## 1NC

### 1

**Warfighting Disad**

#### The plan causes wars to be fought with greater restraint which decreases morale and increases casualties.

Newton 12 (Michael A. Newton is a Professor of the Practice of Law, Vanderbilt University Law School “Inadvertent Implications of the War Powers Resolution,” http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.10.Article.Newton.pdf)

Finally, the War Powers Resolution has the pernicious effect of incentivizing commanders to adopt a form of reverse engineering in the planning and conduct of operations. The effort to limit casualties and designed to create minimal risk relies on previous OLC reasoning that such operations would comply with the statutory mandate.80 As noted above, commanders-in-chief must ensure that there is a tight nexus between the strategic reason for ordering deployments of US forces and the optimal conduct of hostilities to secure those objectives quickly and with the least possible expenditure in terms of blood and treasure. As Private Eddie DiFranco stood guard in front of the Marine Barracks that October morning in Beirut in 1983, he was under strict Rules of Engagement that prohibited him from chambering a live round in his weapon.81 The Sergeant of the Guard, Stephen Russell, remembers the yellow Mercedes truck that sped by on its way to kill 241 Americans.82 He recalls that the driver smiled at him as he drove past the guard who was too slow to react.83 Even as crews cleared the rubble from the bombing, marines posted a chilling cartoon on a bulletin board. The cartoon undoubtedly captures the view some soldiers have of ROE in the era of the War Powers Resolution—it showed a Marine rifleman in a prone firing position behind a barricade in Lebanon.84 The president of the United States is shown whispering in his ear, “Before you fire, I want you to consider the nuances of the War Powers Act.”85 To be sure, the War Powers Resolution coincided with a set of revolutionary changes in the nature of warfare, the abolition of the national draft, and the transition to an all-volunteer force, and epochal changes in the nature of conflict as new non-state actors became the norm. It is also historically clear that the micromanagement of conflict did predate the War Powers Resolution in some circumstances. One need only remember President Johnson helping to select targets in Vietnam for instance.86 It is difficult to pinpoint a causal linkage between the Resolution and the dramatically more restrictive conduct of modern operations. However, the passage of the War Powers Resolution most definitely injected an entirely unhealthy degree of politicization into the war-making function. Though it was intended to reinforce the parallel authorities of the coequal branches of the federal government, it actually embedded great incentives for commanders to issue restrictive rules of engagement in an overall effort to limit casualties, as well as the scope of the conflict. This domestic political restriction created controversy for example during the Kosovo air campaign between the United States and its NATO allies. Of more fundamental concern to the war-fighters and the lawyers that advise them, artificial rules that go well beyond the normal bounds of the laws and customs of warfare logically lead to increased American casualties as they erode the morale of the force. To the extent that the War Powers Resolution helped to inject political sensitivity into the conduct of operations, it has led to constrained rules that may not be the optimal pathway for achieving US strategic objectives. Constrained rules in turn actually make missions longer and more costly. This is not at all of course to imply that there are inherent limits on the commander-in-chief’s war-making authority, but to the extent that the Resolution embeds artificial barriers to the accomplishment of US military objectives, it artificially impedes US success in ways that its drafters would certainly not have foreseen or sought.

#### Restricting war powers risks terrorist attacks, WMD proliferation and Rouge State aggression

Yoo 12 (John, professor of law at the University of California, Berkeley, “War Powers Belong to the President,” http://www.abajournal.com/magazine/article/war\_powers\_belong\_to\_the\_president)

This time, President Obama has the Constitution about right. His exercise of war powers rests firmly in the tradition of American foreign policy. Throughout our history, neither presidents nor Congresses have acted under the belief that the Constitution requires a declaration of war before the U.S. can conduct military hostilities abroad. We have used force abroad more than 100 times but declared war in only five cases: the War of 1812, the Mexican-American and Spanish-American wars, and World War I and II. Without any congressional approval, presidents have sent forces to battle Indians, Barbary pirates and Russian revolutionaries; to fight North Korean and Chinese communists in Korea; to engineer regime changes in South and Central America; and to prevent human rights disasters in the Balkans. Other conflicts, such as the 1991 Persian Gulf war, the 2001 invasion of Afghanistan and the 2003 Iraq war, received legislative “authorization” but not declarations of war. The practice of presidential initiative, followed by congressional acquiescence, has spanned both Democratic and Republican administrations and reaches back from President Obama to Presidents Abraham Lincoln, Thomas Jefferson and George Washington. Common sense does not support replacing the way our Constitution has worked in wartime with a radically different system that mimics the peacetime balance of powers between president and Congress. If the issue were the environment or Social Security, Congress would enact policy first and the president would faithfully implement it second. But the Constitution does not duplicate this system in war. Instead, our framers decided that the president would play the leading role in matters of national security. Those in the pro-Congress camp call upon the anti-monarchical origins of the American Revolution for support. If the framers rebelled against King George III’s dictatorial powers, surely they would not give the president much authority. It is true that the revolutionaries rejected the royal prerogative, and they created weak executives at the state level. Americans have long turned a skeptical eye toward the growth of federal powers. But this may mislead some to resist the fundamental difference in the Constitution’s treatment of domestic and foreign affairs. For when the framers wrote the Constitution in 1787 they rejected these failed experiments and restored an independent, unified chief executive with its own powers in national security and foreign affairs. The most important of the president’s powers are commander in chief and chief executive. As Alexander Hamilton wrote in Federalist 74, “The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority.” Presidents should conduct war, he wrote, because they could act with “decision, activity, secrecy and dispatch.” In perhaps his most famous words, Hamilton wrote: “Energy in the executive is a leading character in the definition of good government. ... It is essential to the protection of the community against foreign attacks.” The framers realized the obvious. Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation. Instead, they can demand swift, decisive action—sometimes under pressured or even emergency circumstances—that is best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. Congress is too large and unwieldy to take the swift and decisive action required in wartime. Our framers replaced the Articles of Confederation, which had failed in the management of foreign relations because they had no single executive, with the Constitution’s single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, Congress’ loose, decentralized structure would paralyze American policy while foreign threats grow. Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure. Congress’ track record when it has opposed presidential leadership has not been a happy one. Perhaps the most telling example was the Senate’s rejection of the Treaty of Versailles at the end of World War I. Congress’ isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed the Neutrality Acts designed to keep the United States out of the conflict. President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president’s foreign adventurism, the real threat to our national security may come from inaction and isolationism. Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War and the passage of the ineffectual War Powers Resolution. Congress passed the resolution in 1973 over President Richard Nixon’s veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it. Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare war.” But these observers read the 18th century constitutional text through a modern lens by interpreting “declare war” to mean “start war.” When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain—where the framers got the idea of the declare-war power—fought numerous major conflicts but declared war only once beforehand. Our Constitution sets out specific procedures for passing laws, appointing officers and making treaties. There are none for waging war because the framers expected the president and Congress to struggle over war through the national political process. In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent danger as will not admit of delay.” This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive. Presidents, of course, do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. Only Congress can raise the military, which gives it the power to block, delay or modify war plans. Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military. Congress’ check on the presidency lies not just in the long-term raising of the military. It can also block any immediate armed conflict through the power of the purse. If Congress feels it has been misled in authorizing war, or it disagrees with the president’s decisions, all it need do is cut off funds, either all at once or gradually. It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action. Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation. The framers expected Congress’ power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war. Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’ funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo or Korea, it is only because Congress has chosen not to exercise its easy check. We should not confuse a desire to escape political responsibility for a defect in the Constitution. A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy. The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

#### Rogue states multiply and cause extinction

**Johnson, Forbes contributor and Presidential Medal of Freedom winner, 2013**

(Paul, “A Lesson For Rogue States”, 5-8, <http://www.forbes.com/sites/currentevents/2013/05/08/a-lesson-for-rogue-states/>, ldg)

Although we live in a violent world, where an internal conflict such as the Syrian civil war can cost 70,000 lives over a two-year period, there hasn’t been a major war between the great powers in 68 years. Today’s three superpowers–the U.S., Russia and China–have no conflicts of interest that can’t be resolved through compromise. All have hair-trigger nuclear alert systems, but the sheer scale of their armories has forced them to take nuclear conflict seriously. Thus, in a real sense, nuclear weapons have succeeded in abolishing the concept of a winnable war. The same cannot be said, however, for certain paranoid rogue states, namely North Korea and Iran. If these two nations appear to be prospering–that is, if their nuclear threats are winning them attention and respect, financial bribes in the form of aid and all the other goodies by which petty dictators count success–other prospective rogues will join them. One such state is Venezuela. Currently its oil wealth is largely wasted, but it is great enough to buy entree to a junior nuclear club. Another possibility is Pakistan, which already has a small nuclear capability and is teetering on the brink of chaos. Other potential rogues are one or two of the components that made up the former Soviet Union. All the more reason to ensure that North Korea and Iran are dramatically punished for traveling the nuclear path. But how? It’s of little use imposing further sanctions, as they chiefly fall on the long-suffering populations. Recent disclosures about life in North Korea reveal how effectively the ruling elite is protected from the physical consequences of its nuclear quest, enjoying high standards of living while the masses starve. Things aren’t much better in Iran. Both regimes are beyond the reach of civilized reasoning, one locked into a totalitarian vise of such comprehensiveness as to rule out revolt, the other victim of a religious despotism from which there currently seems no escape. Either country might take a fatal step of its own volition. Were North Korea to attack the South, it would draw down a retribution in conventional firepower from the heavily armed South and a possible nuclear response from the U.S., which would effectively terminate the regime. Iran has frequently threatened to destroy Israel and exterminate its people. Were it to attempt to carry out such a plan, the Israeli response would be so devastating that it would put an end to the theocracy forthwith. The balance of probabilities is that neither nation will embark on a deliberate war but instead will carry on blustering. This, however, doesn’t rule out war by accident–a small-scale nuclear conflict precipitated by the blunders of a totalitarian elite. Preventing Disaster The most effective, yet cold-blooded, way to teach these states the consequences of continuing their nuclear efforts would be to make an example of one by destroying its ruling class. The obvious candidate would be North Korea. Were we able to contrive circumstances in which this occurred, it’s probable that Iran, as well as any other prospective rogues, would abandon its nuclear aims. But how to do this? At the least there would need to be general agreement on such a course among Russia, China and the U.S. But China would view the replacement of its communist ally with a neutral, unified Korea as a serious loss. Compensation would be required. Still, it’s worth exploring. What we must avoid is a jittery world in which proliferating rogue states perpetually seek to become nuclear ones. The risk of an accidental conflict breaking out that would then drag in the major powers is too great. This is precisely how the 1914 Sarajevo assassination broadened into World War I. It is fortunate the major powers appear to have understood the dangers of nuclear conflict without having had to experience them. Now they must turn their minds, responsibly, to solving the menace of rogue states. At present all we have are the bellicose bellowing of the rogues and the well-meaning drift of the Great Powers–a formula for an eventual and monumental disaster that could be the end of us all.

