to do a punitive border raid into Colombia to apprise South America that U.S. friendship and values are liabilities; and Russia will continue its **energy bullying of Eastern Europe**, while insidiously pressuring autonomous former republics to get back in line with some sort of new Russian autocratic commonwealth. There’s an outside shot that North Korea might do something really stupid near the 38th parallel and China will **ratchet up the pressure on Taiwan**. India’s borders with both Pakistan and China will heat up. I think we got off the back of the tiger and now no one quite knows whom it will bite or when.

### 1NC Korean War

#### No north korea war

Bandow 12/6 -- Senior Fellow at the Cato Institute, Senior Fellow in International Religious Persecution with the Institute on Religion and Public Policy, former Special Assistant to President Ronald Reagan (Doug, 2012, "Ignore North Korea's Temper Tantrums," http://nationalinterest.org/commentary/ignore-north-koreas-temper-tantrums-7813?page=show)

North Korea announced that it plans another rocket launch this month. The South Korean and U.S. governments rushed to denounce Pyongyang. In the future, both should ignore the so-called Democratic People’s Republic of Korea (DPRK). The DPRK’s possible motives are many: To reclaim its reputation soiled by the failed rocket launch in April. To pump up nationalistic feelings around the anniversary of “Dear Leader” Kim Jong-il’s death. To enhance the leadership credentials of “Great Successor” Kim Jong-un. To influence the upcoming presidential election in South Korea. To pressure Washington to offer a deal. State Department spokeswoman Victoria Nuland denounced the launch as “a highly provocative act that threatens peace and security in the region.” Seoul expressed “serious concern” and called the plan a “grave provocation.” But neither nation could do anything more than “consult” with other nations. One unnamed South Korean official admitted: “At the moment, we don’t have much tools or leverage to prevent them from making further provocations.” No doubt Pyongyang is pleased. It again has unsettled its leading adversaries. And it is in the news around the world. The allies should have responded with a collective yawn. After all, the plan is nothing new. The DPRK has been testing rockets and missiles for years. Moreover, the North routinely resorts to brinkmanship. The world looks no different after Kim regime’s announcement than before. Moreover, North Korea may be setting itself up for embarrassment. Its April launch was a grand failure, with the rocket disintegrating shortly after take-off. Rather than demonstrate the regime’s great power, the latest effort could reinforce Pyongyang’s image of irrelevance.

#### No escalation

Kang 10 **(**David, Professor of International Relations and Business and Director of the Korean Studies Institute –University of Southern California, “Korea’s New Cold War,” 12-31, http://nationalinterest.org/commentary/koreas-new-cold-war-4653)

However, despite dueling artillery barrages and the sinking of a warship, pledges of “enormous retaliation,” in-your-face joint military exercises and urgent calls for talks, the risk of all-out war on the Korean peninsula is less than it has been at any time in the past four decades. North Korea didn’t blink, because it had no intention of actually starting a major war. Rather than signifying a new round of escalating tension between North and South Korea, the events of the past year point to something else—a new cold war between the two sides. In fact, one of my pet peeves is the analogies we use to describe the situation between South and North Korea. We often call the situation a “powder keg” or a “tinderbox,” implying a very unstable situation in which one small spark could lead to a huge explosion. But the evidence actually leads to the opposite conclusion: we have gone sixty years without a major war, despite numerous “sparks” such as the skirmishing and shows of force that occurred over the past month. If one believes the situation is a tinderbox, the only explanation for six decades without a major war is that we have been extraordinarily lucky. I prefer the opposite explanation: deterrence is quite stable because both sides know the costs of a major war, and both sides—rhetoric and muscle-flexing aside—keep smaller incidents in their proper perspective. How can this be, when North Korea threatens to use massive retaliation and mentions its nuclear weapons in its rhetoric, and when the South Korean leadership and military is determined to "respond relentlessly" to meet any North Korean provocation? Local skirmishing has stayed local for sixty years. The key issue is whether a local fight could escalate into all-out war, such as North Korea shelling Seoul with artillery or missiles. Such a decision would clearly have to be taken at the top of the North Korean leadership. Especially when tensions are high, both militaries are on high alert and local commanders particularly careful with their actions. Without a clear directive from the top, it is not likely that a commander one hundred kilometers away from the military exercises would make a decision on his own to start shooting at Seoul. For their part, North Korean leaders have not made such a decision in sixty years, knowing that any major attack on Seoul would cause a massive response from the South Korean and U.S. forces and would carry the war into Pyongyang and beyond. After the fighting, North Korea would cease to exist. Thus, while both North and South Korean leaders talk in grim tones about war, both sides have kept the actual fighting to localized areas, and I have seen no indication that this time the North Korean leadership plans to expand the fighting into a general war.

