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#### Restrictions are prohibitions on action --- the aff is a reporting requirement

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### 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

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

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#### The United States federal judiciary should restrict the president’s targeted killing authority by requiring that targeted killing operations be taken under agreed upon specified areas with the Pakistani Defense Committee of the Cabinet

#### Judicial restrictions solve and the executive complies

Bradley and Morrison 13 (Curtis and Trevor, Prof of Law @ Duke + Prof of Law @ Columbia, "PRESIDENTIAL POWER, HISTORICAL PRACTICE, AND ¶ LEGAL CONSTRAINT," http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5451&context=faculty\_scholarship)

Insisting on a sharp distinction between the law governing presidential authority that is subject to judicial review and the law that is not also ¶ takes for granted a phenomenon that merits attention—that Presidents ¶ follow judicial decisions.118 That assumption is generally accurate in the ¶ United States today. To take one relatively recent example, despite disagreeing with the Supreme Court’s determination in Hamdan v. Rumsfeld ¶ that Common Article 3 of the Geneva Conventions applies to the war on ¶ terror, the Bush Administration quickly accepted it.119 But the reason why ¶ Presidents abide by court decisions has a connection to the broader issue¶ of the constraining effect of law. An executive obligation to comply with ¶ judicial decisions is itself part of the practice-based constitutional law of the ¶ United States, so presidential compliance with this obligation may ¶ demonstrate that such law can in fact constrain the President. This is ¶ true, as we explain further in Part III, even if the effect on presidential ¶ behavior is motivated by concerns about external political perceptions ¶ rather than an internal sense of fidelity to law (or judicial review).120¶ A final complication is that, with respect to issues of presidential ¶ power, there are few situations in which the prospect of judicial review is ¶ actually zero. If the Supreme Court can decide Bush v. Gore121 and the war ¶ on terror cases, it can decide a lot.122 Areas of presidential power that ¶ typically see little judicial involvement might become areas of greater ¶ involvement under certain conditions. Moreover, the likelihood of ¶ judicial review is probably affected by the extent to which courts perceive ¶ the President to be stretching traditional legal understandings. As a ¶ result, it might be more accurate to describe the constitutional law of ¶ presidential power as judicially underenforced, rather than unenforceable. Even outside the separation of powers area, there is an extensive ¶ literature on the legal status of underenforced constitutional norms. For ¶ a variety of reasons, including justiciability limitations, immunity ¶ doctrines, and judicial deference to coordinate institutions, it has long ¶ been understood that the Constitution is not fully enforced by the courts. ¶ Nevertheless, courts and scholars commonly accept that judicially ¶ underenforced constitutional norms retain the status of law beyond the ¶ extent of judicial enforcement.123

#### Avoids Politics

Stimson 9

[09/25/09, Cully Stimson is a senior legal fellow at the Heritage Foundation and an instructor at the Naval Justice School former American career appointee at the Pentagon. Stimson was the Deputy Assistant Secretary of Defense for Detainee Affairs., “Punting National Security To The Judiciary”, http://blog.heritage.org/2009/09/25/punting-national-security-to-the-judiciary/]

So what is really going on here? To those of us who have either served in senior policy posts and dealt with these issues on a daily basis, or followed them closely from the outside, it is becoming increasingly clear that this administration is trying to create the appearance of a tough national-security policy regarding the detention of terrorists at Guantanamo, yet allow the courts to make the tough calls on releasing the bad guys. Letting the courts do the dirty work would give the administration plausible cover and distance from the decision-making process. The numbers speak for themselves. Of the 38 detainees whose cases have been adjudicated through the habeas process in federal court in Washington, 30 have been ordered released by civilian judges. That is close to an 80 percent loss rate for the government, which argued for continued detention. Yet, how many of these decisions has this administration appealed, knowing full well that many of those 30 detainees should not in good conscience be let go? The answer: one. Letting the courts do it for him gives the president distance from the unsavory release decisions. It also allows him to state with a straight face, as he did at the Archives speech, “We are not going to release anyone if it would endanger our national security, nor will we release detainees within the United States who endanger the American people.” No, the president won’t release detainees; he’ll sit back and let the courts to do it for him. And the president won’t seek congressional authorization for prolonged detention of the enemy, as he promised, because it will anger his political base on the Left. The ultra-liberals aren’t about to relinquish their “try them or set them free” mantra, even though such a policy threatens to put terrorists back on the battlefield. Moreover, the president would have to spend political capital to win congressional authorization for a prolonged detention policy. Obviously, he would rather spend that capital on other policy priorities. Politically speaking, it is easier to maintain the status quo and let the detainees seek release from federal judges. The passive approach also helps the administration close Gitmo without taking the heat for actually releasing detainees themselves.

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#### Text: The United States Congress should rescind all funding for targeted killing operations that are not agreed upon specified areas with the Pakistani Defense Committee of the Cabinet henceforth in the next comprehensive appropriation legislation passed by Congress.

#### The counterplan is an appropriations restriction

Raven-Hansen 98 (Peter – Directed the The George Washington University Law School War Powers Project which wrote this report, Glen Earl Weston Research Professor of Law, George Washington University Law School, “The War Powers Resolution: Origins, History, Criticism and Reform: Chapter 9: Legislative Reform”, 1998, 2 J. Nat'l Security L. 157, lexis)

Sec. 8. Appropriations for the use of armed forces abroad.--No funds available to the United States may be obligated or expended for any use of armed forces abroad inconsistent with the provisions of this Act. This provision marries the power of the purse to the war powers Congress is asserting by the proposed bill. Appropriations restrictions have the advantage of clarity over ordinary statutory restrictions. The proposal restriction extends to all "funds available to the United States," and thus encompasses funds donated to the use of the United States or appropriated for one agency and made available to another by transfer.

#### Only the CP preserves authority

Taylor 96 (Ellen, 21 Del. J. Corp. L. 870 (1996), Hein Online)

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 Power refers to an agent's ability or capacity to produce a change in a legal relation (whether or not the principal approves of the change), and authority refers to the power given (permission granted) to the agent by the principal to affect the legal relations of the principal; the distinction is between what the agent can do and what the agent may do.

#### Solves the case

Fisher 97 (Louis – Senior Specialist in Separation of Powers, Congressional Research Service, The Library of Congress, “Presidential Independence and the Power of the Purse”, 1997, 3 U.C. Davis J. Int'l L. & Pol'y 107, lexis)

Through its prerogative to authorize programs and appropriate funds, Congress can define and limit presidential power by withholding all or part of an appropriation. n20 It may attach "riders" to appropriations measures to proscribe specific actions. n21 It has become the custom in Congress to admit certain "limitations" in an appropriations bill. Since Congress, under its rules, may decline to appropriate for a purpose authorized by law, "so it may by limitation prohibit the use of the money for part of the purpose while appropriating for the remainder of it." n22 It is sometimes argued that the power of the purse is ineffective in [\*111] restraining presidential wars. Senator Jacob Javits said that Congress "can hardly cut off appropriations when 500,000 American troops are fighting for their lives, as in Vietnam." n23 The short answer is that Congress can and has used the power of the purse to restrict presidential war power. If members of Congress are worried about American troops fighting for their lives in a futile war that is unrelated to American national interests, those lives are not protected by voting for continued funding. The proper and sensible action is to terminate appropriations and bring the troops home. Members need to make that case to their constituents. It can be done. Congress used the power of the purse to end the war in Vietnam. n24 In 1976, by adopting the Clark amendment, n25 Congress prohibited the Central Intelligence Agency (CIA) from operating in Angola other than to gather intelligence. Legislation also prohibited the CIA from conducting military or paramilitary operations in Angola and denied any appropriated funds to finance directly or indirectly any type of military assistance to Angola. n26 Beginning in 1982, Congress drafted increasingly tighter language to prohibit the use of appropriated funds to assist the Contras in Nicaragua. In 1986, Congress placed language in an appropriations bill to restrict the President's military role in Central America by stipulating that U.S. personnel "may not provide any training or other service, or otherwise participate directly or indirectly in the provision of any assistance, to the Nicaraguan democratic resistance pursuant to this title within those areas of Honduras and Costa Rica which are within 20 miles of the border with Nicaragua." n27 The statute defined U.S. personnel to mean "any member of the United States Armed Forces who is on active duty or is performing inactive duty training" and any employee of any department, agency, or other component of the executive branch. n28 The clear purpose was to prevent military activities in Honduras and Costa Rica from spilling over into Nicaragua. The Reagan Administration never offered any constitutional objections to this statutory restriction. Statutory restrictions were again used in 1991, when Congress authorized President Bush to use military force against Iraq. The statutory authority was explicitly linked to UN Security Council Resolution 678, which was adopted to expel Iraq from Kuwait. n29 Thus, the legislation did not [\*112] authorize any wider action, such as using U.S. forces to invade and occupy Iraq, perhaps by reaching as far into the country as Baghdad. Two years later, Congress established a deadline for U.S. troops to leave Somalia. No funds could be used for military action after March 31, 1994, unless the President requested an extension from Congress and received express statutory authority. n30 From 1993 to 1995, Congress considered, but discarded, language to prohibit the use of appropriated funds for the invasion of Haiti and the deployment of U.S. ground troops to Bosnia. n31 Congress has ample authority to control covert funding. The CIA uses a contingency fund to initiate covert operations before notifying Congress. If administrations abuse this authority and claim a constitutional right not to notify Congress, even within forty-eight hours or some minimal period, Congress can abolish the contingency fund and force the President to seek congressional approval in advance for each covert action. n32 With regard to war powers in general, Congress may pass a concurrent resolution (not subject to the President's veto) stating that it shall not be in order in either House to consider any bill, joint resolution or amendment that provides funding to carry out any military actions inconsistent with an enabling statute, such as the War Powers Resolution. Under the ruling of INS v. Chadha, n33 concurrent resolutions may not direct the President or the executive branch, but they can control the internal procedures of Congress.

#### CP avoids politics

Eggspuehler 8 (Chad M. – J.D., The Ohio State University Moritz College of Law, “The S-Words Mightier than the Pen: Signing Statements as Express Advocacy of Unlawful Action”, 2008, 43 Gonz. L. Rev. 461, lexis)

The pragmatist's argument for presidential review acknowledges the countervailing efficiency and political interests preventing the president from repeatedly vetoing every bill presenting constitutionally suspect language. n93 Even if [\*479] the president determines that the constitutional infirmities warrant vetoing the bill, congressional override and/or presentment of a similar bill with similar failings puts the onus on the president to once again expend political capital to veto the bill. This pressure mounts in the current state of legislative affairs, some say, given the omnibus nature of many bills. n94 Vital appropriations measures include miniscule and disparate unrelated provisions, and the president risks losing political traction to stall the government omnibus engine for ostensibly trivial constitutional considerations. Congress appears valiant by coming together on such a vast legislative undertaking; the president appears recalcitrant and petty for coming undone over a constitutionally questionable provision that will likely receive more press as part of the bill's veto than for its own speculative constitutional legitimacy. n95

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#### Patent reform will pass – PC key

Kravets 3/20 (David, WIRED senior staff writer, "History Will Remember Obama as the Great Slayer of Patent Trolls," http://www.wired.com/threatlevel/2014/03/obama-legacy-patent-trolls/)

But Obama will leave another gift to posterity, one not so obvious, one that won’t be felt until years after his term ends: The history ebooks will remember the 44th president for setting off a chain of reforms that made predatory patent lawsuits a virtual memory. Obama is the patent troll slayer.¶ Even now, a perfect storm of patent reform is brewing in all three branches of government. Over time, it could reshape intellectual property law to turn the sue-and-settle troll mentality into a thing of the past.¶ “If these reforms go into effect, they will be felt only minimally during the Obama administration,” says Joe Gratz, a San Francisco-based patent lawyer who is representing Twitter in a patent dispute. “They will be felt quite strongly well after the Obama administration.”¶ “The president is a strong leader on these issues. We haven’t really seen that before,” says Julie Samuels, the executive director of startup advocacy group Engine. “I do think that this could be one of the legacies of this administration.”¶ A patent troll is generally understood to be a corporation that exists to stockpile patents for litigation purposes, instead of to build products. Often taking advantage of vague patent claims and a legal system slanted in the plaintiff’s favor, the company uses the patents to sue or threaten to sue other companies, with an eye to settling out of court for a fraction of what they were originally seeking.¶ The nation’s legal dockets are littered with patent cases with varying degrees of merit, challenging everything from mobile phone push notifications and podcasting to online payment methods and public Wi-Fi. Some 2,600 companies were targeted in new patent lawsuits last year alone.¶ Against that backdrop, Obama issued five executive orders on patent reform last summer. Among other things, they require the Patent and Trademark Office to stop issuing overly broad patents, and to force patent applicants to provide more details on what invention they are claiming. One of the orders opens up patent applications for public scrutiny — crowdsourcing — while they are in the approval stage, to help examiners locate prior art and assist with analyzing patent claims.¶ Since a patent is binding for 20 years, the impact of the new rules won’t be felt for some time. But they will be felt, says Gratz, a litigator who defends technology-heavy patent lawsuits. “The supply of overly broad, vague patents will start to dry up as new rules get put into place,” he says.¶ In January, Obama became the first president to elevate patent reform to a national meat-and-potatoes issue, when he used the State of the Union address to urge Congress to “pass a patent reform bill that allows our businesses to stay focused on innovation, not costly and needless litigation.”¶ The market is already reacting to the wind change. Shares of patent-litigation firm Acacia dropped sharply following Obama’s State of the Union, and are hovering near 52-week lows. Shares of VirnetX are in a similar tailspin. RPX, another intellectual-property concern, has seen its share prices slashed in half over the past three years.¶ The House passed major patent reform legislation last year, on a 325-91 vote, in a bid to even out the litigation playing field. Among other things, the Innovation Act requires plaintiffs in lawsuits to be more specific about what they believe is being infringed, and to identify the people who have financial interests behind a company. Perhaps most significantly, it requires that plaintiffs pay litigation expenses if they lose at trial.¶ The bill also prohibits patent holders from suing mere users of a technology that allegedly infringes on an invention, like restaurants offering Wi-Fi access to their diners.¶ The Senate is debating similar legislation in a piecemeal manner. Whatever it finally approves, the package will have to go back to the House for final approval before landing on the president’s desk.

#### 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

Hattern 3/5 (Julian, The Hill, "Congress gets out club for patent 'trolls'," http://thehill.com/blogs/hillicon-valley/technology/199954-lawmakers-look-to-push-patent-troll-bill#ixzz2wzlCnU5g)

In December, the House overwhelmingly passed the Innovation Act, which would reform much of the patent lawsuit process. Lee and Leahy are pushing a companion bill, the Patent Transparency and Improvements Act, in the Senate.¶ Obama backed the House bill and called for action in his State of the Union address. Supporters hope the president’s backing will help push legislation across the finish line in the Senate.¶ “It meant a lot in the Senate to have the president weigh in like that,” Lee said at an event Tuesday in Washington. “To have it brought up by the president in some very public settings has been very helpful to help focus the public attention on the fact that this is hurting a lot of people.”¶ Obama’s support also created momentum in the House, and convinced Democratic lawmakers who might not have been focused on the issue to hop on board, according to Rep. Jared Polis (D-Colo.).¶ “When it comes to a patent bill, they say ‘Oh OK, the president liked it so we’re going to give it a look,’ ” he said at the event, which was sponsored by Politico. “So that sort of opened the door for a lot of members on the Democratic side, where we had stronger vote totals than we were necessarily expecting.”