### 2

**Debt Ceiling Disad**

#### Obama strategically avoided defeat on Syria and Summers-the plan signals weakness the GOP will exploit on debt ceiling

**Garrett, National Journal, 9-17-13**

(Major, “A September to Surrender: Syria and Summers Spell Second-Term Slump”, <http://www.nationaljournal.com/all-powers/a-september-to-surrender-syria-and-summers-spell-second-term-slump-20130917>, ldg)

And Senate Democrats were Obama’s undoing in both cases. Among the reasons Obama sought an eleventh-hour deal with Russia over Syria’s chemical weapons was the certainty he would lose a vote in the Democratically controlled Senate to authorize military force. Majority Leader Harry Reid was a distant and uncertain trumpet. Sen. Chuck Schumer, D-N.Y., gave wide and therefore dismissive berth to Obama. Senate Majority Whip Dick Durbin of Illinois, who has lost clout by degrees to Schumer in the past two years, was deeply reluctant but came around. Meanwhile, rank-and-file Democrats were either silent on, or sprinting away from, Syria. The weekend before Obama’s address to the nation, at least 16 Senate Democrats were solidly in the “no” or “lean no” column. Some whip counts had the number in the low 20s. Even after Obama pleaded with publicly undecided Democrats to remain silent, Sen. Tammy Baldwin of Wisconsin announced her opposition. The White House was not close in the Senate. Suddenly, all the brave West Wing puffery about winning in the Senate and not waiting for action in the House (the 1999 “Kosovo precedent” became the policy shop’s retro “Blurred Lines” smash hit of the late summer) began to wilt. By the time Senate Minority Leader Mitch McConnell announced his opposition on Syria, it was as anticlimactic as the new Crossfire. Senate Democrats would not follow Obama into battle—no matter how much Syria wasn’t Afghanistan, Iraq, or Libya. (Hell, it wasn’t even Grenada.) Democrats would not follow Obama to uphold human rights, advance nonproliferation, or avenge a sarin massacre hauntingly reminiscent of World War I. And they would not follow Obama on naming Lawrence Summers the next Federal Reserve chairman. Senate Democrats, led by Sherrod Brown of Ohio, had for months organized against Summers. Brown’s office collected upward of 20 Democratic signatures urging Obama to appoint Summers’s top rival, Federal Reserve Vice Chair Janet Yellen. The letter and incessant yammering from Senate Democrats infuriated Obama and transformed his preference for Summers from a notion to an imperative. White House aides had been told (and Reid said so publicly) that if Obama nominated Summers, even pro-Yellen Democrats would vote to confirm. But that was on confirmation, not committee consideration. Senate Banking Committee Democrats refused to give up their prerogatives, and when Sen. Jon Tester, D-Mont., announced Friday that he would become the fourth committee Democrats to oppose Summers, the die was cast. There are no “obstructionist” Republican fingerprints on the conspicuous and power-depleting defeats for Obama. He never sought a vote on Syria and therefore was not humiliated. The same is true for Summers. But Obama lost ground on both fronts and ultimately surrendered to political realities that, for the first time in his presidency, were determined by his own obdurate party. This does not mean Obama will lose coming fights over the sequester, shutdown, or debt ceiling. But he is visibly weaker, and even his sense of victory in Syria is so unidimensional, it has no lasting sway in either Democratic cloakroom. More important, Democrats are no longer afraid to defy him or to disregard the will of their constituents—broadly defined in the case of Syria; activist and money-driving in the case of Summers. This, of course, indirectly announces the beginning of the 2016 presidential campaign and an intra-party struggle over the post-Obama Democratic matrix. This shift—a tectonic one—will give Republicans new opportunities on the fiscal issues and in coming debates over immigration and implementation of Obamacare. Republicans have never known a world where Democratic defections were so unyielding and damaging.

#### Restrictions on authority are a loss that spills over to the debt ceiling

**Parsons, LA Times, 9-12-13**

(Christi, “Obama's team calls a timeout”, [http://www.latimes.com/nation/la-na-obama-congress-20130913,0,2959396.story](http://www.latimes.com/nation/la-na-obama-congress-20130913%2C0%2C2959396.story), ldg)

After a week in which President Obama narrowly averted a bruising defeat on Capitol Hill over a military strike on Syria, the decision had the feeling of a much-needed timeout. The messy debate over a resolution to authorize military force put a harsh light on the president's already rocky relationship with Congress. Despite a charm offensive earlier this year, complete with intimate dinners and phone calls, Obama faced contrary lawmakers in both parties, a climate that is certain to persist through the next round of legislative fights, if not to the end of his second term. In deciding to seek approval for military action, Obama banked on the long-standing deference to the commander in chief on matters of national defense. But by the time he pressed "pause" on the intense White House lobbying effort, he was finding as much defiance as deference. Although the White House cast the issue as a matter of national security and a crucial test of U.S. power, dozens of lawmakers from both parties were set to deliver a rare rebuke to a president on foreign policy. Even Democratic loyalists seemed unswayed by appeals to preserve the prestige of the presidency — and this president. Hawkish Republicans offering to reach across the aisle to support the president said they found the White House distant and uninterested. The canceled picnic punctuated a week of aggravated feelings. "We obviously have divided government. We have sometimes contentious, sometimes very effective relations with Congress. But we keep at it," said White House spokesman Jay Carney, who denied the picnic cancellation had anything to do with the state of relations between the two branches of government. On Capitol Hill, the week's episode strained Obama's traditional alliance with his fellow Democrats, many of whom were wary of another military involvement, unclear about the president's plans for a missile strike and surprised by his decision to ask them to vote on it. "Not only was it a hard ask, but it was not a well-prepared ask," said Sen. Sheldon Whitehouse (D-R.I.). "His willingness to back away from the ultimatum and pursue the disarmament proposal was extremely welcome, and I think that helped all of us in our relationship with him." Obama's relationship with his Republican critics was not helped. As lawmakers look ahead to the rest of the fall agenda, including the coming budget battles, the administration's performance this week will not be easy to forget, some said. "It's just more lack of confidence that they know what they're doing," said Sen. Tom Coburn (R-Okla.). "There's only so much political capital," said Sen. Rob Portman (R-Ohio). Democrats defended the president, blaming Republicans for a "knee-jerk" opposition to any initiative tied to this White House, a phenomenon that Obama aides regularly cite but that the president appears to have disregarded in his decision to put a use-of-force resolution before Congress. "Historically, when it comes to military force, Republicans and conservatives have led that. Now they're opposed to it," said Sen. Richard J. Durbin (D-Ill.). In a private meeting this week, Durbin said, Obama himself joked that "a lot of Republicans on Capitol Hill are discovering their inner doves on Syria." The next set of negotiations will be far more predictable and on familiar territory. By the end of the month, the president and Congress must agree on a plan to continue funding the government, or it will shut down. And by mid-October, they will have to agree to raise the debt limit, or risk a default. The White House has said it won't negotiate on the debt limit, as it did twice before, counting on the public and business groups to pressure Republicans. Democrats were hopeful the budget issues would put the White House back on more solid political footing. "I think the public has a heck of a lot more confidence in the president on economics and budget than [in] the House Republicans," said Sen. Carl Levin (D-Mich.). That may be wishful thinking, said Ross Baker, a political science professor at Rutgers University, who studies the Senate. "These things carry over. There's no firewall between issues," he said. "Failure in one area leads to problems in other areas." The debate over the war in Syria may be on an extended pause, although prospects of Obama returning to Congress to ask for a use-of-force authorization seem slim. A bipartisan group of senators is drafting an amended authorization, but the group is not expected to fully air its proposal until diplomatic talks conclude. There were some signs that the debate may have won the president some empathy, if not support. At a private lunch with Republican senators this week, Obama asked them not to undermine him on the world stage. Sen. Ron Johnson of Wisconsin, who is part of a group of GOP senators working with the White House on fiscal issues, said the appeal resonated.

#### Failure to raise the debt ceiling ensures collapse of the global economy, U.S. economic leadership, and free trade

**Davidson, NPR’s Planet Money co-founder, 9-10-13**

(Adam, “Our Debt to Society”, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&\_r=0, ldg)

**If the debt ceiling isn’t lifted** again this fall, some **serious financial decisions will have to be made**. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually **the big-ticket items**, like **Social Security and Medicare, will have to be cut**. At some point, **the government won’t be able to pay interest on its bonds and will enter** what’s known as **sovereign default**, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). **In the case of the U**nited **S**tates, though, **it won’t be** an **isolated** national crisis. **If the American government can’t stand behind the dollar, the world’s benchmark currency**, then **the global financial system will** very likely **enter a new era in which there is much less trade and** much less **economic growth. It would be**, by most accounts, **the largest self-imposed financial disaster in history**. **Nearly everyone** involved **predicts** that **someone will blink before this disaster occurs. Yet a small number of House Republicans** (one political analyst told me it’s no more than 20) **appear willing to see what happens if the debt ceiling isn’t raised** — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency. Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, **the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds**. **The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing** — **which would effectively put a clamp on all trade and spending. The U.S. economy** would collapse far worse than anything we’ve seen in the past several years. Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar. While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that **while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable**. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy. The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, **the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters**. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, **the entire global economy becomes riskier and costlier**.