## Warfighting

### 1NC

#### WPR reform fails – President will circumvent – Congress and Courts won’t hold him accountable

Newton 12 (Michael – Professor of the Practice of Law, Vanderbilt University Law School, “Presidential Powers and Foreign Affairs: The War Powers Resolution at 40: Still Controversial: Inadvertent Implications of the War Powers Resolution”, 2012, 45 Case W. Res. J. Int'l L. 173, lexis)

A. President as Litigator-in-Chief First, debates over the applicability of the War Powers Resolution have shifted the attention from the proper role of the president as the national leader to that of the national litigator-in-chief. The interpretation guidance to the War Powers Resolution states that the Resolution should not be "construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances." n50 But this assumes that the president already has such authority, and that the Resolution is not "intended to alter the constitutional authority of the . . . President." n51 Additionally, although the text makes plain that, even in the absence of specific authorization from Congress, the President may introduce armed forces into hostilities only in "a national emergency created by attack upon the United States, its territories or possessions, or its armed forces," every lucid observer concedes that this declaration, found in the Purpose and Policy section, either is incomplete or is not meant to be binding. n52 The War [\*186] Powers Resolution effectively marginalized the congressional role to carping from the sidelines as various presidents have launched an increasingly diverse range of military operations. After forty-years practice, there is a long line of precedent that has stretched the bounds of executive power in ways that could scarcely have been imagined by the framers. For example, the OLC opinion for the use of force in Somalia in 1992 reasoned that, "Attorneys General and this Office have concluded that the President has the power to commit United States troops abroad as well as to take military action, for the purpose of protecting important national interests," even without specific prior authorization from Congress. n53 Just two years later, the OLC echoed its' reasoning in the deployment of armed forces into Haiti. n54 The "pattern of executive conduct, made under claim of right, extended over many decades and engaged in by Presidents of both parties, 'evidences the existence of broad constitutional power.'" n55 The independent authority of the executive derives from the president's unique responsibility, as Commander-in-Chief and chief executive for foreign and military affairs as well as national security. n56 The OLC used similar reasoning once again in 1995 in relation to the proposed deployment into Bosnia. n57 It explained that the scope and limits of the congressional power to declare war is not well defined by constitutional text, case law, or statute, but rather, the relationship of Congress' power to declare war and the president's authority as Commander-in-Chief and chief executive has been clarified by two-hundred years of practice. n58 [\*187] This frame of reasoning is uniformly supported by the judiciary, including the Supreme Court. Chief Justice Rehnquist explained in Dames & Moore v. Regan: A systematic, unbroken, executive practice, long pursued to the knowledge of the Congress and never before questioned . . . may be treated as a gloss on "Executive Power" vested in the President by $ S 1 of Article II. Past practice does not, by itself, create power, but long-continued practice, known to and acquiesced in by Congress, would raise a presumption that the action had been taken in pursuance of its consent[.] n59 In Haig v. Agee, Chief Justice Burger further reasoned that the historical practice reflects the two political branches' practical understanding, developed since the founding of the republic, of their respective roles and responsibilities with respect to national defense. n60 Jack Goldsmith, who admirably delivered the keynote address earlier this morning, described this reasoning as simply a principle of constitutional law--"that a constitutional meaning may be liquidated by constitutional practice." n61 Professor Goldsmith argued that Congress had known about the pattern of presidential unilateralism for decades and done little in response. Congress has never seriously questioned the use of overseas military power without its authorization, much less impeached a president for authorizing such force. Instead, a succession of bipartisan legislatures has financed an enormous military force in the face of this continuing practice and has consistently refused to withhold funding for a wide array of deployments. The net effect of this practice has been to immunize the president from oversight. Hence, presidents of both parties are in an almost unassailably strong litigation posture vis-á-vis Congress, and they know it. The War Powers Resolution has therefore had the paradoxical effect of displacing good faith debate and dialogue between the branches with after-the-fact litigation. Presidents of both parties have felt confident that courts would support their executive prerogatives, and the War Powers Resolution has had the unfortunate effect of creating the perception that the constitutional authority is subject to distributive In bargaining between the executive and legislative branches. Thus, presidents have relied upon their inherent [\*188] constitutional authority, secure in the belief that the war-making function is not a zero sum game. the process, there has been a tendency to rely upon successful litigation strategies rather than a clearly presented framing of the national objectives at stake in a given deployment or a clear-eyed national discussion of the merits of such overseas action.