#### Key to innovation – lynchpin of US tech development and leadership

Goodlatte 3/12 (Robert, House Judiciary Committee chair, "Bipartisan Road Map for Protecting and Encouraging American Innovation," Roll Call www.rollcall.com/news/bipartisan\_road\_map\_for\_protecting\_and\_encouraging\_american\_innovation-231413-1.html?pg=2)

Throughout our nation’s history, great ideas have powered our economic prosperity and security, from the Industrial Revolution to the Internet age. Safeguarding those great ideas were so important to our Founding Fathers that they included patent protection in the U.S. Constitution. Article I, Section 8, Clause 8 of the Constitution charges Congress with overseeing a patent system to “promote the progress of science and useful arts.” As chairman of the House Judiciary Committee, which has oversight of our patent system, I take the charge to uphold our Constitution seriously. In recent years, we have seen an exponential increase in the use of weak or poorly granted patents by “patent trolls” to file numerous patent infringement lawsuits against American businesses with the hopes of securing a quick payday. This abuse of the patent system is not what our Founding Fathers provided for in our Constitution. At its core, abusive patent litigation is a drag on our economy and stifles innovation. Everyone from independent inventors to startups to mid- and large-sized businesses face this constant threat. The tens of billions of dollars spent on settlements and litigation expenses associated with abusive patent suits represent truly wasted capital — wasted capital that could have been used to create new jobs, fund research and development, and create new innovations and technologies. Bad actors who abuse the patent system devalue American intellectual property and are a direct threat to American innovation. Abusive patent litigation is also a drain on consumers. We will never know what lifesaving invention or next-generation smartphone could have been created because a business went bankrupt after prolonged frivolous litigation or paying off a patent troll. When a firm spends more on patent litigation than on research, money is being diverted from real innovation. The patent system was designed to reward inventors and incentivize innovation, bringing new products and technologies to consumers. Last year, I introduced the Innovation Act (HR 3309), legislation designed to eliminate the abuses of our patent system, discourage frivolous patent litigation and keep U.S. patent laws up to date. In December, the House of Representatives, with overwhelming bipartisan support and the support of the White House, passed the Innovation Act. This important bill will help fuel the engine of American innovation and creativity, creating new jobs and growing our economy. Effective patent reform legislation requires the careful balance that was achieved in the Innovation Act. Senate Judiciary Chairman Patrick J. Leahy, D-Vt., ranking member Charles E. Grassley, R-Iowa., and committee members John Cornyn, R-Texas, Orrin G. Hatch, R-Utah, and Mike Lee, R-Utah, among others, are leading efforts in the Senate to combat abusive practices within our patent system that inhibit innovation. I am optimistic that as the Senate moves toward consideration of legislation they will act just as the House did and pass comprehensive patent litigation reform that includes all of the necessary reforms made in the Innovation Act, including heightened pleading standards and fee shifting. In 2011, Republicans and Democrats came together to pass the America Invents Act (PL 112-29), which brought the most comprehensive change to our nation’s patent laws since the 1836 Patent Act. We are continuing to work again in a collaborative, bipartisan way to end abusive patent litigation to help the American economy and American people. I am optimistic that these important reforms will be enacted to stop the abuse of our patent system and restore the central role patents play in our economy. Half measures and inaction are not viable options. The time is now, and the Innovation Act has helped set a clear bipartisan road map toward eliminating the abuses of our patent system, discouraging frivolous patent litigation and keeping U.S. patent laws up to date.

#### US competitiveness solves hegemony and great power war

Baru 9 – Sanjaya Baru is a Professor at the Lee Kuan Yew School in Singapore Geopolitical Implications of the Current Global Financial Crisis, Strategic Analysis, Volume 33, Issue 2 March 2009 , pages 163 - 168

Hence, economic policies and performance do have strategic consequences.2 In the modern era, the idea that strong economic performance is the foundation of power was argued most persuasively by historian Paul Kennedy. 'Victory (in war)', Kennedy claimed, 'has repeatedly gone to the side with more flourishing productive base'.3 Drawing attention to the interrelationships between economic wealth, technological innovation, and the ability of states to efficiently mobilize economic and technological resources for power projection and national defence, Kennedy argued that nations that were able to better combine military and economic strength scored over others. 'The fact remains', Kennedy argued, 'that all of the major shifts in the world's military-power balance have followed alterations in the productive balances; and further, that the rising and falling of the various empires and states in the international system has been confirmed by the outcomes of the major Great Power wars, where victory has always gone to the side with the greatest material resources'.4 In Kennedy's view, the geopolitical consequences of an economic crisis, or even decline, would be transmitted through a nation's inability to find adequate financial resources to simultaneously sustain economic growth and military power, the classic 'guns versus butter' dilemma.

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#### GOP won’t retake the senate

Whitesides 3/8/14 (John, Reuters, "Republicans gain momentum in close fight for U.S. Senate," http://www.reuters.com/article/2014/03/08/us-usa-politics-senate-analysis-idUSBREA2706H20140308)

(Reuters) - Eight months before the November 4 elections, Republicans have expanded the number of competitive races for U.S. Senate seats and have a growing chance of gaining control of that chamber and stalling Democratic President Barack Obama's second-term agenda.¶ Public dissatisfaction with the president, concerns about his healthcare overhaul and a sluggish economy, and a series of retirements by key Democratic senators in conservative states have made a rugged year for Democrats even more so, analysts and strategists in both parties say.¶ Republicans, who are widely expected to retain control of the U.S. House of Representatives, need a net gain of six seats to take back the 100-member Senate. Recent polling indicates they have big leads in three states - Montana, South Dakota and West Virginia - where longtime Democratic senators have retired or will retire in January.¶ Although the primary season is just starting and the candidates in many races are not set, polls suggest Republicans have boosted their odds of gaining additional Senate seats by becoming competitive in politically divided states such as Michigan and Colorado, where a year ago they were given little chance of winning.¶ Senate races in those states and five others now represented by Democrats - Alaska, Arkansas, Iowa, Louisiana and North Carolina - have been close in early voter surveys.¶ Democrats have a chance to pick up Republican-held seats in two states: Kentucky, where Senate Republican Leader Mitch McConnell is expected to dispatch a Tea Party-backed challenger in the primary but would face a tough fight against Democrat Alison Grimes in November; and Georgia, where Michelle Nunn, daughter of former Democratic senator Sam Nunn, will face the winner of a crowded Republican primary in a race to replace retiring Republican Saxby Chambliss.¶ That leaves Republicans needing to win at least three of the seven closely contested races for seats now held by Democrats, while holding off Grimes and Nunn in Kentucky and Georgia. If either of them wins in November, the task for Republicans will be more difficult.¶ "It's moving a little in the Republican direction," said Larry Sabato of the University of Virginia. His Crystal Ball website rates the Senate as a toss-up. "Republicans will pick up Senate seats, probably three or four. The question is, will they get that wave in October that carries them to the six they need?"¶ CONCERN AT THE WHITE HOUSE¶ If Republicans were to control the Senate and the House for the last two years of Obama's presidency, virtually any legislation or nomination he sought from Congress would probably be frozen in place.¶ Republicans also would be likely to press the Senate to join the House in trying to dismantle the Affordable Care Act, known as Obamacare. Although Obama could veto any bill from Congress that targets it, a Republican takeover of the Senate would put him on defense for the balance of his tenure.

#### War powers restrictions devastate Obama and makes him weak – that undermines Dems in the midterms

Todd 13 (Chuck, Chief Political Correspondent @ NBC, “First Thoughts: Obama's tough challenge ahead”, 9/6, <http://firstread.nbcnews.com/_news/2013/09/06/20357154-first-thoughts-obamas-tough-challenge-ahead?lite>)

\*\*\* What happens to Obama if this goes down: If the Obama administration loses, many might not realize the full-fledged political crisis the president will face. His congressional opposition will be more emboldened, if that was possible. (Any advantage the Democrats hold in the upcoming fiscal fights ahead could quickly disappear.) A year before the 2014 midterms, Democrats will start hitting the panic button with a wounded Democratic president in office. (If you’ve paid attention to politics over the past two decades, when the going gets tough, Democrats often jump ship.) And any lame-duck status for Obama would be expedited. (After all, a “no” vote by Congress would rebuke the nation’s commander-in-chief.) Up until now, the first nine months of Obama’s second term have been, well, a disappointment. Gun control was stopped in the Senate; immigration reform is stalled in the House; no progress has been achieved in the budget talks. So if you throw in Congress rebuking the president from taking military action in Syria -- something he has said is necessary -- that would be a huge political blow to Obama’s political standing.

#### GOP-led Senate undercuts Obama’s climate agenda

Harder 13 (Amy, Environmental Correspondent @ National Journal, "Care About Energy and Environment Policy? Watch These Eight Races," http://webcache.googleusercontent.com/search?q=cache:CM3Nm1CJ-4wJ:www.nationaljournal.com/energy/care-about-energy-and-environment-policy-watch-these-eight-races-20131231+&cd=27&hl=en&ct=clnk&gl=us)

For environmentalists, the 2014 midterm elections are about settling for the lesser of two evils. Several conservative Democrats up for reelection in red states are facing tough competition, and if enough of these members lose, the Senate could flip to Republican control. That would be the worst outcome for environmentalists, who need a Democrat-controlled Senate to defend against efforts to undo President Obama's climate-change agenda and other tough environmental policies.

#### Obama’s climate agenda spurs global action – solves warming

Martinson 14 (Erica, Regulatory reporter @ Politico, "Obama's agenda: EPA leading the charge on climate change," http://dyn.politico.com/printstory.cfm?uuid=3BE87317-0921-4B01-A3B5-C39AEF6CDDC3)

President Barack Obama’s environmental regulators will spend the rest of this year writing climate rules that would reshape the nation’s electricity supply, throw a cloud over the future of coal power and take the biggest stride ever in throttling the nation’s greenhouse gas pollution.¶ And that’s just the beginning.¶ While the EPA takes on carbon pollution from thousands of power plants, the State Department is moving to carry out Obama’s orders to cut off funding for many coal projects overseas. The president’s agencies are also financing giant solar farms in the Mojave desert, working on doubling the federal government’s own reliance on green electricity and coming up with ways to help states gird their roads and bridges against severe storms and rising seas.¶ This is hardly a secret agenda. Obama has spoken of it proudly, most recently in Tuesday night’s State of the Union address, when he said: “Climate change is a fact. And when our children’s children look us in the eye and ask if we did all we could to leave them a safer, more stable world with new sources of energy, I want us to be able to say yes, we did.”¶ But some of the administration’s climate work is taking place under the radar, in ways few Americans would notice until the impacts ripple through the economy. One example: Last year, the administration quietly rejiggered a wonky calculation known as the “social cost of carbon” in a way that will make it easier to justify the economic burdens of a wide range of climate regulations.¶ The regulators are racing the calendar to get the rules in shape to take effect before Obama leaves office. That will be no easy feat, especially with the opponents in industry and coal-friendly states already fighting in the courts and Congress to thwart the new regulations.¶ But Obama and his “green Cabinet” — the secretaries and administrators in charge of energy, the environment and public lands — also have their eyes on 2015. That’s when the U.S. and other countries face a deadline to craft a legally binding agreement committing the world to reducing carbon dioxide emissions.¶ The president’s team is convinced that the U.S. must lead by example if it hopes to get China, India and Russia to follow suit, but the only hope of doing that is through the executive branch’s actions. By showing that his administration has taken concrete action, Obama can wipe out some of the embarrassment the U.S. suffered in international climate circles after rejecting the 1997 Kyoto climate accords.¶ The president made it plain in last year’s State of the Union that he wouldn’t wait for lawmakers to tackle climate change, proclaiming that “if Congress won’t act soon to protect future generations, I will.” But in fact, the administration’s climate efforts have been in motion since the start of his first term.¶ The administration’s major climate effort is a pair of EPA regulations aimed at cutting carbon pollution from power plants. The EPA proposed the first rule, aimed at future plants, in September and must finish writing it by January 2015. This June, it’s due to release the draft of a rule for the nation’s thousands of existing power plants — the agency’s main target and the single largest source of U.S. greenhouse gas pollution.

#### Extinction

Flournoy 12 (Don, Citing Feng Hsu, PhD NASA Scientist @ the Goddard Space Flight Center and Don is a PhD and MA from UT, former Dean of the University College @ Ohio University, former Associate Dean at SUNY and Case Institute of Technology, Former Manager for University/Industry Experiments for the NASA ACTS Satellite, currently Professor of Telecommunications @ Scripps College of Communications, Ohio University, “Solar Power Satellites,” January 2012, Springer Briefs in Space Development, p. 10-11)

In the Online Journal of Space Communication , Dr. Feng Hsu, a  NASA scientist at Goddard Space Flight Center, a research center in the forefront of science of space and Earth, writes, “The evidence of global warming is alarming,” noting the potential for a catastrophic planetary climate change is real and troubling (Hsu 2010 ) . Hsu and his NASA colleagues were engaged in monitoring and analyzing climate changes on a global scale, through which they received first-hand scientific information and data relating to global warming issues, including the dynamics of polar ice cap melting. After discussing this research with colleagues who were world experts on the subject, he wrote: I now have no doubt global temperatures are rising, and that global warming is a serious problem confronting all of humanity. No matter whether these trends are due to human interference or to the cosmic cycling of our solar system, there are two basic facts that are crystal clear: (a) there is overwhelming scientific evidence showing positive correlations between the level of CO2 concentrations in Earth’s atmosphere with respect to the historical fluctuations of global temperature changes; and (b) the overwhelming majority of the world’s scientific community is in agreement about the risks of a potential catastrophic global climate change. That is, if we humans continue to ignore this problem and do nothing, if we continue dumping huge quantities of greenhouse gases into Earth’s biosphere, humanity will be at dire risk (Hsu 2010 ) . As a technology risk assessment expert, Hsu says he can show with some confidence that the planet will face more risk doing nothing to curb its fossil-based energy addictions than it will in making a fundamental shift in its energy supply. “This,” he writes, “is because the risks of a catastrophic anthropogenic climate change can be potentially the extinction of human species, a risk that is simply too high for us to take any chances” (Hsu 2010 ).