#### Nuclear war

Kemp 2010

Geoffrey, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, pg. 233-4

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more “failed states.” Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet’s population.

### 3

**Aspec**

#### Failure to specify their agent is illegitimate and a voting issue-the resolution was written to give you flexibility of choice but you need to pick one—it’s the core of all of our ground

Kurr et al 13 (Jeff Kurr—Baylor University Kevin D. Kuswa, PhD—Fresno State Paul E. Mabrey III—James Madison University “Agents Wording Paper: Passive Voice, the Judiciary, and Other Odds and Ends,” <http://www.cedadebate.org/forum/index.php?action=dlattach;topic=4848.0;attach=1690>)

In short, this topic is all about the agent of action. The “object to be reduced” is the power possessed by a particular agent (the President) and the controversy is how the other governmental agents can restrict the authority held by the executive. Who should do the restraining? Congress? The Court? Other entities? The Executive herself? These are key questions. This topic literature is uniquely about the agent/actor question surrounding the restraint of presidential war powers. The fact that the literature is so divided and diverse on possible ways that certain agents should restrict PWP, may mean that we should privilege the agent by not specifying. Furthermore, the problem concerning the ability to generate good solvency (i.e., the president will ignore, congress doesn't act, courts fail etc.) means we should err on the side aff choice/flexibility in terms of being able to choose the means of defending the resolution through the agent the aff selects.

### 4

**Oversight CP**

#### Text

#### Congress should create an independent review board for initiating offensive use of military force composed of individuals selected by the minority and majority leadership of the House and Senate. The committee should focus on transparency and accountability in the area of initiating offensive use of military force. The individuals on the review board should be drawn from the ranks of former intelligence and military officers. The review board should be given independent appropriations powers over relevant executive departments and agencies.

Creating an independent review board solves—provides transparency and accountability

McNeal 13 (Gregory McNeal is a professor at Pepperdine University. He is a national security specialist focusing on the institutions and challenges associated with global security, with substantive expertise in national security law and policy, criminal law, and international law, “Five Ways to Reform the Targeted Killing Program,” http://www.lawfareblog.com/2013/04/five-ways-to-reform-the-targeted-killing-program/)

The transparency related accountability reforms specified above have the ability to expose wrongdoing; however that’s not the only goal of accountability. Accountability is also designed to deter wrongdoing. By exposing governmental activity, transparency oriented reforms can influence the behavior of all future public officials—to convince them to live up to public expectations. The challenge associated with the reforms articulated above is a bias towards the status quo. Very few incentives exist for elected officials to exercise greater oversight over targeted killings and interest group advocacy is not as strong in matters of national security and foreign affairs as it is in domestic politics. To overcome the bias towards the status quo, Congress should consider creating an independent review board composed of individuals selected by the minority and majority leadership of the House and Senate, thus ensuring bi-partisan representation. The individuals on the review board should be drawn from the ranks of former intelligence and military officers, lending their report enhanced credibility. These individuals should be responsible for publishing an annual report analyzing how well the government’s targeted killing program is performing. The goal would be a strategic assessment of costs and benefits, including the fiscal costs, potential blowback, collateral damage and other details that are currently held deep within the files of the targeting bureaucracy. This board, like many prior commissions can be successful because they signal the executive’s interest in maintaining credibility and winning the support of the public. It also shows his willingness to give up control of information that allows others to subject the executive branch to critiques. Similarly, Congress may prefer this solution because it allows them to claim they are holding the executive branch accountable while at the same time shifting the blame for poor accountability decisions to others. The board could review the program in its entirety, or could conduct audits on specified areas of the program.

Congressional oversight is perceived and comparatively more effective than legal restrictions

Kriner-prof poli sci, BU-9 89 B.U.L. Rev. 765

SYMPOSIUM THE MOST DISPARAGED BRANCH: THE ROLE OF CONGRESS IN THE TWENTY-FIRST CENTURY: PANEL VI: TOWARD A MORE RESPONSIBLE CONGRESS?: CAN ENHANCED OVERSIGHT REPAIR "THE BROKEN BRANCH"?

C. Failures of Oversight

Throughout American history, legislative oversight conducted by congressional committees has been one of the most powerful tools in Congress's arsenal to exercise a check on the executive branch and defend its institutional prerogatives. Particularly in times of national exigency - both military and economic - the need for Hamiltonian "energy" tilts the pendulum of power toward the executive branch. The very same collective action dilemmas and cumbersome institutional machinery that encourage such a shift to the executive also hinder Congress's capacity to police the executive branch and retain a check on delegated powers by acting legislatively. Instead, Congress has repeatedly turned to the oversight and investigative powers of its committees to police the executive branch. And, at least anecdotally, when Congress wields its oversight powers forcefully, it can lead to genuine changes in public policy. The War of 1812 and the accompanying expansion of presidential power strongly contributed to the initial evolution and growth of the standing committee system in the early-nineteenth century. 38 As the era of congressional dominance ended and presidential power grew in the early-twentieth century, Congress increasingly used its committee-based oversight powers to keep a watchful eye on the executive branch. For example, in the wake of the Spanish American War it fell to the executive to administer the nation's first major colonial acquisitions in the Philippines. The war undoubtedly bolstered presidential foreign policy power; yet, Congress retained some check on the exercise of this power through inquests into the conduct of the American occupation and continued oversight of its operations. In the aftermath of Teddy Roosevelt's bold assertions of unilateral presidential power, Congress struck back in the committee room with months of investigatory hearings into misconduct in the Interior Department and Forestry Bureau stemming from Roosevelt's proclamations and orders. Investigative oversight was also one of the primary means through which Congress pushed back at President Franklin Roosevelt's New Deal regime. The exponential growth in the size of government and its substantive scope fundamentally shifted the balance of power away from Capitol Hill and toward the other end of Pennsylvania Avenue. However, even in the midst of the Great Depression, Congress routinely used its investigative powers to exercise a check on the Administration's use of executive powers. Democratic Congresses launched sustained high profile investigations into the operation of many of Roosevelt's alphabet army of executive agencies including the National Recovery Administration, the Works Progress Administration and the Tennessee Valley Authority. 39 [\*774] Even today in the post-World War II era, many of the most potent symbols of congressional power in our system of separated institutions sharing power have emerged not from the chamber floors, but from Congress's committee rooms. In a diverse range of cases from investigations of misconduct by executive agencies to Iran Contra, from Watergate to Whitewater, Congress has used its bully pulpit again and again to expose executive wrongdoing, challenge presidential policies and even to bring presidential administrations to the brink of political disaster. To be sure, the vast majority of congressional oversight is a far cry from such high profile publicity probes aimed at extreme allegations of executive misconduct. However, even more mundane oversight can play an important role in maintaining congressional influence over the implementation of public policy. Indeed, even the anticipation of congressional oversight can be enough to keep an executive agency in line and improve its adherence to legislative intent. 40 Yet despite its political importance, there are reasons to believe that, on the metric of conducting rigorous oversight, the contemporary Congress is again a broken branch. Interestingly, a principal recommendation of the 9/11 Commission regarding Congress emphasized the critical importance of augmented congressional oversight of anti-terrorism policy. 41 Rather than advocating a further transferal of power to the executive to meet the exigent threat posed by global terrorism, the Commission called for the strengthening of the intelligence committees and emphasized the importance of legislative oversight of antiterrorism policy across levels of government. 42 The Commission bemoaned the lack of oversight in the pre-9/11 era; 43 and there are strong reasons to worry that Congress has done little to improve its oversight capacity - in the realm of military policy and terrorism as well as in other policy arenas - in recent years. The level and quality of congressional oversight and changes in it over time are inherently difficult concepts to measure. In a leading quantitative study of the volume of congressional oversight over time, Joel Aberbach found that congressional oversight increased significantly in the early 1970s, even before the Watergate scandal rocked Washington, and remained strong into the [\*775] 1990s. 44 More qualitative analyses, by contrast, have bemoaned a general decrease in quality oversight in recent years, a decline that reached its nadir during the first six years of the George W. Bush Administration. 45 However, what most sets trends in congressional oversight apart from the quality of legislative deliberation and the nature of widespread delegation of legislative powers to the executive branch is that congressional oversight has not monotonically decreased or increased over time. Rather, when we examine the intensity with which Congress has dedicated itself to its oversight responsibilities, we see a pattern much like that of a swinging pendulum; at times, Congress appears to use its investigative powers aggressively to police the executive while at others it takes a decidedly passive role and fails to meet normative standards of a responsible independent legislature. Perhaps nowhere is this variable nature more readily apparent than in the fluctuations in oversight of the war in Iraq over the preceding five years. The next Part examines these sharp temporal fluctuations in detail. However, the fact that Congress does, in certain political contexts, continue to use its oversight tools to check the executive branch and influence the scope and conduct of public policy raises the hope that Congress might be able to reform itself and bolster its institutional capacity for sustained oversight. The Essay returns to such reforms in the Conclusion.