#### power projection irrelevant

**Fettweis 11** [Christopher J. Fettweis - Department of Political Science Tulane University and Professor of National Security Affairs at the US Naval War College, “Free Riding or Restraint Examining European Grand Strategy”, Comparative Strategy; Sep/Oct2011, Vol. 30 Issue 4, p316-332, 17p, Chetan]

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 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.**

### AT Credibility

#### No impact to credibility

Walt, 11 (Stephen, Professor of International Relations – Harvard University, “Does the U.S. still need to reassure its allies?” Foreign Policy, 12-5, <http://walt.foreignpolicy.com/posts/2011/12/05/us_credibility_is_not_our_problem>)

A perennial preoccupation of U.S. diplomacy has been the perceived need to reassure allies of our reliability. Throughout the Cold War, U.S. leaders worried that any loss of credibility might cause dominoes to fall, lead key allies to "bandwagon" with the Soviet Union, or result in some form of "Finlandization." Such concerns justified fighting so-called "credibility wars" (including Vietnam), where the main concern was not the direct stakes of the contest but rather the need to retain a reputation for resolve and capability. Similar fears also led the United States to deploy thousands of nuclear weapons in Europe, as a supposed counter to Soviet missiles targeted against our NATO allies. The possibility that key allies would abandon us was almost always exaggerated, but U.S. leaders remain overly sensitive to the possibility. So Vice President Joe Biden has been out on the road this past week, telling various U.S. allies that "the United States isn't going anywhere." (He wasn't suggesting we're stuck in a rut, of course, but saying that the imminent withdrawal from Iraq doesn't mean a retreat to isolationism or anything like that.) There's nothing really wrong with offering up this sort of comforting rhetoric, but I've never really understood why USS.S. leaders were so worried about the credibility of our commitments to others. For starters, given our remarkably secure geopolitical position, whether U.S. pledges are credible is first and foremost a problem for those who are dependent on U.S. help. We should therefore take our allies' occasional hints about realignment or neutrality with some skepticism; they have every incentive to try to make us worry about it, but in most cases little incentive to actually do it.

#### No spillover

MacDonald and Parent, 11 (Paul K., Assistant Professor of Political Science – Williams College, and Joseph M., Assistant Professor of Political Science – University of Miami, Spring 2011, “Graceful Decline?: The Surprising Success of Great Power Retrenchment,” International Security, 35(4), p. 7-44)

Second, pessimists overstate the extent to which a policy of retrenchment can damage a great power's capabilities or prestige. Gilpin, in particular, assumes that a great power's commitments are on equal footing and interdependent. In practice, however, great powers make commitments of varying degrees that are functionally independent of one another. Concession in one area need not be seen as influencing a commitment in another area.25 Far from being perceived as interdependent, great power commitments are often seen as being rivalrous, so that abandoning commitments in one area may actually bolster the strength of a commitment in another area. During the Korean War, for instance, President Harry Truman's administration explicitly backed away from total victory on the peninsula to strengthen deterrence in Europe.26 Retreat in an area of lesser importance freed up resources and signaled a strong commitment to an area of greater significance.