## Aggression

### No Modeling

#### Obama can circumvent

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

The U.S. military—in particular, the Special Operations Command (SOCOM), and its subsidiary entity, the Joint Special Operations Command (JSOC)—is responsible for carrying out military-led targeted killings.¶ Military-led targeted killings are subject to various legal restrictions, including a complex web of statutes and executive orders. For example, because the Covert Action Statute does not distinguish among institutions undertaking covert actions, targeted killings conducted by the military that fall within the definition of “covert action” set forth in 50 U.S.C. § 413(b) are subject to the same statutory constraints as are CIA covert actions. 50 U.S.C. § 413b(e). However, as Robert Chesney explains, many military-led targeted killings may fall into one of the CAS exceptions—for instance, that for traditional military activities—so that the statute’s requirements will not always apply to military-led targetings. Such activities are exempted from the CAS’s presidential finding and authorization requirements, as well as its congressional reporting rules.¶ Because such unacknowledged military operations are, in many respects, indistinguishable from traditional covert actions conducted by the CIA, this exception may provide a “loophole” allowing the President to circumvent existing oversight mechanisms without substantively changing his operational decisions. However, at least some military-led targetings do not fall within the CAS exceptions, and are thus subject to that statute’s oversight requirements. For instance, Chesney and Kenneth Anderson explain, some believe that the traditional military activities exception to the CAS only applies in the context of overt hostilities, yet it is not clear that the world’s tacit awareness that targeted killing operations are conducted (albeit not officially acknowledged) by the U.S. military, such as the drone program in Pakistan, makes those operations sufficiently overt to place them within the traditional military activities exception, and thus outside the constraints of the CAS.¶ Chesney asserts, however, that despite the gaps in the CAS’s applicability to military-led targeted killings, those targetings are nevertheless subject to a web of oversight created by executive orders that, taken together, largely mirrors the presidential authorization requirements of the CAS. But, this process is not enshrined in statute or regulation and arguably could be changed or revoked by the President at any time. Moreover, this internal Executive Branch process does not involve Congress or the Judiciary in either ex ante or ex post oversight of military-led targeted killings, and thus, Philip Alston asserts, it may be insufficient to provide a meaningful check against arbitrary and overzealous Executive actions.

#### U.S. can’t effectively signal

Zenko 13 (Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise)

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

#### No drones modeling

Saunders 13 **(**Paul, executive director of The Center for the National Interest and associate publisher of The National Interest. He served in the State Department from 2003 to 2005, “We Won't Always Drone Alone,” <http://nationalinterest.org/commentary/we-wont-always-drone-alone-8177>)

A broader and deeper challenge is how others—outside the United States—will use drones, whether armed or unarmed, and what lessons they will draw from Washington’s approach. Thus far, the principal lesson may well be that drones can be extremely effective in killing your opponents, wherever they are, without risking your own troops and without sending soldiers or law enforcement personnel across another country’s borders. It seems less likely that others will adopt U.S.-style legal standards and oversight procedures, or that they will always ask other governments before sending drones into their airspace.¶ Based on their actions, it is almost as if Obama administration officials believe that the United States and its allies will have a long-term monopoly on drones. How else can one explain their exuberant confidence in launching drone attacks? However, the administration’s dramatic expansion in drone strikes—and their apparent effectiveness—will only further shorten Washington’s reign as the drone capital of the world by increasing the incentives to others eager to develop, refine or buy the technology.¶ Have Obama administration officials given any thought to what the world might look like when armed drones are more widespread and when Americans or U.S. allies and partners could become targets? To an outsider, there is little evidence of this kind of thinking in the administration’s use of drones.¶ This is a serious problem. According to an unclassified July 2012 report by the Government Accountability Office, at least 76 countries already have acquired unmanned aerial vehicles, known as UAVs or drones; the report also states that “countries of concern” are attempting to acquire advanced UAVs from foreign suppliers as well as seeking illegal access to U.S. technology. And a 2012 special report by the United Kingdom’s Guardian newspaper indicated that China has 10 or more models, though not all are armed. Other sources identify additional varieties in China. At least 50 countries are trying to build 900 different types of drones, the GAO writes.¶ More generally, the administration’s expanding use of drones is a powerful endorsement of not only the technology, but of the practice of targeted killing as an instrument of foreign and security policy. Having provided this powerful impetus, the United States should not be surprised if others—with differing legal standards and more creative efforts at self-justification—seize upon it once they have the necessary capabilities. According to the GAO, this is already happening—in government-speak, “while only a limited number of countries have fielded lethal or weaponized UAVs, this threat is anticipated to grow.” From this perspective, it is ironic that a president so critical of his predecessor’s unilateralism would practice it himself—particularly in a manner that other governments will find much easier to emulate than the Bush administration’s larger-scale use of force. How does the Obama administration plan to respond if and when China or Russia uses armed UAVs to attack groups they define as terrorists?

### 1NC No Drone Wars

#### Drone wars don’t happen

Lewis & Crawford 13 [Michael W., Professor of Law at Ohio Northern University Pettit College of Law, Emily, Post-Doctoral Research Fellow at the University of Sydney, “DRONES AND DISTINCTION: HOW IHL ENCOURAGED THE RISE OF DRONES” p. 1163, http://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/zsx00313001127.PDF]

Before discussing the legal merits of the norms that the United States is shaping through its present conduct of drone warfare, it is ﬁrst necessary to dispel a pervasive misconception about drones that Alston and many other commentators have promulgated. That misconception is that the current manner in which the United States is using drones broadly justiﬁes any use of drones by other countries against the United States and that drones represent a serious threat to the United States.159 This misconception has spread so easily because the reciprocity theme is intuitively appealing and, to a point, legally correct. It is true that whatever legal basis the United States offers for utilizing drones in Yemen, Pakistan, or Somalia must also be available to any other nation wishing to use drones as well. However, that does not mean that drones will be appearing over New York City anytime soon, in large part because drones are very vulnerable to air defense systems and signal interruption and because they are particularly unsuited to use by terror groups.160 Even the most advanced drones that the United States possesses are relatively slow and vulnerable to ﬁghters or surface-to-air missiles, meaning that, as conventional weapons, drones would have limited utility in a traditional state-on-state armed conﬂict.161 Perhaps more importantly, the physical realities associated with using drones makes them of limited usefulness to terrorists. Drones that are capable of carrying any signiﬁcant payload need hard surfaced runways and signiﬁcant maintenance support. Any drone returning to such facilities would be closely followed by U.S. forces, meaning that any drone used by terrorists would be a single strike proposition, and quite an expensive one at that. Therefore, from a practical standpoint, car bombs, suicide bombs, and attacks on airliners remain by far the most credible threat to the United States, regardless of how it pursues its drone policy.

### 1NC Drone Prolif

#### Acquisition takes forever

Zenko 13 (Micah, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, “Reforming U.S. Drone Strike Policies,” January, Council Special Report No. 65, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

Based on current trends, it is unlikely that most states will have, within ten years, the complete system architecture required to carry out¶ distant drone strikes that would be harmful to U.S. national interests.¶ However, those candidates able to obtain this technology will most¶ likely be states with the financial resources to purchase or the industrial¶ base to manufacture tactical short-range armed drones with limited¶ firepower that lack the precision of U.S. laser-guided munitions; the¶ intelligence collection and military command-and-control capabilities needed to deploy drones via line-of-sight communications; and crossborder¶ adversaries who currently face attacks or the threat of attacks¶ by manned aircraft, such as Israel into Lebanon, Egypt, or Syria; Russia¶ into Georgia or Azerbaijan; Turkey into Iraq; and Saudi Arabia into¶ Yemen. When compared to distant U.S. drone strikes, these contingencies¶ do not require system-wide infrastructure and host-state support.¶ Given the costs to conduct manned-aircraft strikes with minimal threat¶ to pilots, it is questionable whether states will undertake the significant¶ investment required for armed drones in the near term.

### Armenia

#### No escalation to Armenia

Glashatov 7 (Oleg, “Zero Hour Approaches for Yerevan; Azerbaijan Prepares to Fight for Nagorno-Karabakh: Will There Be War?”, What the Papers Say Part A (Russia), 7-5, Lexis)

Speaking at Johns Hopkins University, US Council on Foreign Relations analyst Wayne Merry noted that Azerbaijan cannot win, even though military options for resolving the conflict are being discussed openly in Azerbaijan. In his view, Nagorno-Karabakh is an impregnable fortress, further strengthened by Armenian forces, and even the American military would have difficulty attacking that fortress. According to the analyst, this is also the prevalent view in the Pentagon. But Azerbaijan takes an entirely different view of the situation. Zakhir Orudzh, a member of the Azeri parliament's defense and security committee, says: "Armenia can only be superior to us in the capacities it gains from bilateral military agreements with Russia and participation in the CIS Collective Security Treaty Organization. For all other parameters and resources, Azerbaijan is superior to Armenia, in military terms. And don't let anyone try to intimidate Azerbaijan with the idea that conflict escalation could have serious consequences for our country. Everyone should realize that if Azerbaijan and Armenia were left to face each other alone, with no external support, we could rapidly prove that we are in the right." Armed **hostilities could resume** in several ways; in almost every scenario, they would be started either **by Azerbaijan** or by dubious international structures that specialize in promoting the West's interests in this region (such as the International Crisis Group). The most immediately relevant scenario could involve the United States attacking Iran, and Azerbaijan taking advantage of the chaos to make an attempt at sorting out the Nagorno-Karabakh problem once and for all. **However, Azerbaijan could** **hardly expect** substantial **military support** in these circumstances, **from either the United States** (**it would be too busy elsewhere)** **or Turkey** (**which might confine its participation** in the conflict **to sending volunteers**). All of the above leads to the following conclusion: **Azerbaijan is unlikely to succeed with a blitzkrieg** in the immediate future. In this situation (as in most modern conflicts), the time factor would be decisive. Moreover, if hostilities do break out, Russia's military obligations would come into effect: Armenia is an ally within the CIS Collective Security Treaty Organization. **Consequently, Moscow is likely to make every effort to see that this conflict is resolved by diplomatic** or other **means**.

### Israel

#### No strike

Elhusseini 13 (Fadi, Palestinian Diplomat and Journalist, 3/12/2013, "Will Israel attack Iran?", jordantimes.com/will-israel-attack-iran)

That red line is fast approaching, but is Israel going to really attack Iran? Many observers say this is sheer fantasy, especially in view of the new Israeli government coalition and the current developments in the Middle East. Iran insists its nuclear programme is peaceful and a national right, yet the fiery speeches and comments delivered by its officials proffer neither good gestures nor convincing assurances to the international community or its sympathisers. The prospect of war terrifies not only Israelis, but also people across the Middle East and the rest of the world. Surveys in Israel show that most Israelis oppose launching a unilateral attack on Iranian nuclear facilities. Experts believe that no Israeli attack would deter the Iranian nuclear programme and its ambition would not be ended, but simply delayed. Israeli military and intelligence chiefs believe that a strike on Iran is a bad idea, while the Obama administration has told Israel to back off and wait for sanctions to work. While it is likely that Iran would retaliate against Israel and possibly the US in response to any attack, it is unlikely that Iran will instigate a major war. Albeit for different reasons, Iran, Israel and the US understand that a war would not serve their interests. Israeli decision makers are confident that if things go bad, the US will not leave Israel at peril. Neither the US, whose most difficult decisions are usually taken in the second presidential term, nor other international powers would leave Israel unaided or accept an Israeli defeat. Iranian decision makers are also aware of the fact that initiating a major war would lead to an eventual American intervention and an inevitable confrontation with the world’s biggest military might.

#### \*\*\* Won’t escalate

Rogan 8/18/12 (Thomas, MSc in Middle East politics from the School of Oriental and African Studies.

Israel could attack Iran without causing a major war in the region

http://www.guardian.co.uk/commentisfree/2012/aug/18/israeli-attack-iran)

While it is likely Israel will attack Iran in the near future, it is not in either party's interest to allow retaliation to escalate

Over the last few days, Israeli newspapers have been consumed by reports that the prime minister, Binyamin Netanyahu, has decided to launch an attack on Iranian nuclear facilities some time this autumn. Although Netanyahu has an obvious interest in increasing pressure on Iran, it would be an error to regard these reports as simple rhetorical sensationalism. In my opinion, whether this year or next, Israel is likely to use its airforce to attack Iran.

While it is impossible to know for sure whether Netanyahu will act, it is possible to consider the likely repercussions that would follow an Israeli attack. While it is likely that Iran would retaliate against Israel and possibly the US in response to any attack, it is unlikely that Iran will instigate a major war. Albeit for different reasons, Iran, Israel and the US all understand that a war would not serve their interests.

First, the Israeli policy angle. If Netanyahu decides to order an attack on Iran, his focus will be on maximising the success of that action and minimising any negative consequences that might follow. In terms of Iranian retaliation, Israel would expect Iran's core non-state allies Hamas, the Palestinian Islamic Jihad and Hezbollah to launch rocket attacks into Israeli territory.

However, present success with advanced defence systems has helped increase Israeli confidence in their ability to absorb this method of retaliation. Beyond rocket attacks, the Israeli leadership also understands that a likely mechanism for Iranian retaliation is via attacks against Israeli interests internationally. Whether carried out by the Iranian Quds Force or Hezbollah, or a combination of both, various incidents this year have shown Israel that Iran continues to regard covert action as a powerful weapon.

The key for Israel is that, while these Iranian capabilities are seen as credible, they are not seen to pose intolerable threats to Israel. Faced with rocket strikes or limited attacks abroad – to which the likely response would be air strikes or short-duration ground operations (not a repeat of 2006) in Lebanon and Gaza – Israel would be unlikely to pursue major secondary retaliation against Iran. Certainly, Israel would not want to encourage intervention by Syria's Assad alongside Iran (an outcome that might follow major retaliatory Israeli action).

If Netanyahu does decide to take action, Israeli objectives would be clearly limited. The intent would be to prevent Iran from acquiring a nuclear capability while minimising escalation towards war. Israel has no interest in a major conflict that would risk serious damage to the Israeli state.

Though holding opposite objectives, Iran's attitude concerning a major war is similar to Israel's.

While Iran regards nuclear capability as prospectively guaranteeing the survival of its Islamic revolution, clerical leaders also understand that initiating a major war would make American intervention likely. Such intervention would pose an existential threat to the theocratic project that underpins the Islamic Republic.

Thus, in the event of an Israeli attack, Iran's response would be finely calibrated towards achieving three objectives:

• First, punishing Israel for its attack.

• Second, deterring further Israeli strikes and so creating space for a reconstituted Iranian nuclear programme.

• Finally, weakening US/international support for Israel so as to increase Israeli isolation and vulnerability.

Hezbollah, Hamas and other non-state allies would play a major role in effecting Iranian retaliation. Iran may also attempt to launch a number of its new Sajjil-2 medium-range missiles against Israel. Again, however, using these missiles would risk major retaliation if many Israeli citizens were killed.

As a preference, Iran would probably perceive that utilising Hamas and Hezbollah would allow retaliation without forcing Netanyahu into a massive counter-response. Crucially, I believe Iran regards that balancing its response would enable it to buy time for a reconstituted, hardened nuclear programme. In contrast to the relatively open current structure, sites would be deeper underground and far less vulnerable to a future attack. The nuclear ambition would not be lost, simply delayed.

As a final objective for retaliation, Iran would wish to weaken Israel's relationship with the US and the international community. This desire might encourage Iran to take action against US navy assets in the Gulf and/or attempt to mine the Strait of Hormuz, so as to cause a price spike in global oil markets and increased international discomfort.

However, beyond their rhetoric, the Iranian leadership understand that they cannot win a military contest against the US, nor hold the strait for longer than a few days. For Iran then, as with Israel, regional war is far from desirable.

Finally, consider the US. It is now clear that Obama and Netanyahu disagree on Iran. In my opinion, Netanyahu does not believe Obama will ever be willing to take pre-emptive military action against Iran's nuclear programme. Conversely, Obama believes Netanyahu's diplomatic expectations are too hasty and excessively restrictive.