### 5

**War Powers Resolution Counterplan**

#### The United States federal government should repeal the War Powers Resolution.

#### WPR is always circumvented-repeal forces reliance on things that actually work

**Woods, Ludwig von Mises Institute senior fellow, 2006**

(Thomas, “The War Powers Resolution Fraud”, 2-4, <http://www.lewrockwell.com/2006/02/thomas-woods/the-war-powers-resolution-fraud/>, ldg)

Repeal of the War Powers Resolution would eliminate the concession of 1973 that presidents may use military force anywhere in the world, for whatever reason, for up to ninety days, if not longer. There is no constitutional warrant for that proposition. Repeal would remove that source of presidential power and put an end to fruitless legislative debate over whether presidential "consultation" had been sufficient, whether presidential reports were timely and complete, and whether the president should have reported under Section 4(a)(1), 4(a)(2), or some other provision. Repeal would eliminate the current futile dash to federal court, hoping for some kind of judicial answer. Members of Congress would understand that only legislative action can stop the president: withholding funds, prohibiting certain actions, and taking other concrete measures. A War Powers Resolution is no more necessary than a balanced budget amendment, and has proven at least as problematic. If you want a balanced budget, then submit one. And if you want to restrain the president’s power abroad, then do so — use the power of the purse to cut off funding for foreign-policy adventurism. Mere resolutions are no match for a determined executive, who can simply define "war," "consultation," and other critical terms to suit his agenda. The War Powers Resolution, in short, is just one in a long line of political gimmicks designed to give the impression that things have changed, when in fact business has never been more usual.

### Intervention

#### Groupthink theory is wrong

**Hempell, User Experience Consulting Senior Information Architect, 2004**

(Anthony, “Groupthink: An introduction to Janis' theory of concurrence-seeking tendencies in group work”, 3-3, http://www.anthonyhempell.com/papers/groupthink/)

In the thirty years since Janis first proposed the groupthink model, there is still little agreement as to the validity of the model in assessing decision-making behaviour (Park, 2000). Janis' theory is often criticized because it does not present a framework that is suitable for empirical testing; instead, the evidence for groupthink comes from largely qualitative, historical or archival methods (Sunstein, 2003). Some critics go so far as to say that Janis's work relies on "anecdote, casual observation, and intuitive appeal rather than rigorous research" (Esser, 1998, cited in Sunstein, 2003, p.142). While some studies have shown support for the groupthink model, the support tends to be mixed or conditional (Esser, 1998); some studies have revealed that a closed leadership style and external threats (in particular, time pressure) promote groupthink and defective decision making (Neck & Moorhead, 1995, cited by Choi & Kim, 1999); the effect of group cohesiveness is still inconclusive (Mullen, Anthony, Salas & Driskel, 1994, cited by Choi & Kim, 1999). Janis's model tends to be supported by studies that employ a qualitative case-study approach as opposed to experimental research, which tends to either partially support or not support Janis's thesis (Park, 2000). The lack of success in experimental validation of groupthink may be due to difficulties in operationalizing and conceptualizing it as a testable variable (Hogg & Hains, 1998; Park, 2000). Some researchers have criticized Janis for categorically denouncing groupthink as a negative phenomenon (Longley & Pruitt, 1980, cited in Choi & Kim, 1999). Sniezek (1992) argues that there are instances where concurrence-seeking may promote group performance. When used to explain behaviour in a practical setting, groupthink has been frames as a detrimental group process; the result of this has been that many corporate training programs have created strategies for avoiding groupthink in the workplace (Quinn, Faerman, Thompson & McGrath, 1990, cited in Choi & Kim, 1999). Another criticism of groupthink is that Janis overestimates the link between the decision-making process and the outcome (McCauley, 1989; Tetlock, Peterson, McGuire, Chang & Feld, 1992; cited in Choi & Kim, 1999). Tetlock et al argue that there are many other factors between the decision process and the outcome. The outcome of any decision-making process, they argue, will only have a certain probability of success due to various environmental factors (such as luck). A large-scale study researching decision-making in seven major American corporations concluded that decision-making worked best when following a sound information processing method; however these groups also showed signs of groupthink, in that they had strong leadership which attempted to persuade others in the group that they were right (Peterson et al, 1998, cited in Sunstein, 2003). Esser (1998) found that groupthink characteristics were correlated with failures; however cohesiveness did not appear to be a factor: groups consisting of strangers, friends, or various levels of previous experience together did not appear to effect decision-making ability. Janis' claims of insulation of groups and groups led by autocratic leaders did show that these attributes were indicative of groupthink symptoms. Moorhead & Montanari conducted a study where they concluded that groupthink symptoms had no significant effect on group performance, and that "the relationship between groupthink-induced decision defects and outcomes were not as strong as Janis suggests" (Moorhead & Montanari, 1986, p. 399; cited by Choi & Kim, 1999).

#### WPR wrecks the political will for successful operations

**Newton, Vanderbilt law professor, 2012**

(Michael, “Inadvertent Implications of the War Powers Resolution”, Fall, [http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.10.Article.Newton.pdf](http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1%262.10.Article.Newton.pdf), ldg)

The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that our enemies now focus on American political will as the Achilles heel of our vast capabilities. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to “seek the cooperation of the Congress. Only with that can we give the reassurance needed to deter aggression.”62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the “risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact.” 63 In his letter to Congress “consistent with the War Powers Resolution,” the president reported that the strikes “were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities” and “were intended to prevent and deter additional attacks by a clearly identified terrorist threat.” 64 The following day, in a radio address to the nation, the president explained his decision to take military action, stating, “Our goals were to disrupt bin Laden’s terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden’s network is associated, which was producing an ingredient essential for nerve gas.” 65 Citing “compelling evidence that the bin Laden network was poised to strike at us again” and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes.66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war.67 Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima.68 Seeking to bolster legislative support and to better explain the strategic objectives, he explained that: It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability. They are an important deterrent, a symbol of the international backing behind the legitimate Government of Lebanon, and an important weight in the scales. To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our domestic controversy over the war powers has been so disturbing. Uncertainty about the American commitment can only weaken our effectiveness. Doubts about our staying power can only cause political aggressors to discount our presence or to intensify their attacks in hopes of hastening our departure. An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our political hand.69 Following the spectacularly successful terrorist attack on the Marine barracks in Beirut, President Reagan withdrew the Marines. Osama bin Laden later cited this as an example of American weakness that could not withstand the jihadist fury he sought.70 The legal battles over the scope and effect of the War Powers Resolution have highlighted the focus on national political will as the fulcrum of successful military operations by requiring assurances that military operations are limited in nature, duration, and scope, and therefore well within the president’s constitutional authority as Commander-in-Chief and chief executive. President Obama’s report to Congress in the context of the Libya operations in 2011 cited precedent from air strikes in Bosnia that took just over two weeks and involved more than 2,300 US sorties and the deployment of US forces in Somalia in 1992 and Haiti in 1993.71 The White House released a memorandum from the OLC, similar to previous interventions, explaining how the authorization to use such force was constitutional on the basis that “‘war’ within the meaning of the [Constitution’s] Declaration of War Clause” does not encompass all military engagements, but only those that are “prolonged and substantial . . . typically involving exposure of U.S. military personnel to significant risk over a substantial period.” 72 President Obama consistently maintained that the US role in Libya was limited, unlikely to expose any US persons to attack (especially given the role of missiles and drones and the utter inability of Qaddafi’s forces to strike back with conventional means), and likely to end expeditiously.73 By that logic, it did not require authorization from Congress. The administration ultimately adopted a legal analysis that the US military’s activities fell short of “hostilities,” and thus, the president needed no permission from Congress to continue the mission after the expiration of the sixty-day reporting window specified in the War Powers Resolution.74 The president’s reasoning rested on previous OLC opinions that what counts as war depends on “a factspecific assessment of the ‘anticipated nature, scope, and duration’ of the planned military operations.” 75 Present justifications for bypassing the War Powers Resolution hinge on interpretations that it requires “prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period.” 76 The OLC engaged in similar reasoning in the Bosnia intervention in 1995, explaining that in deciding whether the proposed deployment into Bosnia amounted to a “‘war’ in the constitutional sense, considerable weight was given to the consensual nature and protective purposes of the operation.” 77 That deployment was similarly intended to be a limited mission but that mission, in contrast to the present one, was in support of an agreement that the warring parties had reached and it was at the invitation of the parties that led to the belief that little or no resistance to the deployment would occur. Though some scholars argued that the Libya OLC Memorandum defended its reasoning for why the operation did not amount to “war,” it did not address whether the administration believed that it will have to stop operations upon expiration of the sixty-ninety-day clock under the War Powers Resolution.78 The deadline passed with little fanfare. The memorandum also relied upon quite distinguishable precedent to serve as a guiding point in this intervention. Professor Goldsmith argued the opinion broke “new ground . . . in its extension of the ‘no war’ precedents beyond the Bosnia and Haiti situations—which involved consensual peacekeeping-like introductions of ground troops but no significant uses of force—to cover two weeks of non-consensual aerial bombardments.” 79 Thus, even as it incentivizes short term, limited deployments, the War Powers Resolution embeds an inevitable constitutional collision between the coordinate branches. Our enemies can rely upon constitutional carping from Congress, and in fact can adapt tactics and statements that seek to undermine political will in the US Congress and among the American people from the first days of an operation. The Resolution helps to ensure that such debates over the national political will take center stage sooner rather than later, and an asymmetric enemy can in theory erode our political will even before it solidifies

#### Weak presidents are more dangerous- They’ll attack to look strong at home, but won’t have enough power to prevent escalatory wars

Koh, International Law Professor at Director of the Center for International Human Rights at Yale Law, 1995 (Harold Hongju, “WAR AND RESPONSIBILITY: A SYMPOSIUM ON CONGRESS, THE PRESIDENT, AND THE AUTHORITY TO INITIATE HOSTILITIES: War and Responsibility in the Dole-Gingrich Congress,” University of Miami Law Review, October, 50 U. Miami L. Rev. 1)

Both precedents have obvious parallels today, not to mention a third possibility: that temptation might draw the executive branch into a "splendid little war" - like Grenada or Panama - with an eye toward a possible presidential bounce in the polls. That possibility raises Maxim Two: that **weak presidents are more dangerous than strong ones**. Jimmy Carter, for example, in the last two years of his presidency, engaged in perhaps the most dramatic nonwartime exercise of emergency foreign power ever seen, not because he was strong but because he was so politically weak. n43 In foreign policy, weak presidents all too often have **something to prove**. n44 In a gridlock situation, the president's difficulty exhibiting strength in domestic affairs - where Congress exercises greater oversight and must initiate funding proposals - makes it far easier for him to show leadership in foreign affairs. At the same time, weak presidents may underreact to looming crises that demand strong action, for fear that they cannot muster the legislative support necessary to generate the appropriate response. But when these weak presidents do finally respond, they tend to overreact: either to compensate for their earlier underreaction, or because by that time, the untended problem has escalated into a **full-blown crisis**, Bosnia and Haiti being the two prime Clinton Administration examples. n45 When private parties bring suits to challenge these presidential policies, courts tend to defer to weak presidents, because they view them not as willful, so much as stuck in a jam, [\*12] lacking other political options.