#### Studies prove

Fettweis, 10 (Christopher J., Professor of Political Science at Tulane, “Threat and Anxiety in US Foreign Policy”, Survival, Vol. 52 no. 2, April–May 2010, p. 59–82, Ebsco)

The credibility imperative is a clear example, one that continues to have a particularly strong influence upon the United States. Credibility, when used in policy debates, is a code word for the prestige and reputation of a state; it is, in Henry Kissinger’s words, ‘the coin with which we conduct our foreign policy’, an intangible asset that helps states influence the actions of others. In periods of high credibility, policymakers believe, a state can deter and compel behaviour and accomplish goals short of war. When credibility is low, sceptical adversaries and allies may be tempted to ignore threats and promises. To national leaders, therefore, healthy credibility seems to be the equivalent of many armed divisions, and is worth protecting at almost any cost. This belief rests on a shaky foundation, to put it mildly. Decades of scholarship have been unable to produce much evidence that high credibility helps a state achieve its goals, or that low credibility makes rivals or allies act any differently. Although study after study has refuted the basic assumptions of the credibility imperative, the pathology continues to affect policymaking in the new century, inspiring new instances of irrational, unnecessary action. The imperative, like many foreign-policy pathologies, typically inspires belligerence in those under its spell. Credibility is always maintained through action, usually military action, no matter how small the issue or large the odds.

#### Credibility is not important – their logic is stuck in the Cold War

Fettweis, 10 (Christopher J., Professor of Political Science at Tulane, *Dangerous Times- The International Politics of Great Power Peace*, pg. 187-8)

Skeptics may warn that the consequences to national credibility of reneging on commitments would be catastrophic. However, in a world free of major war, credibility, that most precious of natural resources, would be far less important. During the Cold War, conventional wisdom held that credible commitments were vital to national security, since they discouraged rival adventurism, assured allies, and attracted neutrals toward the cause. Experienced practitioners and scholars of foreign policy took for granted the notion that actions taken during crises today could affect (and perhaps prevent) the crises of tomorrow. In a world where major war is obsolete and minor wars rare, such concerns would be anachronistic. No rival would be lurking, ready to take advantage of any signs of weakness; allies would not be discouraged by apparent lack of resolve, since they would not be in danger anyway; and neutrals would have little reason to bandwagon with the United States in the first place. Current scholarship on the importance of credibility echoes this skepticism about its importance. Over the last decade, the Cold War conventional wisdom has effectively been turned on its head. Policymakers do not yet share this skepticism; scholars and practitioners, especially those more focused on protecting the nation’s honor than its interests, seem to be drifting apart on this issue. A restrained United States would side with the evidence and refuse to believe that its reputation is worth paying for.

### AT Multilat

#### Multilat fails

Naim 13 -- Senior Associate of International Economics Program @ Carnegie Endowment for Peace (Moises, 2/15/2013, "The G20 is a Sad Sign of Our Uncooperative World," http://carnegieendowment.org/2013/02/15/g20-is-sad-sign-of-our-uncooperative-world/fgvs)

The changing landscape of global politics also plays a role. As the number and the interests of those sitting at the tables where agreements are negotiated have increased, the opportunities for consensus and concerted action have shrunk. Emerging powers such as the Brics (Brazil, Russia, India, China and South Africa), new international coalitions, and influential nongovernmental players are now demanding a say in the way the world handles its collective problems. Inevitably, when all these disparate and often conflicting interests need to be incorporated into any agreement, the resulting solutions fall short of what is needed to solve the problem. This is why global multilateral agreements in which a large number of countries deliver on co-ordinated commitments have become increasingly rare. When was the last time you heard that an agreement with concrete consequences was reached by a large majority of the world’s nations? I think it was 13 years ago – the Millennium Development Goals. Since then, almost all international summits have yielded meager results, most visibly those seeking to advance the global agendas on trade liberalisation and curbing global warming.