The policy distance between these two leaders appears increasingly irreconcilable. If Netanyahu decides to go it alone and attack Iran, the US president will face the unpleasant scenario of having to protect American interests while avoiding an escalation dynamic that might spin out of control towards war. This difficulty is accentuated by Obama's re-election race and his fear of the domestic economic fallout that may come from the decisions that he might have to make. Again, the simple point is that the US government has no interest in a war with Iran.

If Netanyahu decides to take military action, he will do so in a strategic environment in which Israel, Iran and the US have no preference for a major war. Each state views the prospect of a war as counter to their particular long-term ambitions.

Because of this, while serious, Iranian retaliation would be unlikely to produce an escalatory dynamic leading to war. The leadership of each of these states will restrain their respective actions in the pursuit of differing long-term objectives but common short-term ones.

### Asia War

#### No US-China conflict

Allison & Blackwill 13 -- \*director of the Belfer Center for Science and International Affairs and Douglas Dillon Professor at Harvard's John F. Kennedy School of Government AND \*\*Henry A. Kissinger Senior Fellow for U.S. foreign policy at the Council on Foreign Relations (Graham and Robert D., 2013, "Interview: Lee Kuan Yew on the Future of U.S.- China Relations," http://www.theatlantic.com/china/archive/2013/03/interview-lee-kuan-yew-on-the-future-of-us-china-relations/273657/)

Interview with Lee Kuan Yew, the founding prime minister of Singapore, one of Asia's most prominent public intellectuals, a member of the Fondation Chirac's honour committee

Competition between the United States and China is inevitable, but conflict is not. This is not the Cold War. The Soviet Union was contesting with the United States for global supremacy. China is acting purely in its own national interests. It is not interested in changing the world. There will be a struggle for influence. I think it will be subdued because the Chinese need the United States, need U.S. markets, U.S. technology, need to have students going to the United States to study the ways and means of doing business so they can improve their lot. It will take them 10, 20, 30 years. If you quarrel with the United States and become bitter enemies, all that information and those technological capabilities will be cut off. The struggle between the two countries will be maintained at the level that allows them to still tap the United States. Unlike U.S.-Soviet relations during the Cold War, there is no irreconcilable ideological conflict between the United States and a China that has enthusiastically embraced the market. Sino-American relations are both cooperative and competitive. Competition between them is inevitable, but conflict is not. After the collapse of the Soviet Union, the United States and China are more likely to view each other as competitors if not adversaries. But the die has not been cast. The best possible outcome is a new understanding that when they cannot cooperate, they will coexist and allow all countries in the Pacific to grow and thrive. A stabilizing factor in their relationship is that each nation requires cooperation from and healthy competition with the other. The danger of a military conflict between China and the United States is low. Chinese leaders know that U.S. military superiority is overwhelming and will remain so for the next few decades. They will modernize their forces not to challenge America but to be able, if necessary, to pressure Taiwan by a blockade or otherwise to destabilize the economy. China's military buildup delivers a strong message to the United States that China is serious about Taiwan. However, the Chinese do not want to clash with anyone -- at least not for the next 15 to 20 years. The Chinese are confident that in 30 years their military will essentially match in sophistication the U.S. military. In the long term, they do not see themselves as disadvantaged in this fight.

#### Taiwan-China relations higher than ever

Cole 12 -- Taipei-based journalist who focuses on military issues in Northeast Asia and in the Taiwan Strait (J. Michael, 9/3, "Taiwan Hedges its Bets on China," http://thediplomat.com/flashpoints-blog/2012/09/03/taiwan-hedges-its-bets-against-china/)

By a number of yardsticks, relations in the Taiwan Strait today are the best they’ve been in years, if not ever. But if a report released by Taiwan’s Ministry of National Defense (MND) on Friday is any indication, Taiwanese government officials don’t appear to be convinced that such détente will last for very long. Without doubt, the pace of normalization in relations between Taiwan and China, especially at the economic level, has accelerated dramatically since Ma Ying-jeou of the Chinese Nationalist Party (KMT) was elected in 2008, a process that is expected to continue with Ma securing a second four-year term in January. In addition to the landmark Economic Cooperation Framework Agreement (ECFA) signed in June 2010, the governments on both sides have inked at least 16 agreements touching on various aspects of cross-strait relations, including an agreement reached on Friday that will allow banks in Taiwan to clear renminbi transactions, a move that obviates the need for converting the currency into U.S. dollars before a transaction can be made. Beyond trade, visits to Taiwan by Chinese officials have become almost routine, a limited number of Chinese can now study at Taiwan’s universities, Chinese tourism to the island has boomed, and joint exercises by the countries’ respective coast guards are now held every other year since 2010, mostly for the purpose of sea-rescue operations in the waters off Taiwan’s Kinmen and China’s Xiamen.

## Sharif

### L/T

#### Squo drone policy solves relations

Express Tribune, 3/25/14 (“Normalising India ties: Pakistan counts on US help.” http://tribune.com.pk/story/686955/normalising-india-ties-pakistan-counts-on-us-help/)

The prime minister said peace in Afghanistan was in the interest of Pakistan and the region. Pakistan wants to talk to the Afghan High Peace Council to maintain peace in the region, he said, adding that improved relations between Islamabad and Kabul should not be derailed. He appreciated the discontinuation of US drone strikes in Pakistan and said that the US must continue this policy. Secretary Kerry said the United States has great confidence in Pakistan’s nuclear security and would continue to work with Islamabad in fighting terrorism. He also assured Pakistan of cooperation to help meet its energy needs. Kerry said the two countries were ‘deeply engaged’ and would focus on the issue of terrorism, counterterrorism, global energy besides Afghanistan and Pakistan-US bilateral relations. Prime Minister Nawaz said there were plenty of challenges for his government that came to power nine months ago. However, he added that his government was taking measures to address these challenges. He also mentioned his meeting with US President Barack Obama a few months ago in Washington DC and said the dialogue with the US would continue. Secretary Kerry referred to his recent meeting with Premier Nawaz’s top aide on foreign affairs Sartaj Aziz and said he was looking forward to his meeting with Finance Minister Ishaq Dar soon. The two leaders reaffirmed their desire to continue the strategic dialogue between their countries which cover a wide range of areas. The prime minister also had informal interactions with US President Barack Obama, Chinese President Xi Jinping and Turkish President Abdullah Gul. Bilateral relations and mutual interests were also discussed in these meetings.

#### Either

1. **Military means drones strikes inevitable**

Toronto Star June 11 2013 (“Pakistani PM lashes out against U.S. drone strikes” lexis)

In office for less than a week, Pakistan's new prime minister, Nawaz Sharif, vented his anger Monday at two recent U.S. drone strikes, all but accusing his country's overbearing military of lying to Pakistanis about its co-operation with the CIA to eliminate terrorism suspects in northwest tribal regions bordering Afghanistan. "The policy of protesting against drone strikes for public consumption, while working behind the scenes to make them happen, is not on," Sharif said, according to an official statement. Sharif's assumption of office last Wednesday was the first time in Pakistan a full-term democratic administration had handed power to an elected successor. Whether he can change the balance of power with the military, which has staged four coups since independence in 1947 and retains a stranglehold over foreign and defence policy, remains to be seen. Sharif has made it clear that he intends to break the pattern by not appointing ministers to oversee defence and foreign affairs. Instead, he's assumed direct charge of those areas himself. But stopping U.S. drone strikes seems hardly certain. Two strikes have hit Pakistan since Sharif won last month's election - one on May 30, which killed the deputy chief of the Pakistani Taliban, and the other Friday, which killed seven suspected militants. Sharif reacted to Friday's assault by having the Ministry of Foreign Affairs summon the U.S. chargé d'affaires to register a protest, though it was far milder than his angry critique Monday of domestic policy. There's little strategic reason, however, for the Pakistani military to want drone strikes to end. They represent the most visible successes against the Pakistani Taliban, breaking its chain of command and coherency as an organization.

#### That tanks Sharif’s cred

**Markey**, Council on Foreign Relations, 7-16-**13**

(Daniel, “A New Drone Deal For Pakistan,” accessed 7-30-13, <http://troubledkashmir.com/kashmir/?p=5370>,

Admittedly, this final compromise option would be painful for both Islamabad and Washington. Pakistani leaders would finally have to come clean to their people about authorizing drone strikes. That would eliminate even the thin veneer of deniability that past leaders have maintained to protect themselves from political fallout. It would also place Sharif's party firmly on the blacklists of the Pakistani Taliban and other targeted groups, which to date have enjoyed slightly more ambiguous relationships.

**Or B) Plan means Pakistani ground troops are used – undermines political stability**

Raja 11 (Raza Habib, Economist at a leading development finance institution, Huff Post, "The Case for Drones," <http://www.huffingtonpost.com/raza-habib-raja/the-case-for-drones_b_897428.html>)

Moreover, things have to be viewed in much broader perspective in a complicated situation like war in Afghanistan. If there were no drone attacks then the alternative would have been a full-fledged ground invasion which would have actually entailed much greater loss of innocent lives. The areas where militants are hiding are not an easy terrain from military ground invasion's perspective and therefore elimination of militants through full scale ground invasion will result in much greater collateral damage. In addition such an invasion will require much greater role of the Pakistan army which in turn will create far greater political repercussions. In fact, Pakistan army has been involved in full scale ground offensive before and there was wide spread hue and cry over the army being used to kill Pakistan's "own people".

### A2 Pakistan: 1NC

#### US-Paki differences on Kashmir block cooperation

Press Trust of India 14 (“Pakistan again seeks US intervention on Kashmir,” 3-24-14,

<http://indianexpress.com/article/world/asia/pakistan-again-seeks-us-intervention-on-kashmir/>)

Pakistan once again sought US intervention in settling the Kashmir dispute on Monday, complaining that India was hesitant whenever it wanted to talk on the vexed issue. Speaking to Pakistani journalists after holding a meeting with US Secretary of State John Kerry at the Hague, on the sidelines of a two-day nuclear summit, Prime Minister Nawaz Sharif said the Kashmir issue should be resolved. He said that India hesitated every time Pakistan approached it for talks on Kashmir. “We have said somebody else can also help us in resolving the issue. But India is also not in agreement on that. So how can talks proceed? How can such issues be solved? I said this is for the US also to think. When you tell us that normal relations should be there, we understand that but your role comes in also. “If we cannot solve an issue with India bilaterally, a third power should be there to play a role in moving the dialogue forward,” Sharif said. This is not the first time that Pakistan has sought US intervention in solving the Kashmir issue. Ahead of his meeting with US President Barack Obama in October last year, Sharif had sought US intervention to settle the Kashmir issue. However, a senior US official had then said, “On Kashmir, our policy has not changed an iota”. In India, the government and political parties had condemned Sharif’s comment in one voice. External Affairs Minister Salman Khurshid had said, “Jammu and Kashmir is an integral part of India – there is no question of anybody interfering with this idea. The US knows this very well”. Even though Pakistan is keen that the US intervenes, Washington has repeatedly said it is for India and Pakistan to determine the “pace, scope and character” of their cross-border dialogue. The Pakistan Prime Minister is accompanied on the trip by his Special Assistant Syed Tariq Fatemi and Foreign Secretary Aizaz Ahmad Chaudhry.

#### Paki econ fine – despite security issues

AP 14 (Associated Press of Pakistan, “IMF forecasts accelerated economic growth for Pakistan,” 3-28-14, <http://www.app.com.pk/en_/index.php?option=com_content&task=view&id=274178&Itemid=2>)

WASHINGTON, March 28 (APP) : The International Monetary Fund on Friday said Pakistan’s economy will continue to accelerate in the medium term as it revised upwardly the GDP growth rate at the back of strong manufacturing and reforms. The Fund, which in a sign of confidence in the country’s reforms progress this week released $ 555.6 million second tranche of the $ 6.7 billion program, also noted in its review that Pakistan’s performance mostly remained positive. The fiscal year 2013/14 GDP growth forecast has been revised upward slightly to 3.1 percent. It acknowledged that the manufacturing sector continues to be stronger than last fiscal year due to partial easing of electricity shortages. According to Jeffrey Franks, the IMF mission chief for Pakistan, the “3.1 percent may still be a bit on the conservative side.” “So we see indicators of growth that are relatively strong considering the fiscal adjustment that has taken place,” Franks explained. “For FY 2014/15, growth is forecast to accelerate to about 3.7 percent, and will continue to accelerate in the medium-term as fiscal adjustment eases and structural reforms help alleviate binding constraints in the energy sector, improve efficiency, and enhance the investment climate.” The Fund confirmed that the preliminary data for the first quarter of FY13/14 recorded 5 percent growth, mainly driven by services and manufacturing. “This growth is stronger than the 2.9 percent posted during the same period in the previous year. It appears to be supported by large scale manufacturing, with annual growth of almost 5.2 percent in the first five months of the fiscal year.” Goods exports and imports in dollar terms increased by 3 and 1.4 percent respectively year-on-year in December, the review said. The Fund also said that despite difficulties, the current PML(N) government in Islamabad retains a strong commitment to economic reforms. The report also referred to internal security challenges facing the country in the form of extremist violence but also noted that economic developments have been slightly better than expected.

### Impact D

#### Shocks cause cooperation – not escalation- also takes out Afghan impact

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.

#### Instability is inevitable.

Richard A. Boucher, Assistant Secretary of State for South and Central Asian Affairs, 4/26/2006. “U.S. Policy in Central Asia: Balancing Priorities (Part II),” Statement to the House International Relations Committee, <http://www.state.gov/p/sca/rls/rm/2006/65292.htm>.

Central Asia faces numerous threats to its stability, including Islamic extremism, a population that remains poor and has little economic opportunity, the post-Soviet legacy of authoritarianism, public perceptions of injustice, and high levels of corruption. As a consequence, nurturing both economic and democratic reform in the region is difficult, even daunting. Furthermore, the repressive and backward-looking authoritarian regimes in Turkmenistan and Uzbekistan may further challenge our efforts to integrate the region and encourage reform and development.

### I-P

#### Deterrence checks indo pak

**Khan, 12** (Ikram Ullah, analyst for the South Asian Strategic Stability Institute, “Nuclear Pakistan: Defence Vs Energy Development,” 7/26, <http://www.eurasiareview.com/26072012-nuclear-pakistan-defence-vs-energy-development-oped/>)

We must be clear that nuclear weapons are here to maintain peace and stability between Pakistan and India. Pakistan was forced to run its nuclear weapon program due to India’s nuclear weapon program and its hegemonic ambition. Pakistan has long said that its nuclear weapon program is security driven. While on other hand Indian nuclear weapon program is not security driven, rather it is based on its regional and global aspirations.¶ The security threats still exist for Pakistan, but due to its credible nuclear deterrence Pakistan is capable of crushing such threats or plans. In the recent past, the tragedy, which many historians remember as the “Fall of Dhaka”, carries some lessons for us to be learnt. If India could intervene at that time, then it is quite possible it could intervene in Baloachistan. Now the nuclear capability of Pakistan deters India from perusing any kind of intervention because of the fear of perceived consequences.¶ It is Pakistan’s credible nuclear deterrence capability that effectively neutralizes any ill intent of its opponent against its integrity and sovereignty. It is evident that after the December 13, 2001 terrorists attack on Indian Parliament, India mobilized its armed forces to attack on Pakistan, but refrained from doing so as it realized that any such irrational action would lead to a nuclear war. The same was the case after Mumbai attacks on November 26, 2008 – the nuclear deterrence prevailed and it prevented the likelihood of an all out nuclear war in South Asia.