### Warfighting

#### Checks on executive overreach-no bad interventions

**Yoo, UC Berkeely law professor, 2009**

(John, Crisis and Command, google books)

A second lesson of this book is that the notion of an unchecked executive, wielding dictatorial powers to plunge the nation into disaster, is a myth born of Vietnam and Watergate. Congresses have always possessed ample ability to stalemate and check an executive run amok. Congress regularly ignores executive proposals for legislation, rejects nominees, and overrides vetoes. It can use its power over legislation, funding, and oversight to exercise significant control over the administrative state. There would be no agencies, no delegated powers, and no rule-making without Congress's basic decisions to create the federal bureaucracy. It can use these authorities even at the zenith of presidential power: foreign affairs. Congress can cut off war funding, shrink the military, stop economic aid, and block treaties. It used its sole control of the purse to limit the Mexican-American War and to end the Vietnam conflict, for example.

#### Can’t leverage hegemony

**Maher, Brown political science professor, 2011**

(Richard, “The Paradox of American Unipolarity: Why the United States May Be Better Off in a Post-Unipolar World”, Orbis, 55.1, Science Direct, ldg)

At the same time, preeminence creates burdens and facilitates imprudent behavior. Indeed, because of America’s unique political ideology, which sees its own domestic values and ideals as universal, and the relative openness of the foreign policymaking process, the United States is particularly susceptible to both the temptations and burdens of preponderance. For decades, perhaps since its very founding, the United States has viewed what is good for itself as good for the world. During its period of preeminence, the United States has both tried to maintain its position at the top and to transform world politics in fundamental ways, combining elements of realpolitik and liberal universalism (democratic government, free trade, basic human rights). At times, these desires have conflicted with each other but they also capture the enduring tensions of America’s role in the world. The absence of constraints and America’s overestimation of its own ability to shape outcomes has served to weaken its overall position. And because foreign policy is not the reserved and exclusive domain of the president---who presumably calculates strategy according to the pursuit of the state’s enduring national interests---the policymaking process is open to special interests and outside influences and, thus, susceptible to the cultivation of misperceptions, miscalculations, and misunderstandings. Five features in particular, each a consequence of how America has used its power in the unipolar era, have worked to diminish America’s long-term material and strategic position. Overextension. During its period of preeminence, the United States has found it difficult to stand aloof from threats (real or imagined) to its security, interests, and values. Most states are concerned with what happens in their immediate neighborhoods. The United States has interests that span virtually the entire globe, from its own Western Hemisphere, to Europe, the Middle East, Persian Gulf, South Asia, and East Asia. As its preeminence enters its third decade, the United States continues to define its interests in increasingly expansive terms. This has been facilitated by the massive forward presence of the American military, even when excluding the tens of thousands of troops stationed in Iraq and Afghanistan. The U.S. military has permanent bases in over 30 countries and maintains a troop presence in dozens more.13 There are two logics that lead a preeminent state to overextend, and these logics of overextension lead to goals and policies that exceed even the considerable capabilities of a superpower. First, by definition, preeminent states face few external constraints. Unlike in bipolar or multipolar systems, there are no other states that can serve to reliably check or counterbalance the power and influence of a single hegemon. This gives preeminent states a staggering freedom of action and provides a tempting opportunity to shape world politics in fundamental ways. Rather than pursuing its own narrow interests, preeminence provides an opportunity to mix ideology, values, and normative beliefs with foreign policy. The United States has been susceptible to this temptation, going to great lengths to slay dragons abroad, and even to remake whole societies in its own (liberal democratic) image.14 The costs and risks of taking such bold action or pursuing transformative foreign policies often seem manageable or even remote. We know from both theory and history that external powers can impose important checks on calculated risk-taking and serve as a moderating influence. The bipolar system of the Cold War forced policymakers in both the United States and the Soviet Union to exercise extreme caution and prudence. One wrong move could have led to a crisis that quickly spiraled out of policymakers’ control. Second, preeminent states have a strong incentive to seek to maintain their preeminence in the international system. Being number one has clear strategic, political, and psychological benefits. Preeminent states may, therefore, overestimate the intensity and immediacy of threats, or to fundamentally redefine what constitutes an acceptable level of threat to live with. To protect itself from emerging or even future threats, preeminent states may be more likely to take unilateral action, particularly compared to when power is distributed more evenly in the international system. Preeminence has not only made it possible for the United States to overestimate its power, but also to overestimate the degree to which other states and societies see American power as legitimate and even as worthy of emulation. There is almost a belief in historical determinism, or the feeling that one was destined to stand atop world politics as a colossus, and this preeminence gives one a special prerogative for one’s role and purpose in world politics. The security doctrine that the George W. Bush administration adopted took an aggressive approach to maintaining American preeminence and eliminating threats to American security, including waging preventive war. The invasion of Iraq, based on claims that Saddam Hussein possessed weapons of mass destruction (WMD) and had ties to al Qaeda, both of which turned out to be false, produced huge costs for the United States---in political, material, and human terms. After seven years of war, tens of thousands of American military personnel remain in Iraq. Estimates of its long-term cost are in the trillions of dollars.15 At the same time, the United States has fought a parallel conflict in Afghanistan. While the Obama administration looks to dramatically reduce the American military presence in Iraq, President Obama has committed tens of thousands of additional U.S. troops to Afghanistan. Distraction. Preeminent states have a tendency to seek to shape world politics in fundamental ways, which can lead to conflicting priorities and unnecessary diversions. As resources, attention, and prestige are devoted to one issue or set of issues, others are necessarily disregarded or given reduced importance. There are always trade-offs and opportunity costs in international politics, even for a state as powerful as the United States. Most states are required to define their priorities in highly specific terms. Because the preeminent state has such a large stake in world politics, it feels the need to be vigilant against any changes that could impact its short-, medium-, or longterm interests. The result is taking on commitments on an expansive number of issues all over the globe. The United States has been very active in its ambition to shape the postCold War world. It has expanded NATO to Russia’s doorstep; waged war in Bosnia, Kosovo, Iraq, and Afghanistan; sought to export its own democratic principles and institutions around the world; assembled an international coalition against transnational terrorism; imposed sanctions on North Korea and Iran for their nuclear programs; undertaken ‘‘nation building’’ in Iraq and Afghanistan; announced plans for a missile defense system to be stationed in Poland and the Czech Republic; and, with the United Kingdom, led the response to the recent global financial and economic crisis. By being so involved in so many parts of the world, there often emerges ambiguity over priorities. The United States defines its interests and obligations in global terms, and defending all of them simultaneously is beyond the pale even for a superpower like the United States. Issues that may have received benign neglect during the Cold War, for example, when U.S. attention and resources were almost exclusively devoted to its strategic competition with the Soviet Union, are now viewed as central to U.S. interests. Bearing Disproportionate Costs of Maintaining the Status Quo. As the preeminent power, the United States has the largest stake in maintaining the status quo. The world the United States took the lead in creating---one based on open markets and free trade, democratic norms and institutions, private property rights and the rule of law---has created enormous benefits for the United States. This is true both in terms of reaching unprecedented levels of domestic prosperity and in institutionalizing U.S. preferences, norms, and values globally. But at the same time, this system has proven costly to maintain. Smaller, less powerful states have a strong incentive to free ride, meaning that preeminent states bear a disproportionate share of the costs of maintaining the basic rules and institutions that give world politics order, stability, and predictability. While this might be frustrating to U.S. policymakers, it is perfectly understandable. Other countries know that the United States will continue to provide these goods out of its own self-interest, so there is little incentive for these other states to contribute significant resources to help maintain these public goods.16 The U.S. Navy patrols the oceans keeping vital sea lanes open. During financial crises around the globe---such as in Asia in 1997-1998, Mexico in 1994, or the global financial and economic crisis that began in October 2008--- the U.S. Treasury rather than the IMF takes the lead in setting out and implementing a plan to stabilize global financial markets. The United States has spent massive amounts on defense in part to prevent great power war. The United States, therefore, provides an indisputable collective good---a world, particularly compared to past eras, that is marked by order, stability, and predictability. A number of countries---in Europe, the Middle East, and East Asia---continue to rely on the American security guarantee for their own security. Rather than devoting more resources to defense, they are able to finance generous social welfare programs. To maintain these commitments, the United States has accumulated staggering budget deficits and national debt. As the sole superpower, the United States bears an additional though different kind of weight. From the Israeli-Palestinian dispute to the India Pakistan rivalry over Kashmir, the United States is expected to assert leadership to bring these disagreements to a peaceful resolution. The United States puts its reputation on the line, and as years and decades pass without lasting settlements, U.S. prestige and influence is further eroded. The only way to get other states to contribute more to the provision of public goods is if the United States dramatically decreases its share. At the same time, the United States would have to give other states an expanded role and greater responsibility given the proportionate increase in paying for public goods. This is a political decision for the United States---maintain predominant control over the provision of collective goods or reduce its burden but lose influence in how these public goods are used. Creation of Feelings of Enmity and Anti-Americanism. It is not necessary that everyone admire the United States or accept its ideals, values, and goals. Indeed, such dramatic imbalances of power that characterize world politics today almost always produce in others feelings of mistrust, resentment, and outright hostility. At the same time, it is easier for the United States to realize its own goals and values when these are shared by others, and are viewed as legitimate and in the common interest. As a result of both its vast power but also some of the decisions it has made, particularly over the past eight years, feelings of resentment and hostility toward the United States have grown, and perceptions of the legitimacy of its role and place in the world have correspondingly declined. Multiple factors give rise toanti-American sentiment, and anti-Americanism takes different shapes and forms.17 It emerges partly as a response to the vast disparity in power the United States enjoys over other states. Taking satisfaction in themissteps and indiscretions of the imposing Gulliver is a natural reaction. In societies that globalization (which in many parts of the world is interpreted as equivalent to Americanization) has largely passed over, resentment and alienation are felt when comparing one’s own impoverished, ill-governed, unstable society with the wealth, stability, and influence enjoyed by the United States.18 Anti-Americanism also emerges as a consequence of specific American actions and certain values and principles to which the United States ascribes. Opinion polls showed that a dramatic rise in anti-American sentiment followed the perceived unilateral decision to invade Iraq (under pretences that failed to convince much of the rest of the world) and to depose Saddam Hussein and his government and replace itwith a governmentmuchmore friendly to the United States. To many, this appeared as an arrogant and completely unilateral decision by a single state to decide for itselfwhen---and under what conditions---military force could be used. A number of other policy decisions by not just the George W. Bush but also the Clinton and Obama administrations have provoked feelings of anti-American sentiment. However, it seemed that a large portion of theworld had a particular animus for GeorgeW. Bush and a number of policy decisions of his administration, from voiding the U.S. signature on the International Criminal Court (ICC), resisting a global climate change treaty, detainee abuse at Abu Ghraib in Iraq and at Guantanamo Bay in Cuba, and what many viewed as a simplistic worldview that declared a ‘‘war’’ on terrorism and the division of theworld between goodand evil.Withpopulations around theworld mobilized and politicized to a degree never before seen---let alone barely contemplated---such feelings of anti-American sentiment makes it more difficult for the United States to convince other governments that the U.S.’ own preferences and priorities are legitimate and worthy of emulation. Decreased Allied Dependence. It is counterintuitive to think that America’s unprecedented power decreases its allies’ dependence on it. During the Cold War, for example, America’s allies were highly dependent on the United States for their own security. The security relationship that the United States had with Western Europe and Japan allowed these societies to rebuild and reach a stunning level of economic prosperity in the decades following World War II. Now that the United States is the sole superpower and the threat posed by the Soviet Union no longer exists, these countries have charted more autonomous courses in foreign and security policy. A reversion to a bipolar or multipolar system could change that, making these allies more dependent on the United States for their security. Russia’s reemergence could unnerve America’s European allies, just as China’s continued ascent could provoke unease in Japan. Either possibility would disrupt the equilibrium in Europe and East Asia that the United States has cultivated over the past several decades. New geopolitical rivalries could serve to create incentives for America’s allies to reduce the disagreements they have with Washington and to reinforce their security relationships with the United States.