#### US won’t exert effective diplomacy

Walt 3/4 -- American professor of international affairs at Harvard University's John F. Kennedy School of Government, previously taught at Princeton University and the University of Chicago (Stephen, 2013, "Is this any way to run U.S. foreign policy?" walt.foreignpolicy.com/posts/2013/03/04/is\_this\_any\_way\_to\_run\_us\_foreign\_policy)

Watching the musical chairs taking place in the first months of Obama's second term reminds me of how fundamentally unserious America's approach to foreign affairs really is. Kerry and Hagel are now in, but apparently Biden's star is ascending too, while all sorts of other folks are rotating to new jobs, unpacking their offices, or heading back to private life to pen memoirs. You might think this was a great opportunity for fresh thinking and renewed energy, but what it really reveals is how our approach to staffing foreign affairs may be the worst of all possible worlds. For starters, the United States has a relatively small civil service. Compared with other countries, a relatively large percentage of top government jobs are held by presidential appointees. The result: top jobs in the State Department and Pentagon are handled not by career foreign service officers or experienced bureaucrats, but by partisan appointees who rarely last more than a couple of years and then return to private life. Not only does this mean tremendous turnover whenever the White House changes hands, it means we are constantly bringing in people who lack experience or who are not up to speed on current issues. Next, the appointments process itself has gone completely off the rails. Candidates have to go through elaborate vetting procedures that would daunt a saint, and then they also face a Senate confirmation process that is slow, arbitrary, and leaves lots of positions unfilled for months if not years. And sometimes you get an embarrassing circus like the recent Hagel confirmation hearings, which revealed the GOP members of the Armed Services Committee to be spiteful and factually challenged hacks and no doubt confirmed many foreigners' dubious views of America's overall political competence. Third, we are so afraid that our career diplomats will "go native" or develop "localitis," that we discourage them from developing deep regional expertise and instead rotate them around the globe on a frequent basis. There is something to be said for gaining a global perspective, of course, but it also means that unlike some of our rivals, we won't have many diplomats with deep linguistic expertise or lots of in-depth experience in the societies in which they are operating. Yet we then expect them to hold their own against their local counterparts, or against diplomats from other countries whose knowledge and training in particular areas is more extensive. To make matters worse, the United States has a four-year presidential term and a campaign cycle that lasts well over a year. This latter period is far longer than the election periods in any other advanced democracy, and the endless parade of primaries and other forms of electoral hoopla eat up lots of bandwith in our national discourse. The result? The country, the incumbent administration, and the president's various rivals are all distracted for more than 25 percent of each president's term, and less able to make hard political choices. And then there's the question of resources. When there was a Cold War to win, American taxpayers were willing to devote one percent of GDP to non-military international affairs spending (e.g., on development, diplomacy, and things like that). Today, we spend about only 0.2 percent of GDP in this area, which tells you all you need to know about the real priority that Americans place on non-military tools of international influence. None of this would matter if the United States had a less ambitious foreign policy. But instead, we're trying to be the "indispensable power" on the cheap. The results, I am sorry to say, speak for themselves.