### Russia

#### No nuclear strike

Graham 7 (Thomas Graham, senior advisor on Russia in the US National Security Council staff 2002-2007, 2007, "Russia in Global Affairs” The Dialectics of Strength and Weakness http://eng.globalaffairs.ru/numbers/20/1129.html)

An astute historian of Russia, Martin Malia, wrote several years ago that “Russia has at different times been demonized or divinized by Western opinion less because of her real role in Europe than because of the fears and frustrations, or hopes and aspirations, generated within European society by its own domestic problems.” Such is the case today. To be sure, mounting Western concerns about Russia are a consequence of Russian policies that appear to undermine Western interests, but they are also a reflection of declining confidence in our own abilities and the efficacy of our own policies. Ironically, this growing fear and distrust of Russia come at a time when Russia is arguably less threatening to the West, and the United States in particular, **than it has been at any time since the end of the Second World War**. Russia does not champion a totalitarian ideology intent on our destruction, its military poses no threat to sweep across Europe, its economic growth depends on constructive commercial relations with Europe, and its strategic arsenal – while still capable of annihilating the United States – is under more reliable control than it has been in the past fifteen years and **the threat of a strategic strike approaches zero probability**. Political gridlock in key Western countries, however, precludes the creativity, risk-taking, and subtlety needed to advance our interests on issues over which we are at odds with Russia while laying the basis for more constructive long-term relations with Russia.

### No I/L

#### Drones don’t kil relations

Curtis 7/16/13 (Lisa, Senior Research Fellow @ Heritage, "Pakistan Makes Drones Necessary," http://www.heritage.org/research/commentary/2013/7/pakistan-makes-drones-necessary)

The U.S. will need to keep a close eye on the tribal border areas, where there is a nexus of terrorist groups that threaten not only U.S. interests but also the stability of the Pakistani state. Given that Pakistan is home to more international terrorists than almost any other country and, at the same time, has one of the fastest growing nuclear arsenals, the country will remain of vital strategic interest for Washington for many years to come.

Though the drone issue will continue to be a source of tension in the relationship, it is doubtful that it alone would derail ties. The extent to which the United States will continue to rely on drone strikes ultimately depends on Islamabad’s willingness to develop more decisive and comprehensive counterterrorism policies that include targeting groups like the Haqqani Network.

# 2NC

## Courts CP

### 2NC Groupthink Inevitable

#### 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.

### 2NC Obama Solves Groupthink

#### Obama solves groupthink – he’s that good

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.]

A. Anti-Groupthink Decision-Making Practices The Obama team adopted several decision-making practices that **helped counter** the **groupthink** that had plagued the Bush team. These practices produced a moderate level of cohesiveness, greatly limited structural organizational faults, and reduced threats that could give rise to a provocative situational context. 1. Building Moderate Cohesiveness "Hillary and I were friends before this started ... . We had this very vituperative campaign, but, you know, she is smart and we ought to be able to do something with her." n225 After his election, Obama sought out people to fill the Cabinet and White House staff positions based on each member's experience and the different contributions they could bring to the table. While political ideology was one factor to consider, it was not elevated above other qualities. Above all, Obama seemed to want to succeed by considering all possible options, and the only way to do that was by including people who thought differently from him and who would challenge his thinking. n226 Obama thus set about to build a team that would work well together, but whose members would also engage in critical thinking and evaluate all possible options when making decisions. Obama sought to strike this balance by including both friends and political allies, such as David Axelrod and Rahm Emanuel, and also outsiders and even former rivals. n227 For example, in a somewhat controversial move, Obama chose to keep Bush's Secretary of Defense, Robert Gates, citing the importance of continuity and expertise. n228 Obama also wished to heal the wounds inflicted [\*671] during a bitter nomination campaign and appoint a strong Secretary of State, so he offered Hillary Clinton the post. n229 For the position of CIA Director, Obama chose Leon Panetta, who, as an outsider, would help improve the Agency's image, which had been severely tarnished due to controversial pre-Iraq War intelligence, interrogation techniques, and its domestic spying program. n230 Thus, the manner in which Obama built his decision-making group laid the foundation for avoiding groupthink. 2. Roles of Critical Evaluator Assigned to Each Member Joe, I want you to say exactly what you think. And I want you to ask the toughest questions you can think of. And the reason is ... because I think the American people ... and our troops are best served by a vigorous debate on these kinds of life-or-death issues. n231 Obama used these words to encourage Vice President Joe Biden to be an aggressive contrarian in national security team meetings regarding strategy for Afghanistan. n232 And, at a September 13, 2009, national security meeting, Obama told his team "We need to come to this with a spirit of challenging our assumptions ... . Don't bite your tongue. Everybody needs to say what's on their mind." n233 In statements such as these, Obama sought to ensure that each member of his team contributed independently and critically to any decision making. 3. Leader's Impartiality at the Outset When assessing the Afghanistan War, Obama told his national security team, "We have no good options here," n234 therefore establishing that he would not accept only a single solution from only an individual high-ranking member. n235 Obama preferred to have a full range of options comprehensively discussed in order for him to remain impartial. n236 In making decisions, Obama critically questioned all proposals and did not state his preference for a specific policy until the group had fully explored all options. n237 [\*672] 4. Consultation with Trusted Outsiders "Mr. President, I shared the [troop surge] option with the chiefs before I came over." General James Cartwright, Vice Chairman of the Joint Chiefs of Staff, uttered these words to Obama at a national security meeting on November 23, 2009. n238 Throughout the Afghanistan strategy review of 2009, trusted associates in each member's unit of the executive branch consulted each other and reported back to the primary decision-making national security team. n239 As Janis postulates, **this seems to have helped the group avoid groupthink** because they were consistently seeking opinions from outside of the decision-making group. 5. Consultation with Outside Experts "I know you don't want to work full-time in government," Obama told Bruce Riedel, a national security expert at the Brookings Institution, "but here's a proposition. Will you come into government for 60 days, work in the [National Security Council], do a strategic review of Afghanistan and Pakistan?" n240 This kind of consultation with non-governmental experts took place as well. For example, just as a troubled corporation might hire outside consultants, General Stanley McChrystal's Afghanistan strategy review included bringing outside experts into a war zone to assess the situation. n241 The idea behind this review team came in part from General David Petraeus's 2007 playbook for Iraq (when the largely successful troop surge took place). n242 The review team consisted of "an experienced group [\*673] of analysts who were willing to challenge the assumptions of high-ranking generals." n243 6."Second Chance" Meeting for Expression of Doubts "Why are we having another meeting about this? I thought this was finished Wednesday. Why do we keep having these meetings after we have all agreed?" n244 Although expressing slight exasperation, Obama proceeded with a "last chance" meeting before deciding to send 30,000 additional troops to Afghanistan. n245 This meeting served as a final opportunity for group members (especially Pentagon officials, in this instance) to share residual doubts and to rethink the entire issue before making a definitive choice. n246

### 1NC Allied Co-Op

#### Allied terror coop is high now, despite frictions

Kristin Archick, European affairs specialist @ CRS, 9-4-2013, “U.S.-EU Cooperation Against Terrorism,” Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS22030.pdf>

As part of the EU’s efforts to combat terrorism since September 11, 2001, the EU made improving law enforcement and intelligence cooperation with the United States a top priority. The previous George W. Bush Administration and many Members of Congress largely welcomed this EU initiative in the hopes that it would help root out terrorist cells in Europe and beyond that could be planning other attacks against the United States or its interests. Such growing U.S.-EU cooperation was in line with the 9/11 Commission’s recommendations that the United States should develop a “comprehensive coalition strategy” against Islamist terrorism, “exchange terrorist information with trusted allies,” and improve border security through better international cooperation. Some measures in the resulting Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) and in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) mirrored these sentiments and were consistent with U.S.-EU counterterrorism efforts, especially those aimed at improving border controls and transport security. U.S.-EU cooperation against terrorism has led to a new dynamic in U.S.-EU relations by fostering dialogue on law enforcement and homeland security issues previously reserved for bilateral discussions. Despite some frictions, most U.S. policymakers and analysts view the developing partnership in these areas as positive. Like its predecessor, the Obama Administration has supported U.S. cooperation with the EU in the areas of counterterrorism, border controls, and transport security. At the November 2009 U.S.-EU Summit in Washington, DC, the two sides reaffirmed their commitment to work together to combat terrorism and enhance cooperation in the broader JHA field. In June 2010, the United States and the EU adopted a new “Declaration on Counterterrorism” aimed at deepening the already close U.S.-EU counterterrorism relationship and highlighting the commitment of both sides to combat terrorism within the rule of law. In June 2011, President Obama’s National Strategy for Counterterrorism asserted that in addition to working with European allies bilaterally, “the United States will continue to partner with the European Parliament and European Union to maintain and advance CT efforts that provide mutual security and protection to citizens of all nations while also upholding individual rights.”

### NATO Answers

**NATO fails and EU solves the impacts better**

**Hockenos ‘9** (03/09/2009 RETHINKING US-EUROPE RELATIONS Is the EU Better for Obama than NATO? By Paul Hockenos Paul Hockenos is editor of Internationale Politik-Global Edition. His most recent book is "Joschka Fischer andthe Making of the Berlin Republic: An Alternative History o fPostwar Germany".

**The new American administration would be well served to rethink the United States’ relationship** to Europe: It should move toward a strategic partnership of equals with the European Union and entertain the possibility of new fora to address global security threats. In the long-term, a close, respectful working relationship with the European Union would enhance America’s own security and enable it to engage much more effectively in a multipolar world. America’s long-standing preference for NATO as the transatlantic institution of choice has several explanations. For one, it arguably had—at least until Afghanistan—a record of success. It helped the West win the Cold War without firing a shot. NATO’s job, as British secretary-general Lord Ismay famously put it in 1967, was “to keep the Russians out, the Americans in, and the Germans down.” But rather than close up shop with “mission accomplished” in the early 1990s, the 1949-founded pact sought a new purpose. Because the Europeans lacked the military hardware necessary to wage war against the Serb nationalists, NATO led the humanitarian interventions in Bosnia in 1995 and the armed campaign against Milosevic’s Serbia in 1999. That same year, the Czech Republic, Hungary, and Poland became the first former-Warsaw pact countries to join NATO, over Russia’s stiff objections. In the years to follow, the Baltic states and Slovenia, Slovakia, Bulgaria, and Romania also joined. Although the United States and Great Britain circumvented NATO to topple the Taliban government in late 2001, two years later NATO took its operations outside of Europe for the first time in the form of the International Security Assistance Force in Afghanistan. Today the NATO-led force includes 50,000 troops from 40 countries, including all 27 of the NATO allies. Given the East-West stalemate, during the postwar decades it was possible for NATO allies to work together in the name of collective defense, despite the many differences of opinion within the pact. Leaving aside the question of the nature of the Soviet threat (archives in Moscow turned up no plans for an invasion), the United States and the Western Europeans concurred that the Soviet Union was the enemy. Although the United States set the agenda and the Europeans were effectively junior partners, the principle of collective decision-making was formally respected. Moreover, in the aftermath of the Cold War there were no obvious alternatives to keep the United States and Europe close once American troops withdrew and the nuclear umbrella became irrelevant. Creating something new was beyond the imagination of Washington’s foreign policy makers at the time. Lastly, because it was and would remain primarily a military organization, NATO was one institution that the United States, with its nuclear arsenal and vast military superiority, would be certain to continue to dominate. Yet **by transforming the alliance into an agency for addressing international crises of all kinds, NATO’s advocates have only called greater attention to its inadequacy for the 21st century**. NATO’s new “comprehensive approach” to security endows it with a catch-all mandate that changes as new threats or missions arise and has grown to include responsibilities that go far beyond the exercise of military force. **But while its mandate has changed, its tools and thinking have lagged behind.** There is no better example than NATO’s flagship mission in Afghanistan, where the alliance is confronted with civilian, policing, and humanitarian duties that it cannot possibly carry out. Most of the European NATO member states in Afghanistan argue that stability is only going to be achieved through a strategy that combines education, rule of law programs, economic aid, and infrastructure projects. They underscore that the purpose of the international mission is to facilitate a hand over to the Afghans and to create conditions for reconstruction. Germany and Spain point out, for example, that Afghan poppy production—and Afghanistan’s bumper crops—cannot be checked by bombing campaigns, and that air strikes on poor Afghan farmers could well backfire, costing the force even more good will. But “counter-narcotics” is yet another category that has been added to NATO’s to-do list. There is growing consensus that the Afghanistan mission is make-or-break for NATO and that, at the moment, the latter cannot be ruled out. The war in Afghanistan is only the most egregious example of NATO’s dilemma. Whether it is cyberwar, peacekeeping, international terrorism, or energy security, NATO is invoked by Atlanticists as the go-to institution, overburdening it with new responsibilities. In late January, NATO’s secretary general even proposed an alliance presence in the Arctic as global warming melts the northern ice cap and major powers scramble to lay claim to its energy resources. Others see NATO patrolling Gaza’s borders in a new Israel-Palestine peace deal. **As** **the Dutch political scientist Peter van Ham argues, “NATO’s instruments have become blunt and outdated in** the light of today’s non-traditional security challenges and techniques.” Yet, he notes, contrary to expectations its portfolio has only expanded: “Whereas not too long ago the main question was how the European Union could use NATO’s military tools...the debate is now how should NATO draw upon the resources of the European Union, the United Nations, the World Bank, as well as non-governmental organizations.” But this has not caused US foreign policy makers to consider new fora or mechanisms to address the new threats. Nor have the Europeans been enterprising or ingenuous with new ideas. For them this is the path of least resistance: by putting these complex challenges in NATO’s hands, they appear to have addressed the problems without actually doing so. There is also a lingering question of whether NATO is up to the job of keeping the peace in the North Atlantic area, its original raison d'etre. Today, the threats to European security are strikingly different from those of the Cold War years. They include ethnic conflict on Europe's frontiers, mass migration and refugee flows, energy crises, nuclear proliferation, and transnational terrorism. Particularly in Europe, many experts see security challenges in global warming, international trafficking, resource scarcity, and failing states. A recent EU study concluded that increased tensions over falling water supplies in the Middle East will affect the continent's energy security and economic interests. In addition, global warming will exacerbate poverty and spur mass migration from Africa. **Neither NATO's instruments nor its framework is right for these kinds of problems.** Under the Bush administration this did not matter -- it saw NATO's role exclusively as part of the war on terrorism. The August 2008 conflict in Georgia, however, underscored that there are still threats to Europe's security within and on its borders that the continent's powers will have to respond to with instruments other than pure force. It is no secret that Russia feels deeply threatened by the alliance's expansion eastward, which it has consistently protested since the early 1990s. Moscow perceives as hostile the advance to its borders of a foreign military alliance that was designed to resist the Soviet Union and still sees Russia as a competitor. Although not solely accountable for Russia's authoritarian turn, **NATO's expansion into East Central Europe --contrary to US and German promises to Gorbachev in 1989 -- has expedited the aggressive nationalism and assertiveness of Putin-era Russia**. **It has fueled a new arms race and aggravated a security threat in Europe** that has far-reaching implications for the Europeans. Likewise, the further eastward enlargement of NATO to include Ukraine and Georgia, which Obama specifically advocated in his July 2008 Berlin address, will not engender greater security -- neither for Western Europe nor for Georgia and Ukraine. Admitting Georgia could draw NATO into a direct confrontation with Russia. Would the alliance really risk war with Russia over Georgia's breakaway enclaves in the Caucasus? Unlikely. The Georgians should have no illusions: they have already paid a high price for the false sense of security that American advisors gave to them prior to the recent conflict. The European Union in the World As great as the gap across the Atlantic has been in recent years, the United States still has much more in common with the Europeans than it does with new powers China or Russia. Europe could and should be America's closest partner in world affairs. But this relationship would be immensely different than the current one. It must be a partnership of equals across the Atlantic and this will require real compromises from the United States as well as the Europeans. To make this possible, the Obama administration must begin to think anew about the European Union. For one, the Union is not teetering on the brink of disintegration, regardless of how some American commentators interpret its disunity on many issues and the recent failures to pass a constitution. Though institutional reform is absolutely necessary, **even in its current condition the European Union is healthy**, admired by the overwhelming majority of Europeans, and will continue to perform as it has in the recent past -- but no better than that until a constitution or new reform treaty is approved. The European Union is already a major, capable power in world affairs. It has global interests and a sense of responsibility that goes beyond narrow self-interest. Its size and international economic might alone make it globally relevant, especially since much of the Union's power comes from its conditionally linked trade policies. The single market includes 450 million people, and ranks as the world's largest exporter of goods and the second leading importer worldwide behind the United States. When the ongoing financial crisis peaked this fall, President Bush's first call of help abroad was to the European Union. The Europeans also contribute over half the world's foreign aid to developing countries, including €300 million a year to the Palestinian Authority, triple the resources the United States provides. Diplomatically**, the European Union has led international negotiations with Iran over its nuclear program since 2003. In** 2004 European diplomacy helped bring about a peaceful resolution to Ukraine's Orange Revolution and, more recently, European negotiators brokered a peace in Georgia **that sent peacekeeping troops and monitors to the Caucasus. Its greatest success by far has been to stabilize the Western Balkans in the aftermath of the wars of the 1990s**. **Thus, even though European Union foreign policies are in their infancy, they already make a significant contribution to global security**. Although the European Union in its various incarnations has long been involved in matters beyond its borders, this took new form in 1992 with the Common Foreign and Security Policy. Since then, its ability to engage in the wider world was boosted significantly, first with the 1999 European Security and Defense Policy (ESDP) and then with the 2003 adoption of the European Security Strategy. ESDP endowed the European Union with military capabilities, enabling it to launch its first mission in Macedonia in March 2003.