#### No food shortages impact

**WFP 2012**

(World Food Program, “High Food Prices: Why This Is Different From 2008”, 9-4, <http://www.wfp.org/stories/high-food-prices-why-different-2008>, ldg)

1. Global stocks of rice and wheat are higher than they were in 2008. The price and supplies of rice, a staple food for many millions of people, are relatively stable in Asia. 2. In 2008, several major food-producing countries imposed export bans, which caused shortages on world markets. Meanwhile, in food-deficit countries, there was panic-buying, with governments paying very high prices, especially for rice. So far this time this has not happened. 3. In contrast to 2008, global economic growth is presently weak, so demand is not pushing prices further upwards. 4. Many countries are better prepared to face the current situation. Some have worked on establishing and improving social safety nets such as school meals, and public works programmes. 5. Better tools exist at the international level to coordinate the policy response. For example, in 2011 the G20 set up the Agricultural Market Information System (AMIS), hosted at FAO, which tracks food commodity markets and aims to improve transparency and act as an early warning system.

### SOP

#### No impact (to SOP violations)

**Constitutional Commentary 1996**

(Winter, pg 343-5)

A second, perhaps more interesting, difficulty with the prophylactic approach is that it may rely on a too judicialocentric view of the workings of government that exaggerates the Court's role in the separation-of-powers struggle. Professor Redish's argument rests on the notion that it is vitally important that the Court get its separation-of-powers jurisprudence right. The argument runs something like this: Separation of powers is a bulwark of liberty - without it, the individual protections of the Bill of Rights are nothing but paper. The Court defines separation-of-powers law. If it messes up, then so much for liberty. The Court is bound to mess up if it adopts anything other than a prophylactic approach to separation of powers. It is therefore urgent that the Court adopt this approach. Fortunately, the Framers' design is probably stronger than this argument presupposes. Separation-of-powers gives each branch tools which enable ambition to counteract ambition. The Court gets to decide cases. It justifies its decisions with opinions which the other branches and the citizenry generally follow as authoritative. Thus, although the Court does not have guns or money, it has words. These words are the Court's tools in the separation-of-powers struggle. Any time the Court writes an opinion on separation of powers, it self-consciously uses its particular power to shove the boundaries of branch power - sometimes to profound effect, as a simple hypothetical illustrates. Suppose Chief Justice Marshall had ended Marbury v. Madison with the following paragraph: Then again, Congress has just as much right to interpret the Constitution as I do - perhaps even more, because Congress is the branch closest to the people, and it is the people's Constitution. I was just kidding about that judicial review stuff. History would be very different, partially because such a result in Marbury would have grossly undermined the Court's future ability to compete in the separation-of-powers struggle successfully. On a more general level, Supreme Court opinions on any topic can affect the balance of branch power. For instance, the Supreme Court can undermine its authority by producing poorly reasoned opinions - or, much worse from a realpolitik point of view, unpopular opinions. The power, however, of any given decision to damage a Court staffed by relatively sane Justices is probably limited. This is an institution that has survived Dred Scott and Plessy v. Ferguson. Of course, the other branches also shove at the boundaries of branch power - FDR's Court-packing plan being one notable example of this practice. Sometimes the law of unintended consequences grabs hold. Perhaps the Court-packing plan concentrated the Justices' minds on finding ways to hold New Deal legislation constitutional, but it also blew up in FDR's face politically. At least for the last two hundred years, however, no branch has managed to expand its power to the point of delivering an obvious knock-out blow to another branch. Seen from this broader perspective, cases such as Morrison, Bowsher v. Synar, and Mistretta v. United States surely alter the balance of branch power at a given historical moment, but do not change the fundamental and brute fact that the Constitution puts three institutional heavyweights into a ring where they are free to bash each other. Judicialocentrism tends to obscure this obvious point because it causes people to dwell on the hard cases that reach the Supreme Court. The power of separation of powers, however, largely resides in its ability to keep the easy cases from ever occurring. For instance, Congress, although it tries to weaken the President from time to time, has not tried to reduce the President to a ceremonial figurehead a la the Queen of England. Similarly, Congress does not make a habit of trying cases that have been heard by the courts. This list could be continued indefinitely. The Supreme Court has had two hundred years to muck about with separation-of-powers doctrine. Over that time, scores of Justices - each with his or her own somewhat idiosyncratic view of the law - have sat on the bench. Scholars have denounced separation-of-powers jurisprudence as a mess. But the Republic endures, at least more or less. These historical facts tend to indicate that the Court need not rush to change its approach to separation of powers to prevent a slide into tyranny.

#### SOP isn’t a substantive argument it’s a turn of phrase.

Posner 2012

Eric, Law Prof @ UChicago, Balance-of-Powers Arguments and the Structural Constitution, November 2012 INSTITUTE FOR LAW AND ECONOMICS WORKING PAPER NO. 622

Scholars make similar balance-of-power arguments about the other types of clashes between Congress and the executive, including the disputes over the legislative veto,35 delegation of power to the executive branch,36 the establishment of special tribunals,37 the line-item veto,38 executive dominance of foreign relations,39 sentencing guidelines,40 judicial deference to agency interpretations,41 and the impact of the party system on the structure of government.42 A number of recent articles and books claim that the Bush administration expanded executive power at the expense of Congress.43 Many other examples can be invoked.44 All of these arguments are variations on the theme that the executive (or in some cases Congress) has overreached, upsetting the balance of power, and the other branches should assert themselves more aggressively, so as to rebalance the distribution of power. But in none of these case are authors able to show that the balance of power was “upset;” only that one branch gained at the expense of another branch (and even these claims are disputed), not that the gain was excessive. Moreover, there is rarely attention to how an advantage in one area (for example, the invalidation of the legislative veto, which favored the executive) might be counterbalanced by a disadvantage in another area (for example, approval of restrictions on removal, which favored Congress),45 or for that matter how changes in purely formal powers are affected by general political considerations like the temporary popularity of the president after a successful war or unpopularity after a random gaffe or scandal. Only a few scholars have questioned the logic of the balance of powers.46 A number of papers have addressed the empirical accuracy of its premises.47 Sai Prakash criticized the balance-of-powers idea in part on the basis of its indeterminacy.48 And Elizabeth Magill subsequently advanced several cogent criticisms of the balance of powers in an article devoted to dismembering the concept.49 Magill argued that balance of powers arguments are fatally flawed because (1) it is impossible to determine the extent to which any statute or action affects the balance of power; (2) we lack a normative benchmark for evaluating claims about the balance of power; and (3) the branches are composed of individuals who represent diverse constituencies, so that a balance among different groups of the public can exist even if a branch dominates governance.50

## 2NC

### \*\*Congress\*\*

### Formal auth

#### ---Formal mechanisms fail-Oversight key to check executive power be leveraging media and popular support-200 years of empirical support

Kriner-prof polis sci, BU-9 89 B.U.L. Rev. 765

SYMPOSIUM THE MOST DISPARAGED BRANCH: THE ROLE OF CONGRESS IN THE TWENTY-FIRST CENTURY: PANEL VI: TOWARD A MORE RESPONSIBLE CONGRESS?: CAN ENHANCED OVERSIGHT REPAIR "THE BROKEN BRANCH"?