## SOP

### Framing

#### They have no terminal impacts to this advantage – be skeptical of escalation claims – we’ll read defense to their laundry lists

### 1NC Indo-Pak War

#### No indo pak war

Giorgio et al 10 (Maia Juel, Tina Søndergaard Madsen, Jakob Wigersma, Mark Westh, “Nuclear Deterrence in South Asia: An Assessment of Deterrence and Stability in the Indian – Pakistan Conflict,” Global Studies, Autumn, http://dspace.ruc.dk/bitstream/1800/6041/1/Project%20GS-BA%2c%20Autumn%202010.pdf)

To what extent has nuclear deterrence enhanced stability in the India-Pakistan conflict? Recalling the logical structure of the paper, we here wish to reconcile the three analyses and offer a coherent synthesis of the results in relation to the research question. In order to gather the threads it is beneficial to shortly reflect upon the main results of the three analyses. Firstly, the aim with the thesis was to explore if there is nuclear deterrence between India and Pakistan, based upon Waltz three requirements. After having undertaken this analysis, we can conclude that Waltz’s requirements for effective nuclear deterrence are in fact fulfilled in both countries. Thus, from a neorealist perspective, is it then possible to deduce that stability reigns between India and Pakistan as a result of nuclear deterrence? Taking a point of departure in neorealist assumptions and nuclear deterrence theory, there is indeed stability between India and Pakistan, as no major war has taken place between the countries, and more importantly, nuclear war has been avoided. Nuclear deterrence has thus been successful in creating stability on a higher structural level.

### No Russia Georgia War

#### No Georgia war- central asia doesn’t escalate

Collins and Wohlforth 4 (Kathleen, Professor of Political Science – Notre Dame and William, Professor of Government – Dartmouth, “Defying ‘Great Game’ Expectations”, Strategic Asia 2003-4: Fragility and Crisis, p. 312-313)

Conclusion The popular great game lens for analyzing Central Asia fails to capture the declared interests of the great powers as well as the best reading of their objective interests in security and economic growth. Perhaps more importantly, it fails to explain their actual behavior on the ground, as well the specific reactions of the Central Asian states themselves. Naturally, there are competitive elements in great power relations. Each country’s policymaking community has slightly different preferences for tackling the challenges presented in the region, and the more influence they have the more able they are to shape events in concordance with those preferences. But these clashing preferences concern the means to serve ends that all the great powers share. To be sure, policy-makers in each capital would prefer that their own national firms or their own government’s budget be the beneficiaries of any economic rents that emerge from the exploitation and transshipment of the region’s natural resources. But the scale of these rents is marginal even for Russia’s oil-fueled budget. And for taxable profits to be created, the projects must make sense economically—something that is determined more by markets and firms than governments. Does it matter? The great game is an arresting metaphor that serves to draw people’s attention to an oft-neglected region. The problem is the great-game lens can distort realities on the ground, and therefore bias analysis and policy. For when great powers are locked in a competitive fight, the issues at hand matter less than their implication for the relative power of contending states. Power itself becomes the issue—one that tends to be nonnegotiable. Viewing an essential positive-sum relationship through zero sum conceptual lenses will result in missed opportunities for cooperation that leaves all players—not least the people who live in the region—poorer and more insecure. While cautious realism must remain the watchword concerning an impoverished and potentially unstable region comprised of fragile and authoritarian states, our analysis yields at least conditional and relative optimism. Given the confluence of their chief strategic interests, the major powers are in a better position to serve as a stabilizing force than analogies to the Great Game or the Cold War would suggest. It is important to stress that the region’s response to the profoundly destabilizing shock of coordinated terror attacks was increased cooperation between local governments and China and Russia, and—multipolar rhetoric notwithstanding—between both of them and the United States. If this trend is nurtured and if the initial signals about potential SCO-CSTO-NATO cooperation are pursued, another destabilizing shock might generate more rather than less cooperation among the major powers. Uzbekistan, Kyrgyzstan, Tajikistan, and Kazakhstan are clearly on a trajectory that portends longer-term cooperation with each of the great powers. As military and economic security interests become more entwined, there are sound reasons to conclude that “great game” politics will not shape Central Asia’s future in the same competitive and destabilizing way as they have controlled its past. To the contrary, mutual interests in Central Asia may reinforce the broader positive developments in the great powers’ relations that have taken place since September 11, as well as reinforce regional and domestic stability in Central Asia.