## Power of Purse

### Solvency – 2NC

#### It’s best method of checking the executive – boosts solvency

Devins 97 (Neal – Professor of Law and Lecturer in Government, College of William and Mary, “PANEL IV: THE BUDGET: In Search of the Lost Chord: Reflections on the 1996 Item Veto Act”, 1997, 47 Case W. Res. 1605, lexis)

The power of the purse lies with Congress. The Constitution prohibits money "drawn from the Treasury, but in Consequence of [\*1610] Appropriations made by Law." n18 This power was placed outside of the executive, for fear of the consequences of centralizing the powers of purse and sword. As James Madison wrote in The Federalist No. 58: "This power of the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people." n19 As characterized in the Senate's Iran-Contra Report: The appropriations power is "the Constitution's most significant check on Executive power." n20 The framers' conclusion that the "legislative department alone has access to the pockets of the people" n21 does not mean that the President is proscribed from playing a role in legislative decision making on appropriations. Rather, the Constitution guarantees the President a large role in legislative decision making, including decision making on appropriations. In the first place, the President may recommend to Congress measures that he considers "necessary and expedient." More importantly, the President possesses a qualified veto over legislation that allows him to force Congress to pay heed to his view of what is unnecessary or inexpedient. The framers regarded these separately enumerated powers as mutually supporting an ongoing legislative role for the President. Nonetheless, the President's budgetary role is clearly subordinate to that of Congress. Congress determines funding levels and establishes parameters for the expenditure of appropriated funds. Although the power to recommend, and especially the power to veto, enables the President to communicate vigorously his views to Congress and to participate actively in the process, Congress makes the ultimate decision whether and to what extent executive sentiments should prevail.

### A2: Perm – Do CP

#### Funding cuts are distinct – they don’t legally change the presidents war powers

Lipez 10 (Kermit V. – Judge, United States Court of Appeals for the First Circuit, “Accessing Justice in Hard Times: Lessons from the Field, Looking to the Future: ARTICLE: REFLECTIONS OF AN ACCESS TO JUSTICE CHAIRS”, 2010, 62 Me. L. Rev. 585, lexis)

I did not become the Chair of JAG through a democratic process. Instead, the incomparable Judge Frank Coffin, n3 who sadly passed away last December at the age of 90, asked me to succeed him. Along with former Maine Chief Justice Daniel Wathen, n4 Judge Coffin had created JAG in 1995 in response to a crisis in the legalservices world in the wake of the mid-term congressional elections of 1994. House Speaker Newt Gingrich's Contract with America had promised deep cuts in federal funding for legal services programs and statutory restrictions on the [\*587] law reform work that the legal services providers could do. n5 To deal with this crisis, Chief Justice Wathen convened a Fall Forum on the Future of Legal Services, a conference of public officials, leaders of the bar, and legal services attorneys. The Chief Justice asked Judge Coffin to play a leading role in the conference and its aftermath, which included the establishment of JAG.

#### It’s distinct – CRS reports prove

Elsea 13 (Jennifer K., “Congressional Authority to Limit

Military Operations”, CRS Report for Congress, 2013, http://www.fas.org/sgp/crs/natsec/R41989.pdf)

This report begins by discussing constitutional provisions allocating war powers between Congress and the President, and presenting a historical overview of relevant court cases. It considers Congress’s constitutional authority to end a military conflict via legislative action; the implications that the War Powers Resolution or the repeal of prior military authorization may have upon the continued use of military force; and other considerations which may inform congressional decisions to limit the use of military force via statutory command or through funding limitations. The report discusses Congress’s ability to limit funding for U.S. participation in hostilities, examining relevant court cases and prior measures taken by Congress to restrict military operations, as well as possible alternative avenues to fund these activities in the event that appropriations are cut. The report then provides historical examples of measures that restrict the use of particular personnel, and concludes with a brief analysis of arguments that might be brought to bear on the question of Congress’s authority to limit the availability of troops to serve in ongoing military operations. Although not beyond debate, such limitations appear to be within Congress’s authority to allocate resources for military operations

#### The CP maintains authority – contextual ev proves

Martinez 12 (Nicolas – J.D. Candidate 2013, Stanford Law School, “Pinching the President's Prosecutorial Prerogative: Can Congress Use Its Purse Power to Block Khalid Sheikh Mohammed's Transfer to the United States?”, 2013, 64 Stan. L. Rev. 1469, lexis)

The Constitution bestows on Congress exclusive powers to appropriate funds and to tax and spend on behalf of the country, which taken together comprise Congress's power of the purse. The Appropriations Clause provides: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law ... ." n73 While there appears to be no record of any debate regarding the Appropriations Clause at the Constitutional Convention, n74 Gouverneur Morris warned on September 8, 1787, that if Congress did not have the power to make peace, "[it] will be apt to effect [its] purpose in the more disagreeable mode, of negativing the supplies for the war." n75 Morris's admonition indicates that Congress could use its appropriations power to cut off funds for an ongoing war. Furthermore, Alexander Hamilton later observed that "the design of the Constitution in [the Appropriations Clause] was, as I conceive, to secure these important ends - that the purpose, the limit, and the fund [\*1482] of every expenditure should be ascertained by a previous law." n76 Scholars more recently have argued that the congressional power to appropriate not only implies a right to specify how appropriated moneys shall be spent, n77 but also a duty to appropriate funds for the activities within the independent constitutional authority of other branches. n78

#### Authority is distinct from the exercise of power

Silverstein 5 (Gordon, “Book Review: CONSTITUTIONAL CONTORTION? MAKING UNFETTERED WAR POWERS COMPATIBLE WITH LIMITED GOVERNMENT: THE POWERS OF WAR AND PEACE: THE CONSTITUTION AND FOREIGN AFFAIRS AFTER 9/11.”, 2005, 22 Const. Commentary 349, lexis)

There is a distinct difference between legal authority to cut funds (which Congress unquestionably retains) and the ability actually to exercise that power. Yoo certainly is right that Congress has the authority to "use its power of the purse to counter presidential warmaking" (p. 152); that Congress has the authority to "cut off the funding for military adventures" (p. 294); and that Congress has the authority to stop wars "merely by refusing to appropriate the funds to keep the military operations going" (p. 13). But authority is not effective power. Does Congress actually, credibly have the ability to use this overwhelming weapon? It is important for legal scholars to decide who has what formal legal authority, but if we are looking at an evolving set of institutions, as Yoo insists we must when it comes to foreign policy, then we must consider not only the weapons each branch brings to the battle, but their ability to use those weapons effectively. n8

#### It is the allocation of decision rights – the counterplan changes funding, not the right to decide

Garfagnini 12(Umberto – , ITAM School of Business, 10/15/2012, italics emphasis in original, “The Dynamics of Authority in Innovating Organizations,” <https://editorialexpress.com/cgi-bin/conference/download.cgi?db_name=MWETFall2012&paper_id=62>)

Why do organizations change their internal allocation of authority over time? We propose a simple theory in which innovation with a new technology generates an *endogenous need for coordination* among divisions. A division manager has private information about the expected productivity of new technologies, which can be communicated strategically to headquarters. The organization has an advantage in coordinating technologies across divisions and can only commit to **an ex-ante allocation** of decision rights (i.e., authority). When the importance of cross-divisional externalities is small and the organization's coordination advantage is moderate, we show that an organization can optimally delegate authority to a division manager initially and then later centralize authority.

#### The CP only prevents the execution of authority – it doesn’t restrict it

Turner 12 (Robert – University of Virginia School of Law, “Presidential Powers and Foreign Affairs: The War Powers Resolution at 40: Still Controversial: The War Powers Resolution at 40: Still an Unconstitutional, Unnecessary, and Unwise Fraud That Contributed Directly to the 9/11 Attacks”, 2012, 45 Case W. Res. J. Int'l L. 109, lexis)

There is a popular belief in Congress and among some scholars that Congress can achieve its goals by attaching "conditions" to appropriations bills mandating how the president must act. And in settings where the president is simply executing authority delegated by Congress, that is often the case. But this power is limited--like all grants of constitutional power--to exercises of power that do not otherwise conflict with the Constitution itself. n94

### Solvency – Signal – 2NC

#### The CP will be perceived internationally as a credible commitment

Nzelibe and Yoo 6 (Jide – Assistant Professor of Law, Northwestern University Law School, and John – Professor of Law, University of California at Berkeley School of Law , “THE MOST DANGEROUS BRANCH? MAYORS, GOVERNORS, PRESIDENTS, AND THE RULE OF LAW: A SYMPOSIUM ON EXECUTIVE POWER: ESSAY: Rational War and Constitutional Design”, 2006, 115 Yale L.J. 2512, lexis)

Congress's participation was part of a series of signals sent by the United States to Iraq to convince it to give up its WMD capabilities. It was a costly signal, at least more costly than the speeches that preceded it, because it required President Bush to go to Capitol Hill for support, to reveal information to Congress about the Iraq situation, and to place the prestige and credibility of his administration on the line. If the United States had decided against using force in the face of Iraq's refusal to accede to American demands, President Bush would have suffered significant political costs. Seeking congressional authorization provided the United States with an additional mechanism to signal its willingness to use force, and thereby reveal some private information about its expected value of war. Congressional participation might play an equal, if not greater, role in ending a crisis peacefully. As noted earlier, failures in bargaining that lead to war can arise from private information that is not revealed publicly. Another failure in bargaining could arise from a commitment failure. Two nations in an international dispute may come to an agreement on an outcome that both sides prefer to war. They cannot, however, credibly commit that they will implement the agreement because one or both nations will have an incentive to cheat if there is no supranational enforcement agency. In other words, the nations suffer from a prisoner's dilemma. Congressional participation at the end of an international confrontation can provide a means for Presidents to engage in meaningful commitments to keep a bargain. The President could, for example, seek legislation that would eliminate funding for a weapon system to comply with an arms control agreement. Congress could have eliminated money for Pershing missiles after the United States and the Soviet Union signed the Intermediate Range Nuclear Forces treaty. While Presidents could not make absolute guarantees about the conduct of future Presidents and Congress, breaking these commitments would require legislative participation and would at least be public. [\*2532] Finally, congressional participation can provide other forms of signals, especially those that depend on sunk costs. Generally, politicians can convey two distinct kinds of signals to a foreign adversary during an international crisis: "sunk costs" and "tying hands." n54 Seeking legislative authorization prior to the use of force is a tying hands signal because politicians face domestic political costs if they issue a threat to use force and fail to make good on the threat. Such signals can be destabilizing because they reduce a nation's flexibility to pull back from war in the event that the opposing nation does not meet its demands. Sunk cost signaling is more costly ex ante, but leads to greater ex post stability. For example, increasing military spending and long-term deployments to prepare for a conflict is more expensive than simply issuing a threat. Such costs are "sunk" because they are spent even if there is no conflict. States that engage in sunk cost signaling, however, will have lower ex post costs because they will incur fewer additional costs if they choose not to go to war. They can more easily avoid the use of force because they have made no commitments to domestic political audiences. This analysis suggests that seeking legislative cooperation through funding, especially over the long term, will generally lead to greater ex post stability than a constitutional system that places its emphasis on declarations of war or statutory authorizations for the use of force.