IV. Does Oversight Afford a Check on Executive Power? The presumption is widespread that through rigorous oversight of the executive branch Congress can maintain a degree of influence over policymaking, even in an era of expanded presidential powers and broad delegations of authority to the executive branch. Immediately after the Democratic takeover of both houses of Congress in 2006, California Congressman Henry Waxman argued that investigations may be "just as important, if not more important, than legislation." 75 Similarly, in academic circles Thomas Mann spoke for many when he argued that the rise of oversight in the 110th Congress "has been the most important change since the 2006 election in terms of relations between the Congress and the administration." 76 However, the precise mechanisms through which oversight alone can influence executive behavior and the course of policymaking are frequently ignored. Recommendations by oversight committees are nonbinding and have no force of law. Congress does have budgetary control over executive departments and agencies, an important means of leverage. However, as noted [\*785] by skeptics of congressional dominance theories in the literature on bureaucratic control, budgetary tools are somewhat clumsy instruments for encouraging greater executive compliance with legislative intent. 77 Moreover, oversight committees themselves normally lack appropriations authority, which diminishes the credibility of any threatened committee sanctions for noncompliance. 78 Indeed, in most situations an oversight committee's only formal recourse is to propose new legislation that would legally compel a change in course. However, such efforts are subject to the collective action dilemma and intricate procedures riddled with transaction costs and super-majoritarian requirements, not to mention a presidential veto. 79 If oversight can only constrain executive branch activities through such formal mechanisms, then there are strong reasons to question whether it can truly serve as a real constraint on the executive's freedom of action. And if it does not, then oversight is merely inconsequential position-taking, not a tool for continued congressional influence over policymaking when legislative options fail. However, there are strong theoretical reasons and growing empirical evidence to suggest that congressional oversight can influence executive branch behavior through more informal means. Vigorous congressional oversight can inform policy discourse, influence public opinion and bring popular pressure to bear on the executive to change course. In David Mayhew's words, members of Congress can wield considerable influence not only by legislating, but also by "making moves" in what he terms the "public sphere." 80 Surveying over 200 years of congressional history, Mayhew identified more than 2300 "actions" members of Congress have taken in the public sphere in an attempt to shape the national policy discourse and mobilize popular opinion. 81 Again and again, oversight and investigative committee hearings have served as a critically important forum in which members of Congress take stands, stake out positions in contrast to those of the executive branch, and battle for influence over the attentive public. As a result, Mayhew argues that "the politics involving members of Congress needs to be modeled not just as opinion expression - the custom in political science analysis - but also as opinion formation." 82 [\*786] But can congressional oversight really influence public opinion? After all, the vast majority of Americans rarely tune to C-SPAN to catch the latest proceedings from hearing rooms in the Russell or Cannon congressional buildings. However, Congress may have an important ally in the mass media, which aids them in their quest to reach a broader audience. A large literature within political communications suggests that the media "indexes" the scope and tone of its coverage to the political debate in Washington, particularly in Congress. 83 Moreover, many congressional hearings are made-for-television events and are consciously designed to generate conflict. Conflict, according to many journalistic norms, is inherently newsworthy, and thus the press may play an important role in amplifying the congressional challenge to administration policies and actions and in broadening the audience such congressional cues reach. 84 A number of recent studies have found strong empirical evidence that the positions articulated in Congress may indeed have a considerable influence on public opinion, particularly in questions of military policy. 85 Many studies rely on observational data. 86 Matthew Baum and Tim Groeling's research demonstrates strong correlations between media-reported congressional rhetoric surrounding multiple major military missions in the last quarter century and popular support for those endeavors. 87 However, such studies relying exclusively on observational data usually only demonstrate correlations between congressional actions and public opinion. If this relationship is endogenous - that is, if members of Congress respond to public opinion when crafting their rhetoric and actions even as they seek to lead it - then raw correlations between the two tell us little about the direction of the causal [\*787] arrow. 88 Is Congress leading public opinion, or are shifts in public opinion producing changes in congressional positions? To untangle such thorny questions about causality, a number of studies have turned to experimental evidence. For example, research by William Howell and Douglas Kriner explores the influence of various cues for or against the President's military policies by Republican and Democratic members of Congress on popular support for a number of real and hypothetical military ventures. 89 A main critique of experimental evidence, however, is that it lacks external validity. While the experimental design clearly establishes the direction of the causal arrow from the treatment condition (e.g., congressional cues) to the observed change in the dependent variable (e.g., observed differences in popular support for the President's military policies), it remains unclear whether similar effects will be observed in the much more complicated environment of real world politics. A complete investigation of these complicated questions of causality, linking congressional oversight and investigative activity and public opinion, is beyond the scope of this Essay. However, the data analyzed previously - documenting changes in the level of critical oversight of the war in Iraq from 2003 to 2008 - does afford an important opportunity to examine whether congressional oversight patterns have had any influence on levels of popular support for the war. V. Congressional Oversight and Public Support for the War in Iraq Since the invasion of Iraq in March 2003, multiple polling organizations have repeatedly asked the public whether the United States did the "right thing" by invading Iraq. On this metric, support for the war has declined dramatically over time from a high of seventy percent in the opening days of the American invasion to a low of thirty-five percent in March of 2008. This trend in popular support is captured in Figure 2. 90 [\*788] Figure 2: Invading Iraq Was the "Right Thing" to Do [SEE FIGURE 2 IN ORIGINAL] When we compare shifts in popular support for the war (Figure 2) and trends in congressional oversight (Figure 1) we see a strong negative correlation (r = -.38). As the intensity of critical congressional oversight increases, support for the war decreases. 91 However, from this raw correlation alone we cannot make any inferences about the direction of causality. Increased congressional critical oversight and the challenges to presidential policies it poses in the public sphere may indeed be driving the observed decreases in popular support for the Iraq War. Alternatively, drops in public war support may compel or embolden members of Congress to speak out against the war as well so that they appear in tune with the preferences of their constituents. To get some leverage on this question of causality, an instrumental variable approach is needed. To assess the causal effect of oversight activity on war support requires the identification of an instrumental variable that strongly predicts oversight activity, but has no relationship with wartime support except through its influence on oversight. Armed with such an instrument, we can use it to calculate predicted values of congressional oversight that are not influenced by [\*789] the level of public support for the war. Using these predicted values, we can then obtain an estimate of the independent effect of oversight on changes in support for the Iraq War. In most cases, identifying a proper instrumental variable is exceedingly difficult. However, in the current context one of the variables already examined in the analyses of Table 1 is a strong possibility: the number of days that Congress was in session in a given month. The days in session variable is strongly correlated with monthly counts of critical oversight (r = .42). Of equal importance, it is difficult to conceive of any reason why popular support for the war in Iraq should affect the number of days that Congress is in session in a given month. Thus, the days in session variable meets both of the criteria for a good instrument: it is strongly correlated with the independent variable of interest (congressional oversight), and it has no relationship with the dependent variable (war support) except through its influence on the independent variable. Accordingly, to investigate the influence of oversight on support for the Iraq War, I estimated a two-stage least squares regression modeling monthly war support as a function of: monthly and logged casualties; positive and negative conflict events; and the predicted number of days of critical congressional oversight hearings for that month, obtained from a first stage equation using the same variables plus the instrumental variable, the number of days Congress was in session. Results are presented in Table 2 below. [\*790] Table 2: Effect of Congressional Oversight on Public Support for Iraq War 92 Days of oversight .52\* (.35) Monthly casualties (10s) .21\* (.13) Logged cumulative casualties 8.94\*\*\* (.50) Positive events .18 (.94) Negative events .36 (.92) (N) 62 R2 .92 \*p < .10 \*\*p < .05 \*\*\* p < .01 The coefficient for the predicted values of congressional oversight is negative as expected, and statistically significant. According to the model, a standard deviation increase in days of critical oversight (three days) produces an estimated 1.5% decrease in popular support for the war in Iraq. Popular support for the war also decreases in the wake of spikes in American casualties, and the strong, significant negative coefficient for logged cumulative casualties tracks the downward trend in wartime support over time. 93 Finally, the coefficients for positive and negative events are in the expected direction, though neither is statistically significant. Thus, even after controlling for endogeneity in the relationship, the instrumental variable analysis strongly suggests that critical congressional oversight can cause political problems for the President by eroding popular support for his military policies. If oversight can systematically influence [\*791] public opinion on multiple issues, it may well provide an important check on presidential behavior, even when legislative remedies are unavailable.

### solves compliance

#### Restrictive appropriations encourage executive compliance and court enforcement

Banks and Raven-Hansen-prof law GW and Syracuse-94 80 Va. L. Rev. 833

ARTICLE: PULLING THE PURSE STRINGS OF THE COMMANDER IN CHIEF \*

Not only do national security appropriation measures thus meet most of the objections to the making of customary national security law, but restrictive appropriations can also be especially effective as "red lights" against the creation of such law. 115 They may act as signals to courts that finding a certain "custom" is inappropriate. For instance, it was crucial to the finding of customary legal authority for executive claims settlements in Dames & Moore that Congress had not "in some way resisted the exercise of Presidential authority." 116 Restrictive appropriations serve as the strongest and clearest evidence of such resistance to an executive practice. 117 They are effective, as the Senate Committee on Governmental Operations has noted, "precisely because ... [they] are so direct, unambiguous, and virtually self-enforcing. While agencies are able to bend the more ambiguous language of authorizing legislation to their own purposes, the dollar figures in appropriations bills represent commands which cannot be bent or ignored except at extreme [\*856] peril to agency officials." 118 Moreover, the annual cycle of appropriations affords regular opportunities for Congress to express its disapproval of executive practice. Finally, the history of national security appropriations suggests that resistance to executive national security actions is in part their raison d'etre; they were originally conceived as the ultimate check on executive national security practices. 119

### perm

#### Delegation avoids the link – not new legislation

Kriner-prof polis sci, BU-9 89 B.U.L. Rev. 765

SYMPOSIUM THE MOST DISPARAGED BRANCH: THE ROLE OF CONGRESS IN THE TWENTY-FIRST CENTURY: PANEL VI: TOWARD A MORE RESPONSIBLE CONGRESS?: CAN ENHANCED OVERSIGHT REPAIR "THE BROKEN BRANCH"?