### No China/Taiwan

#### No military invasion to regain Taiwan - -they'll use other methods

Fischer 11/27 -- clean energy entrepreneur and is the founder and CEO of Lumicity Ltd (Tristan, 2012, " Why China could invade Taiwan – and get away with it," http://www.historyfuturenow.com/wp/why-china-could-invade-taiwan-and-get-away-with-it/)

The People’s Republic of China has been very patient with Taiwan. It knows that time is on its side. However, it could also force the issue within the next few years and force Taiwan to rejoin mainland China under the authority of the PRC. It could show Taiwan a stick and a carrot. The stick is that mainland China will invade to reestablish control over Taiwan. Both the Taiwanese government and the mainland Chinese government say that they are not separate nations, but one, with different governments. The US would not enter into a “civil war” with the two Chinas. In addition, bearing in mind that the US has a huge trade deficit with both China and Taiwan and that the Taiwan Straits are effectively already off limits to the US Navy, it is hard to see the US defending Taiwan, even if it could afford to do so, which it cannot, or were able to do so, which it could not. As a carrot, the mainland Chinese market has become increasingly attractive to Taiwanese businesses. The PRC could offer increased incentives, such as low cost loans from the PRC, to Taiwanese companies, and better market access making the business classes increasingly open to reunification with mainland China.

### Separation of Powers – 1NC

#### SoP useless – pres powers too big

**Posner and Vermeule, 10** - \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 17-18)

We begin with the constitutional framework, and with the official constitutional theory of liberal legalism. In this theory lawmaking powers are separated among three different branches-legislature, executive, and judiciary-in order to promote an institutional division of labor and to protect liberty The liberty-protecting function of the separation of powers, Madison suggested, is that the combination of powers in one institution would be "the very definition of tyranny". Mutual checking and monitoring by the branches of government would prevent concentration of power suppress the evils of factionalism, and conduce to better policymaking overall. This theory has collapsed. Its fit with reality is no longer merely imperfect, in the way that all regulative ideals are imperfect; rather it does not even approximate the political terrain it purports to cover. We will proceed to explain this conclusion in three steps. First, we examine the checking function of the separation of powers. Here Madison made two crucial mistakes: first in assuming that the individual ambitions of government officials would cause them to support the power of the institutions they occupy and second in assuming that some invisible-hand mechanism would cause the mutual contest among institutions to produce a socially beneficial system of mutual checks. Nothing in the actual separation-of-powers system, however, guarantees or even generally tends to produce socially beneficial results. In particular, we show that the system will predictably lead to suboptimal checking-to a political regime in which some institutions (such as legislature and judiciary) do too little to check the swelling power of others (such as the executive). Second, we examine the monitoring function of the separation of powers, focusing particularly on legislative and judicial monitoring of the executive. The vastly increased complexity and scale of the executive, since Madison's day ensures that the monitoring function is largely obsolete. In the administrative state, the scope of the executive's responsibility is vast, and legislative and judicial institutions lack the capacity to monitor any important fraction of what the executive does, even where opposing political parties occupy the executive and other branches, and even with the help of "fire alarms"-alerts from interest groups with stakes in particular issues.2 In many of the most important domains, and those most difficult to monitor-those involving intelligence, foreign affairs and national security or highly complex questions of economic policy-legislators and the courts are overmatched, for enduring structural reasons that prevail no matter what the contingent political constellation. We thus reject any strong version of the "congressional dominance" thesis-the idea that Congress, sometimes enlisting the aid of interest groups and the courts, exerts implicit but effective control over executive and administrative behavior.

#### Plan can’t solve separation of powers – too many alt causes –

#### A. Drones

Noonan 13 (Raymond, “Law School prof addresses drone legality”, 2/22, http://yaledailynews.com/blog/2013/02/22/law-school-prof-addresses-drone-legality/)

Hathaway, who directs the Center for Global Legal Challenges at Yale Law School, said drone strikes are difficult to defend legally, though she added that some uses of drones by the American military could be justified under international law. She said the drone strikes in Pakistan could be one such example because Pakistan has probably consented to the strikes, although the country has denied such allegations. Hathaway also warned that the United States’ drone strike policy compromises the government’s separation of powers. “[Drone strikes] make it easier for the president to exercise war-making power without any checks,” she said. “[Drone strikes] threaten to very much upset traditional powers over use of military force.”