#### The CP sends a strong and clear signal

Ford 97 (Christopher – Assistant Counsel to the Intelligence Oversight Board at the White House in 1996 and is presently Counsel for Special Investigations at the Governmental Affairs Committee of the U.S. Senate, “CONSTITUTION-MAKING IN SOUTH AFRICA: SYMPOSIUM ARTICLE: WATCHING THE WATCHDOG: SECURITY OVERSIGHT LAW IN THE NEW SOUTH AFRICA”, 1997, 3 Mich. J. Race & L. 59, lexis)

In U.S. practice, the power of the purse - a power explicitly given to the legislature n383 and thus not subject to constitutional gainsaying of the sort that bedevils the War Powers Resolution - is perhaps the most important weapon the legislature possesses. Even where formal limitations fail to become law - as was the case, for example, with Senator George McGovern's attempt to force the disclosure of the CIA's annual budget and Senator Stewart Symington's attempt to cut off funds for that organization's "secret war" in Laos in 1971 - the proposal, debate and near-passage of such measures can send unmistakable signals to the U.S. executive branch that if it does not change course, worse will follow. Sometimes, in fact, this can be all that is needed to check the executive. As it turned out in 1971, however, President Richard [\*154] Nixon neglected to heed Congress' shot across his bow, and the failed McGovern and Symington efforts were shortly followed by a successful bill sponsored by Senator Clifford Case that cut off all funding for CIA and other U.S. government paramilitary operations in Cambodia. These measures, indeed, were the opening salvos in the U.S. "intelligence wars" of the mid-1970s, with Sen. Case's bill serving as the first example of "a general and bipartisan revolt against overweaning executive power." n384 More recently, the U.S. Congress was also able to send "signals" of noteworthy clarity to Presidents Ronald Reagan and Bill Clinton with regard, respectively, to American military deployments in Lebanon and Somalia - signals which contributed in no small way to the disengagement of U.S. forces from their involvement in those countries' civil wars. n385

### Solvency – Targeted Killing

#### The CP solves drone policy – congressional funding changes are effective

Safranski 13 (Mark, “The White Paper and its Critics”, 2013, http://zenpundit.com/?p=19154)

More importantly, there are better, simpler remedies to a “slippery slope” with drone attacks that can be employed legislatively and through vigorous oversight that can be enacted that will strengthen rather than undermine and confuse our constitutional system of governance. First, the Obama administration, for it’s part, should allay critics fears by removing “targeted killings” from the arbitrary hands of unnamed “senior officials” (code for the President? The National Security Adviser? A random White House lawyer?) and either return to a more traditional Pentagon target assessment procedure or use the NSC process with a PDD/NSDD and a properly and timely “finding” being presented to Congress. . Secondly, the proper body to review the judgement of the administration in tactics, operations, and strategy is not the judicial branch, but the legislative, which has done so in prior conflicts and holds the power of the purse to control the extent of campaigns and the raising of armies. The Joint Committee on the Conduct of the War was the oversight mechanism the Congress employed during the Civil War to review and influence the actions of the Lincoln administration. I would argue that the US Congress is more than sufficient to do the same task today with a far less existential conflict, if it chose to do so. Congress could, if it wished, forbid these operations or cease funding them. Quite pointedly, they have done neither.

### CP Avoids Politics – 2NC

#### There’s a link differential between the plan and counterplan

Heder 10 (Adam – J.D., magna cum laude, J. Reuben Clark Law School, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER”, 2010, 41 St. Mary's L. J. 445, lexis)

As noted, Congress also could exercise its constitutional power to dissolve the armed forces under the rationale that the power to raise an army includes the subordinate power of dissolving an army. n32 However, given the dominant political role of both the United States and its armed forces throughout the world, this exercise would be even more impractical and politically unpopular than cutting off funds.

#### Avoids politics – Presidents will avoid fighting broad appropriation legislation

Tiefer 6 (Charles – Professor, University of Baltimore Law School, “Can Appropriation Riders Speed Our Exit from Iraq?”, 2006, 42 Stan. J Int'l L. 291, lexis)

V. After Enactment: Presidential Undermining A. Presidential Undermining 1. Why the President May Choose Not to Defy and Not to Comply This article has repeatedly attributed the debate about the constitutionality of war and aid funding terms to presidential power proponents rather than the President himself. For tactical reasons, the President may only imply his constitutional position during congressional consideration of provisions, rather than lock himself into an express and clear stance. Presidents may not want to make a commitment to veto any bill carrying the provision, particularly since its most likely vehicle would be a major defense spending bill. Presidents may care more about other aspects of such a defense spending bill, including its overall size, its allocations to key accounts, and the timing of its passage. Conditions about the conduct of wars may raise important problems without Presidents choosing to use their strongest weapons such as veto threats, because Presidents reserve their strongest weapons for fights over war appropriations' size, allocation, and timing. Such presidential prioritizing of issues may be, but need not be, a betrayal of constitutional ideals or otherwise deeply objectionable. The most honored wartime Presidents have sometimes put the most important issues of national commitment legislation first, and handled their objections to lesser issues such as constraints included as riders later. To take a particularly respected example mentioned earlier, in 1940 President Roosevelt obtained passage of the bill authorizing the first peacetime draft only by including a condition against using draftees outside the Western Hemisphere, and even then only with the margin of one single vote in the House. n228 Had President Roosevelt made a constitutional issue about that condition, he would have lost the bill, leading to a very great setback for American preparedness for World War II. President Roosevelt's subsequent military occupation of Iceland, which is outside the Western Hemisphere, is cited by presidential power proponents [\*332] to support their argument that a President may sign a bill and later deal with its asserted infringements of his constitutional powers. In a different but related vein, is a decision made by President George H. W. Bush at a critical moment in the January 1991 congressional consideration of a resolution to authorize the Gulf War. The President's more anti-congressional advisers, notably Secretary of Defense Cheney, urged him at that critical juncture to rely upon his own unilateral constitutional war-making power. Instead, the President asked Congress not merely for its support for him to exercise unilateral presidential power, but also for its authorization based on Congress' own powers, as expressed clearly in the presidentially endorsed language of the Gulf War Resolution. This deference to Congress' legislative responsibility both established a major precedent confirming presidential responsibility to respect Congress' powers and enabled President Bush to win the Senate vote with bipartisan support and to lead successfully a united nation in a broadly supported war. Like Roosevelt in the 1940s, Bush in 1991 proved himself a superior wartime President because he did not insist on the Presidency's supremacy regarding all decisions about war. So, the President may not lock himself in by a veto threat, nor actually veto the bill carrying the Iraq rider. These two polar alternatives less interesting analytically than a third, which deserves the closest study. First, the President may starkly and avowedly defy the rider. A few times in history, Presidents have famously done so. As previously mentioned, when Congress halved the appropriation President Theodore Roosevelt had requested for a Navy fleet to sail around the world, he is said to have responded that he would have the fleet sail halfway around the world and leave it up to Congress if they wanted to bring it back. n229 But, defiance has its disadvantages. Any Iraq provision which has enough strength to get through both houses of Congress against the resistance of the President and of his party, which controls the agenda in both houses, presumably has public opinion clearly behind it. Defying such a provision would be defying the public. Moreover, a voting majority in Congress, with clear public support behind it, has ways of retaliating. In 1973, President Nixon defied a Vietnam War funding cutoff and continued bombing by using funding legerdemain to get around the provision. Congress responded by placing similar provisions on each of a host of bills it considered. n230 Whatever the congressional response, if the President outright defies an Iraq funding provision, Congress' ability to place similar provisions on other bills means his defiance will lock him into repeatedly fighting an issue on which, politically, he has previously lost. Second, the President may comply with the rider, even as far as to mollify congressional critics. For all the steps President Franklin Roosevelt took in 1940-41 regarding World War II, he did not intervene in the war, which would have brought a colossal clash with Congress. Instead, he brought Congress along with him by seeking legislation on preparedness and Lend- [\*333] Lease. n231 He kept enough good faith with Congress that it tolerated his form of naval conflict with Germany in the North Atlantic and his oil embargo against Japan in the Pacific. Compliance now with an Iraq rider would have similar benefits in keeping a restive Congress on board with aspects of the Iraq effort that are not resolved by the rider itself. Moreover, compliance avoids the consequences of secret defiance, once it is no longer secret. Both President Nixon with his secret bombing war in Laos, and President Reagan with his secret support of the Contra war, elicited a storm of adverse reaction when their secrets came out.

### Defense

#### Drones not key---their card

Ariel Colonomos 13, Director of Research at the French National Centre for Scientific Research, Ph.D. in political science from the Institut d'Etudes Politiques de Paris, “The Gamble of War: Is it Possible to Justify Preventive War?” p 72-75, google books

John Yoo holds that the American interventions in Afghanistan or Iraq fulfilled the criteria of necessity and proportionality. To support this argument (which was contested on the invasion of Iraq), he contends that technological change has a direct impact on the calculation of proportionality and the definition of what constitutes an emergency. The proliferation of WMDs, the networking potential of the United States’ enemies, involving also transnational movements, required the adoption of an anticipatory mode of use of force.

# 1NR

### Will Pass – 2NC

#### Patent reform likely to pass now – continued push is key to getting over the finish line

Ruger 3/27/14 (Todd, National Law Journal, "In Senate, Optimism Grows for Patent Reform This Year," Read more: http://www.nationallawjournal.com/id=1202648706027/In-Senate%2C-Optimism-Grows-for-Patent-Reform-This-Year#ixzz2xRpIvby9)

The Senate Judiciary Committee plans to move forward on patent system reform as soon as next week, and senators expressed optimism Thursday that compromise on key proposals could allow a bill to pass this year.¶ Sen. Patrick Leahy, D-Vt., chairman of the committee, announced during a hearing that he would introduce a new version of the leading bill, the Patent Transparency and Improvements Act. Leahy introduced the measure with co-sponsors Mike Lee, R-Utah; Sheldon Whitehouse, D-R.I.; and Amy Klobuchar, D-Minn.¶ The bill aims to stop so-called “patent trolls” from filing frivolous lawsuits, and includes provisions intended to strengthen the patent-challenge process and improve transparency of patent ownership. The House passed a patent reform bill last year, and President Obama called for patent reform in his State of the Union speech in January.¶ Leahy said during a committee hearing that the new language would require entities that pursued lawsuits with no reasonable basis to pay reasonable attorney fees. Such a fee-shifting provision was not in the original bill but has been championed by sens. John Cornyn, R-Texas, and Orrin Hatch, R-Utah.¶ Leahy said he was working with Hatch on a provision to make it harder to use shell corporations to avoid paying judgments or fees. Following the hearing, Hatch said plaintiffs would post bonds to cover any costs—something he included in his version of patent reform last year.¶ “I appreciate the many different perspectives on these provisions, but we know we have to strike a balance,” Leahy said. “We’re not going have 10 different bills, we’ll have one.”¶ Leahy said in a written statement that discussions would continue and he hopes the panel would “come together on an agreement in the next few days.” The changes follow a series of briefings in January and February that allowed many sides—inventors, businesses, practitioners and consumers—to weigh in. The process has made the bill better, Leahy said.¶ As a result, Leahy said, he is making changes to the “customer stay” provision, although he did not detail what the change would be. Groups including the National Retail Federation expressed concern that the existing language would make it harder for retailers and other businesses to defend themselves from abusive patent litigation.¶ The customer-stay provision would automatically hold patent infringement suits against businesses sued for using a manufacturer’s product while that manufacturer fights the patent case, the retail group wrote in a letter to the committee in December.¶ However, that is “undermined by the additional language of the provision explicitly intended to bind retailers to decisions made in the manufacturers’ cases,” the retail group wrote.¶ During the hearing Thursday, Cornyn expressed optimism despite some news reports suggesting election-year politics could scuttle a bill. “We’re not at the finish line yet, but I know we’re close,” he said. “I think this could get done if we keep our nose to the grindstone.”

#### Momentum and Obama’s push

Tellier 3/23 (Stephen, "Push for Patent Troll Crackdown Gathers Steam Ahead of St. Paul Forum," http://kstp.com/news/stories/S3370892.shtml)

They're called "patent trolls." They buy up patents, and then threaten companies with lawsuits, claiming violation of those patents. And their favorite targets are the small businesses that keep Minnesota's economy moving.¶ Now, momentum is growing in Washington, D.C., behind an effort to curb the activities of patent trolls.¶ The 35 workers at the Ten-E Packaging Services laboratory in Newport, Minn., are pros at pummeling packaging to make sure it can survive even the harshest shipment. It's a company that's built on withstanding shocks, shaking, and even extreme temperatures.¶ But few small businesses can withstand costly legal action.¶ "It rattles you. Nobody likes to be told that there's potentially a lawsuit zooming in on you," said Bob Ten Eyck, President and CEO of Ten-E Packaging.¶ Ten Eyck's business was hit by a patent troll two years ago. A company claimed he was violating patents that cover scanner technology that many companies use. He was told he could prevent a lawsuit - if he paid $30,000 to $40,000.¶ "What's going to happen next? Is some shirt-tail relative of Thomas Edison going to come in and declare that I've got a light switch tied to a light bulb and I'm going to have to start paying a royalty for using lighting?" Ten Eyck asked.¶ He is certainly not alone.¶ The Main Street Patent Coalition, a national coalition of business groups, estimates patent trolls cost American companies $29 billion in 2011. The Coalition has been running a radio ad in Minnesota recently, part of a push for a patent troll crackdown.¶ Last month, President Barack Obama issued executive actions on the issue, after declaring his support for patent reform in his State of the Union address. Four days later, 42 state attorneys general signed a letter to the U.S. Senate, urging further action. The U.S. House of Representatives has already passed a patent reform bill, and there are several bills pending in the Senate.

#### Top of the agenda and close to passing

McKeown and Bullard 3/18 (Scott and Christopher, Associates @ Oblon Spivak McClelland Maier & Neustadt LLP, "Medical technology patents at the PTAB," http://www.lexology.com/library/detail.aspx?g=8020b7d4-87ef-49af-97fb-3b0faa35149c)

With Congress on the verge of passing still more legislation directed at alleviating the dreaded “patent troll” problem, perhaps Congress should pause to consider what has already been accomplished over the last 18+ months. As pointed at by Gene Quinn at IPwatchdog last week, Congress is in a rush to pass further patent reform legislation in the name of “helping Main Street America.” Yet, since September 16, 2012 the America Invents Act (AIA) has been wildly successful in providing a cheaper, faster, low cost alternative to patent litigation. Inter Partes Review (IPR) in particular has become the favorite anti-troll measure.

#### Bipartisan support building

US Official News 3/15 ("Portman, Udall Lead Bipartisan Effort to Confront Abusive Patent Trolls, Support Main Street Businesses," lexis)

U.S. Senators Rob Portman (R-Ohio) and Mark Udall (D-Colo.) led a bipartisan effort urging Senate leaders to take up legislation to address the growing problem of abusive patent litigation. The letter, signed by a broad coalition of Republican and Democratic senators, cites widespread support across the country and in Congress for reforming the U.S. patent system to protect America's most innovative industries, as well as Main Street businesses and entrepreneurs across the nation, from abusive lawsuits and costly settlements.¶ “The U.S. patent system serves as a bedrock for American innovation and economic growth. The ability of patent holders to bring legitimate lawsuits to enforce their intellectual property rights has been and continues to be central to the effectiveness of our nation's patent system,” the senators wrote. “Unfortunately, some patent holders have exploited that system by bringing abusive lawsuits that have become an enormous drag on the U.S. economy. … Given these enormous economic costs, there is strong bipartisan interest in seeking to ensure that the U.S. patent system encourages innovation rather than wasteful litigation. … We stand ready to offer our support for commonsense improvements to our nation's patent system.”