#### B. NSA Surveillance

Brito 13 (Jenny, “NSA Scandal: How Leaks Advance Liberty and Resist Tyranny”, 7/18, http://reason.com/archives/2013/06/18/nsa-scandal-how-leaks-advance-liberty-an)

If the secret surveillance itself is any indication, then the separation of powers is not up to the task. According to President Obama, domestic surveillance programs are “under very strict supervision by all three branches of government.” Yet it doesn’t seem very strict when more than half of the Senate couldn’t be bothered to show up last week for a major briefing by the government’s top intelligence officials. “Strict supervision” also doesn’t seem very meaningful when you consider that the FISA Court is a hand-picked non-adversarial specialist court that approved every surveillance request it got last year. Experience suggests that specialist courts tend to get captured by their bar, and in the case of the FISA Court, that means just the government. More to the point, a secret court issuing secret orders based on secret interpretations of the law makes any debate or commentary impossible. Even when there is a will on the part of some lawmakers to carry out oversight, executive branch officials will apparently lie under oath. So if not on the Constitution and its institutions, on what can we rely to keep government power in check?

#### C. Detention

Siegel 12 (Ashley – J.D., Boston University School of Law, “SOME HOLDS BARRED: EXTENDING EXECUTIVE DETENTION HABEAS LAW BEYOND GUANTANAMO BAY”, 2012, 92 B.U.L. Rev. 1405, lexis)

The Supreme Court created a vastly different landscape for alien detainees' rights and habeas petitions through the Boumediene line of cases. Starting with Hamdi, the Supreme Court has demonstrated an unwillingness to place a stamp of approval on the Executive's actions, despite the broad powers traditionally reserved for the Executive with regard to the military. n206 Instead, the Court has recognized the important separation-of-powers issues implicated by the Executive's indefinite detention of prisoners captured in the war on terror and the Court's own important role in preventing the Executive from assuming too much power. n207 The Court embraced its role as protector of the fundamental right of habeas review, recognizing that the Executive could not sidestep compliance with the law by reinventing categories of prisoners or locating them in offshore facilities. n208

#### No impact to SOP- Presidents bypass formal constitutional barriers all the time,

Zasloff, Professor of Law, UCLA School of Law, 2004(Jonathan, “Taking Politics Seriously: A Theory of California's Separation of Powers” 51 UCLA L. Rev. 1079, Copyright (c) 2004 The Regents of the University of California)

Presidents break legislative impasses by "solving" pressing problems with unilateral decrees that often go well beyond their formal constitutional authority; rather than protesting, representatives are relieved that they can evade political responsibility for making hard decisions; subsequent presidents use these precedents to expand their decree power further; the emerging practice may even be codified by later constitutional amendments. Increasingly, the house is reduced to a forum for demagogic posturing, while the president makes tough decisions unilaterally without considering the interests and ideologies represented by the leading political parties in Congress. n226 Will this always happen? Of course not. But it has happened frequently - far too frequently to make confident assertions about the necessity of presidentialism to the preservation of liberal democracy. The crucial question then is, what does this finding mean for the process of American constitutional interpretation? It certainly can't mean that judges should take it upon themselves to create parliamentary government in the United States. But it should give us great pause to adhere to rigid separation of powers formalism. Indeed, while the evidence so far clearly points to the conclusion that parliamentarism is superior to presidentialism, all that is necessary for the argument for judicial deference is that it is no worse. And that is unquestionable. Put another way, even if government completely slides down the slippery slope - if the worst-case scenario occurs - it should not be cause for political concern. And thus, it should not be cause for judicial concern.