### A2 Reform Ineffective

#### Patent trolls crush growth and reform is key to solve ---- the alternative is backlog and crushed start-ups

Strohm 13 (Mitch, “Patent Reform: Supporting Or Stifling U.S. Innovation?”, June 14, 2013, <http://thelaw.tv/news/2013/06/14/patent-reform-supporting-or-stifling-u-s-innovation/>)

On June 4, the Obama Administration issued five executive actions and seven legislative recommendations to improve incentives for high tech patents and to curb abusive litigation by patent assertion entities (PAEs), or “patent trolls,” as they are commonly called. PAEs are often shell companies that assert patents on existing products as a business model, using litigation as their tool. In Obama’s words, these companies “don’t actually produce anything themselves” and instead develop a business model “to essentially leverage and hijack somebody else’s idea and see if they can extort some money out of them.” For example, one company threatened to sue 8,000 coffee shops, hotels and retailers for patent infringement because they had set up Wi-Fi networks for their customers, according to the New York Times. The number of lawsuits brought by PAEs has almost tripled in the last two years, accounting for 62 percent of all patent lawsuits in America. Of course, some of that surge in lawsuits can be traced back to the America Invents Act, which was signed into law in 2011. But start-ups are feeling the pressure from PAEs as well. “In some instances, they put start-ups out of business,” says Julie Samuels, an intellectual-property specialist and staff attorney at the Electronic Frontier Foundation, a San Francisco–based digital-advocacy group. “A big driver in that big increase in the number of patent suits filed, is the America Invents Act just a few years ago, which worked to try to improve the patent system,” says Graham Gerst, patent attorney at Global IP Law Group. One of the provisions in the law eliminated a long-standing practice of allowing a single patentee to file suit against several defendants that infringed a patent in the same way, he notes. After that, patentees were required to file multiple lawsuits instead of a single suit, increasing the amount and overall cost of litigation. According to the Obama Administration, the new actions and recommendations are designed to “protect innovators from frivolous litigation and ensure the highest-quality patents in our system.” Patents and the economy Some say that rampant litigation is stifling innovation. Many major companies like Google and Apple spend more on litigation than on research and development. PAEs can also incentivize start-ups to change their business models, because many start-ups don’t want to pay the litigation fees associated with a patent infringement case, she notes. That can slow down the growth of the economy and the introduction of new technologies. Will the proposals work? “We definitely are encouraged to see the proposals,” says Samuels. Still, like everyone else, the Electronic Frontier Foundation is awaiting specifics. In regard to a broken patent system, the legislative priorities and executive actions would make it harder to be a patent troll, and make it a less attractive business model, notes Samuels. “Right now, part of the problem is, it’s really easy to be a patent troll,” she says. Being a PAE is legal and has high returns, so, frankly, it makes good business sense.

#### Sufficient to solve even if all trolling doesn’t end

Mullin 13 (Joe, "Finally, a bill to end patent trolling; Bipartisan bill has most of what reformers want—and a real chance of passing," Ars Technica, 10-23-12, arstechnica.com/tech-policy/2013/10/its-finally-here-a-bill-to-end-patent-trolling/)

This bill wouldn't end patent trolling, but it could greatly increase the risks and costs to trolls. One type of troll that won't easily be killed off is the kind that goes after dozens of smaller businesses. It will remain prohibitively expensive for many businesses to spend the $1 million or more it can cost to see out a patent lawsuit. Taking a case through trial often costs more than $2 million. But the landscape will have changed. Businesses will be able to challenge more patents at the PTO for a much lower cost of around $100,000. If they are forced to court, they'll have a decent chance of recouping that giant legal spend. That lowers the bar for defendants who want to fight back and speak out—currently a daunting proposition.

#### It solves all of the components of the patent problem

Graves 13 (Zachary, Director of digital marketing and a policy analyst, R Street Institute, “New Proposal to Slay Patent Trolls Would Be a Boon to the Digital Economy”, <http://www.huffingtonpost.com/zachary-graves/new-proposal-to-slay-pate_b_4024831.html>)

Daniel Nazer at the Electronic Frontier Foundation does an excellent job summing up Goodlatte’s reform package: Heightened Pleading: Requiring a patent holder to provide basic details (such as which patents and claims are at issue, as well as exactly what products allegedly infringe and how) when it files a lawsuit. Fee shifting: Requiring the loser in a patent case to pay attorney’s fees and costs. This would make it harder for trolls to use the extraordinary expense of patent litigation to force a settlement. Transparency: The draft includes strong language requiring patent trolls to reveal(s) the parties that would actually benefit from the litigation (called the real party in interest). Joinder: If the plaintiff is a shell-company patent troll, the defendant could require the real party in interest to join the litigation. Even better, a prevailing defendant could collect attorney’s fees from the real party in interest if the patent troll can’t or won’t pay. Staying customer suits: Requiring courts to stay patent litigation against customers when there is parallel litigation against the manufacturer. Discovery reform: Shutting down expensive and often harassing discovery until the court has interpreted the patent. This should make it easier for defendants to dispose of frivolous cases early before the legal fees and court costs really add up. Post-grant review: The bill expands an important avenue to challenge a patent's validity at the Patent Office (known as the transitional program for covered business method patents). While this procedure is still too expensive for many of the trolls’ smaller targets, we support efforts to make it easier to knock out bad patents. By restricting the tools patent trolls use to abuse the system, Goodlatte’s proposal would do a lot to kill off the troll problem. But trolls are only half of the problem. There’s also the issue of lots of bad, overly broad patents coming out of the backlogged and underfunded patent office. The Mercatus Center’s Eli Dourado argues, with software patents making up the vast majority of the troll problem, Congress should exclude software from the set of patentable subject matter. I’m sympathetic to Dourado’s argument, but also skeptical this could be politically achievable in the near future. Much closer to the realm of political reality is something Goodlatte’s proposal could improve on: expanding the scope of the covered business method program. Outlined in the AIA, the CBM program allows those who are sued for infringing on certain types of financial business method patents to request a review of the patent’s legitimacy from the USPTO’s Patent Trial and Appeal Board, rather than going through the extortion racket of litigation and settlement. Expanding this program (as Sen. Chuck Schumer, D-N.Y., and Rep. Darrell Issa, R-C.A., have both proposed earlier this year) would create a much needed invalidation process for spurious patent claims. But all things considered, Goodlatte’s draft appears to be a great vehicle to make the patent office more functional and overthrow the trolls gumming up one of the most innovative parts of our economy.

### AT: Ukraine Aid Pounder

#### No controversy now and final vote on Tuesday---means our link comes first

ABC 3/28 "House to Vote Next Week on Aid to Ukraine" abcnews.go.com/Politics/

wireStory/congress-backs-bill-cash-strapped-ukraine-23094729

Aid to cash-strapped Ukraine and sanctions on Russia remain on track in the U.S. Congress, but it will take a few days longer before the legislation gets to President Barack Obama.

House leaders decided to vote Tuesday on the package, putting off an expected Friday vote. Congressional aides said the decision by the International Monetary Fund on Thursday to release billions of dollars to Ukraine lessened the urgency to act.

The delay ensures that House members will have a chance to go on record with a roll-call vote in backing the Senate version of the bill.

#### Dems backed off IMF reform to avoid a fight---it’s not a loss because there was never a vote

Michael Tomasky 3-26, Daily Beast special correspondent, editor of Democracy: A Journal of Ideas, 3/26/14, “The GOP Just Screwed Ukraine Out of Billions to Hurt Obama,” http://www.thedailybeast.com/articles/2014/03/26/the-gop-just-screwed-ukraine-out-of-billions-to-hurt-obama.html

But those points don’t matter on the right, of course. Over there, it all spells a diminution of American power, the hated global governance, like Pat Buchanan’s old warnings about sending our boys out to global hotspots donning light-blue (i.e. United Nations) helmets. John McCain and Bob Corker, to their credit, supported the aid with the IMF reform tacked on. But most Republicans didn’t, and even though the full package easily passed a procedural vote, Democrats were getting the strong sense that an aid deal with the IMF stuff included wasn’t going to make it.

And so, it emerged this week that the Obama administration and Senate Democrats apparently backed off their demand for the Ukraine aid bill on Capitol Hill to include the reforms. On Monday, John Kerry visited Congress and threw in the towel. Better to have whatever we can get now than fight over this and delay matters. Or worse, lose altogether, because there was no chance that the House would ever have passed the IMF-laden version.

### A2: Econ Thumper

#### Growth coming – spending and confidence

Crutsinger 3/27 (2014, Martin, AP writer for economics “Why economists say 2014 could prove breakout year” <http://www.fairfieldcitizenonline.com/news/article/Why-economists-say-2014-could-prove-breakout-year-5354938.php>)

Once this year's harsh weather has faded, the U.S. economy could be poised for a breakout year — its strongest annual growth in nearly a decade. The combination of an improving job market, pent-up consumer demand, less drag from U.S. government policies and a brighter global outlook is boosting optimism for the rest of 2014. Many analysts foresee the economy growing 3 percent for the year, after a weak first quarter that followed a stronger end of 2013. It would be the most robust expansion for any year since 2005, two years before the Great Recession began. One reason for the optimism: The government estimated Thursday that the economy grew at a 2.6 percent annual rate in the October-December quarter, up from its previous estimate of 2.4 percent. Fueling the gain was the fastest consumer spending for any quarter in the past three years. The numbers pointed to momentum entering 2014 from consumers, whose spending drives about 70 percent of the economy. Analysts cautioned that the brutal winter weather has depressed spending in the January-March. And they think economic growth has likely slowed to an annual rate of 2 percent or less this quarter. Yet that slowdown could pave the way for a solid bounce-back in the April-June quarter. Many think growth will be fast enough the rest of the year for the economy to grow at least 3 percent for all of 2014. "We think that once temperatures return to more normal levels, we will see a lot of pent-up demand released," said Gus Faucher, senior economist at PNC Financial Services. "People will be buying cars and homes and making other purchases that they put off during the winter." Economists have suggested before that the recovery appeared on the verge of acceleration, only to have their expectations derailed by subpar growth that left unemployment at painfully high levels. This time, there's a growing feeling that the improvements can endure. "We are looking for progressively faster growth as the year goes on," said Doug Handler, chief U.S. economist at IHS Global Insight. The National Association for Business Economics predicts that the economy will grow 3.1 percent this year, far higher than the lackluster 1.9 percent gain in 2013. If that forecast proves accurate, it would make 2014 the strongest year since the economy, as measured by the gross domestic product, expanded 3.4 percent in 2005. Since the Great Recession ended in June 2009, annual growth over the past four years has averaged a weak 2.2 percent. The U.S. economy has been hit by a series of blows since then — from a Japanese tsunami and European debt crisis, which hurt U.S. exports, to Washington budget fights, which fueled uncertainty about the government's spending and tax policies. Tax increases and deep spending cuts that took effect in 2013 subtracted an estimated 1.5 percentage points from growth last year. With Congress having reached a budget agreement and a deal to raise the government's borrowing limit, companies now have more certainty about federal fiscal policies. "We now seem to have a truce on budget issues, which means uncertainties have faded." Faucher said. "That is a big reason growth will be stronger." Also helping will be an improving outlook overseas. Economies in Europe are strengthening, which should boost U.S. exports. In addition, the U.S. job market is improving. The Labor Department said Thursday that the number of people seeking unemployment benefits last week reached its lowest level since November — an encouraging sign that hiring should be picking up. In February, U.S. employers added 175,000 jobs, far more than in the two previous months. Though the unemployment rate rose to 6.7 percent from a five-year low of 6.6 percent, it did so for an encouraging reason: More people grew optimistic about their job prospects and began seeking work. The unemployment rate rose because some didn't immediately find jobs. With more people working, more consumers will have money to spend to boost the economy. "The last missing link to a stronger recovery was income growth, and now we are seeing that," said Joel Naroff, chief economist at Naroff Economics. Unexpected events might yet prove that analysts are overly optimistic. But at the moment, economists don't expect the standoff with Russia over Ukraine or the Federal Reserve's paring of its economic stimulus to destabilize global markets or derail the U.S. recovery. Naroff said the consensus view might even prove too pessimistic. He said he thought economic growth could achieve a vigorous 4.4 percent annual rate in the April-June quarter if pent-up consumer demand tops estimates. And he said growth could exceed 3.5 percent in the second half of this year. "Once we get past this winter of our discontent, things should be looking a lot better," Naroff said.

### A2: Sequester

#### Sequester doesn’t hurt the military

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[ Gordon Adams is a professor of international relations at the School of International Service at American University and a fellow at the Stimson Center, 10/25/12, <http://articles.philly.com/2012-10-25/news/34731088_1_fiscal-cliff-defense-budget-budget-control-act/2>]

We are in the middle of a donnybrook about the threat that falling off a "fiscal cliff" poses for national security (to say nothing of what it would do to domestic discretionary spending). This is a crisis carefully engineered by the Budget Control Act, passed in August 2011: If the "supercommittee" failed, which it did, automatic cuts, dubbed a "sequester" in legislative language, would be imposed on Jan. 2, 2013. In September, the Office of Management and Budget solemnly certified that these cuts would take 8.2 percent of fiscal 2013 appropriated funds away from every "program, project, and activity" in domestic discretionary spending, and a whopping 9.4 percent from the "nonexempt" parts of the defense budget. But does this mean the end of our national security (and domestic well-being), as the political debate suggests? A little careful noodling about the impact of a sequester on the Defense Department suggests it might not be the end of the world. In fact, it might be exactly the fiscal discipline the Defense Department needs. Flexible funds Let me get technical for a moment, so we can actually see what might go on. First, the law made it clear that the administration could exempt funding for troops and their benefits (including retiree benefits) from the fiscal cliff. The administration has done that, so **the troops will be OK**. (Their number is coming down anyway as a result of the end of the wars in Iraq and Afghanistan.) Then there is the matter of procurement and what some see as the almost cataclysmic level of devastation that such harsh cuts would impose on the defense industry. Except they won't. It turns out the industry is pretty healthy, has been for a decade, and is working on contracts that have been funded in prior budget years, which are exempt from sequestration. As the director of defense procurement put it: "The vast majority of our contracts are fully funded, so there's no need to terminate existing contracts unless the product is no longer needed." Lockheed treasurer Ken Possenriede agreed that sequestration was not a near-term problem: "If sequestration happens, just based on our normal business rhythm, **we're comfortable from a cash-on-hand standpoint that we'll endure that**." How about military operations, including the war? Well, the war budget, which has never really been separate from the nonwar budget - that's a political fiction the executive branch and Congress set up - is included in a sequester, which might sound terrible for the troops in Afghanistan. But the reality is that the funds for Defense Department operations (war and much else) are very "fungible," meaning they can be moved among programs pretty flexibly - from training to education to base operations to the costs of operating troops in the field. So service managers would have 9.4 percent less than Congress gave them, but significant flexibility to move it around, setting priorities and making choices. They have a scalpel to work with, not a bludgeon. So what about research - the investments in the future of defense technology? There would be 9.4 percent fewer dollars than appropriated, but research and development is what's called a "level of effort" area: You buy as much R&D as the money allows, but you don't have to cut items out of a production contract. And the Pentagon would have some flexibility as well, since most R&D "program elements" cover a variety of projects, so fewer resources means setting priorities and making choices. Beyond this technical flexibility, Defense, like other departments, would also have recourse to reprogramming funds and its general transfer authority. The flexibility here is pretty great; over the past decades, some reprogram and transfer totals have been in the tens of billions. What it takes is making the same tough choices, many of them internal. A few would have to be communicated to Congress, where the senior leadership of the key authorizing and appropriating committees (who don't want to devastate Defense) would be likely to agree, especially as they were the most anxious to protect Defense. And OMB could alleviate the short-term urgency by approving overall funding ("apportionment") at a higher level early in the year, delaying the cuts until Defense Department planning will be complete. Not doomsday It is not a pretty picture; no management expert would say this is the way to do defense (or any other) budgeting. But it is not doomsday. In fact, it might be discipline - the kind of budgetary discipline the Pentagon has not had for the past decade. Good management, priority-setting, and greater efficiency might be the result. And since the sequester would be a one-time event, setting a lower baseline for future defense growth, **the nation might just be as safe as it ever was.**