One means for Congress to become a more responsible branch is for it to wrest back control of legislative powers delegated to the President and to stem the tide of ever-greater delegation to the executive branch. Yet, with the size and scope of government and the ever-increasing complexity of public policy, delegation is unavoidable. Indeed, without it the government would fail to take advantage of the resources and expertise of the permanent bureaucracy in forging and refining public policy. Rather, for Congress to delegate authority responsibly it must maintain some check on power once delegated. When other political actors abuse delegated authority in a way that conflicts with legislative intent, Congress must retain some mechanism to call that actor to account. Of course, Congress always has the ability to pass new legislation when the executive branch interprets and implements a law in a way that is contra legislative intent. However, an extensive literature in political science has laid bare the stark barriers to Congress doing so. Such efforts require that Congress overcome its collective action problems and a legislative process riddled with transaction costs. 35 Any such effort to pass new legislation to undo an executive action must clear super-majoritarian hurdles in the Senate, and even then, it faces a President wielding the veto pen. 36 As a result, legislation will frequently offer little remedy to rectifying perceived abuses of delegated authority. An alternative mechanism, the legislative veto, was ruled unconstitutional by the Supreme Court in 1982. 37 While the legislative veto survives by the mutual consent of both branches in many alternative forms, the court ruling and the sometimes cumbersome provisions for the veto to be exercised limit its usefulness as a widespread check on executive discretion. A third mechanism for Congress to delegate responsibly is to conduct rigorous, sustained oversight of the executive branch and its use of delegated powers. Oversight is perhaps the most logical solution for Congress to maintain some influence over how delegated authority is exercised; yet in this realm too, Congress all too often appears to be the "broken branch."

### Morale

#### Empirically, oversight is more effective than restrictions at changing policy

Kriner-prof poli sci, BU-9 89 B.U.L. Rev. 765

SYMPOSIUM THE MOST DISPARAGED BRANCH: THE ROLE OF CONGRESS IN THE TWENTY-FIRST CENTURY: PANEL VI: TOWARD A MORE RESPONSIBLE CONGRESS?: CAN ENHANCED OVERSIGHT REPAIR "THE BROKEN BRANCH"?

At least since Aaron Wildavsky's seminal article declaring that there are two presidencies, the conventional wisdom in presidency scholarship is that while Congress can effectively constrain executive power in the domestic arena, the president enjoys significant advantages in foreign affairs. 46 Throughout American history, Congress has faced significant barriers to using legislation to compel the President to change his preferred policy course and constrain his freedom of action in the international arena. However, even as many legislative initiatives have failed, Congress has repeatedly succeeded in using the oversight and investigative tools at its disposal to offer sharp, politically [\*776] damaging critiques of executive foreign policy. From the lengthy inquiry into the Truman policies that allegedly "lost China," to the exposure and condemnation of the Nixon Administration's clandestine war in Cambodia, to the Iran-Contra investigations that threatened to take down the Reagan presidency, committee hearings have proved an invaluable weapon in Congress's arsenal when dealing with the foreign policy executive. 47 In the assessment of Mann and Ornstein, in foreign affairs, "oversight, even more than direct legislation, is key to movement." 48

#### Separation of powers questions aren’t modeled – the US is the exception not the rule.

Krotoszynski 2010

Ronald J., Director of Faculty Research, and Professor of Law, University of Alabama School of Law The Shot (Not) Heard 'Round the World: Reconsidering the Perplexing U.S. Preoccupation with the Separation of Executive and Legislative Powers, Boston College Law Review 51:1 http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=3103&context=bclr&sei-redir=1&referer=http%3A%2F%2Fscholar.google.com%2Fscholar%3Fstart%3D20%26q%3Damerican%2Bmodel%2Bjudicial%2Breview%2Bexecutive%2Binternational%26hl%3Den%26as\_sdt%3D0%2C18%26as\_ylo%3D2009#search=%22american%20model%20judicial%20review%20executive%20international%22

The U.S. Constitution of 1787 has provided a very influential blueprint for those drafting constitutions in other nations. In one important respect, however, the Constitution has not proven influential: the world largely has rejected the Framers’ concerns with separating and dividing legislative and executive power. Although the parliamentary model of government remains commonplace, it might be worth considering the possible relationship between a strong commitment to separation of powers and political, ethnic, racial, religious, and cultural pluralism within a body politic. The drafters of the U.S. Constitution clearly believed that separating and limiting powers would enhance the perceived legitimacy of the institutions of government, by making unilateral action more difficult. In a nation featuring myriad self-perceived minorities, making government action more difficult might well correspond with a greater sense of security within the citizenry.195 At the same time, however, the fact that parliamentary forms of government in nations with multicultural populations, like Canada enjoy broad public confidence notwithstanding the absence of separation of legislative and executive powers provides strong evidence that this particular protection is not essential to the creation or maintenance of a legitimate government. Indeed, if one contrasts the adoption of the separation of legislative and executive powers with the widespread, indeed almost universal, adoption of written constitutions, providing written bills of rights, enforceable by an independent judiciary vested with the power of judicial review, it becomes obvious that entrenched human rights are far more important to securing legitimacy than separating legislative and executive powers.196 Thus, if citizens may seek recourse to the courts to protect their basic human rights from government abridgement or abrogation, the vesting of legislative and executive powers in the same hands does not seem to present a major concern for most citizens. To state the matter a bit differently: so long as some independent check on legislative power exists, the fact that the executive branch does not provide a check on the legislative branch is not utterly fatal to the perceived legitimacy of a constitutional order. The U.S. commitment to maintaining a political check on legislative powers via a separate and independent executive branch reflects and incorporates an assumption that Congress will get matters wrong with some frequency and that the judiciary’s proper role cannot extend to serving as a generic council of revision. At the end of the day, then, skepticism about government in general and legislatures in particular, ultimately helps to explain the U.S. approach to separating and dividing legislative and executive powers.

### \*\*Case\*\*

### Intervention

#### Doesn’t solve “better wars”

**Nzelibe et al., Northwestern law professor, 2006**

(Jide, “Rational War and Constitutional Design,” Yale Law Journal, Vol. 115, SSRN)

But before accepting this attractive vision, we should ask whether the Congress first system produces these results. In other words, has requiring congressional ex ante approval for foreign wars produced less war, better decision making, or greater consensus? Students of American foreign policy generally acknowledge that comprehensive empirical studies of American wars are impractical, due to the small number of armed conflicts. Instead, they tend to focus on case studies. A cursory review of previous American wars does not suggest that congressional participation in war necessarily produces better decision making. We can certainly identify wars, such as the Mexican-American War or the Spanish-American War, in which a declaration of war did not result from extensive deliberation nor necessarily result in good policy.14 Both wars benefited the United States by expanding the nation’s territory and enhanced its presence on the world stage,15 but it seems that these are not the wars that supporters of Congress’s Declare War power would want the nation to enter – i.e., offensive wars of conquest. Nor is it clear that congressional participation has resulted in greater consensus and better decision making. Congress approved the Vietnam War, in the Tonkin Gulf resolution, and the Iraq war, both of which have produced sharp division in American domestic politics and proven to be mistakes. The other side of the coin here usually goes little noticed, but is just as important for evaluating the substantive performance of the Congress-first system. To a significant extent, much of the war powers literature focuses on situations in which the United States might erroneously enter a war where the costs outweigh the expected benefits. Statisticians usually label such errors of commission as Type I errors. Scholars rarely, if ever, ask whether requiring congressional ex ante approval for foreign wars could increase Type II errors. Type II errors occur when the United States does not enter a conflict where the expected benefits to the nation outweigh the costs, and this could occur today when the President refuses to launch a preemptive strike against a nation harboring a hostile terrorist group, for example, out of concerns over congressional opposition. It may be the case that legislative participation in warmaking could prevent the United States from entering, or delaying entry, into wars that would benefit its foreign policy or national security. The clearest example is World War II. During the inter-war period, Congress enacted several statutes designed to prevent the United States from entering into the wars in Europe and Asia. In 1940 and 1941, President Franklin D. Roosevelt recognized that America’s security would be threatened by German control of Europe, and he and his advisers gradually attempted to bring the United States to the assistance of Great Britain and the Soviet Union.16 Nonetheless, congressional resistance prevented Roosevelt from doing anything more than supplying arms and loans to the Allies, although he arguably stretched his authority to cooperate closely with Great Britain in protecting convoys in the North Atlantic, among other things. It is likely that if American pressure on Japan to withdraw from China had not helped triggered the Pacific War, American entry into World War II might have been delayed by at least another year, if not longer.17 Knowing what we now know, most would agree that America’s earlier entry into World War II would have been much to the benefit of the United States and to the world. A more recent example might be American policy in the Balkans during the middle and late 1990s.

#### Assign minimal risk – paranoia and misperception.

Posner and Vermeule 2009

Eric and Adrian, Professors of Law @ Chicago and Harvard, Tyrannophobia, September 15, 2009

Tyrannophobia is a central element of American political culture, and has been since the founding. We have offered several claims and hypotheses to illuminate its origins and importance. We suggest that tyrannophobia arises from the interaction between history and the quirks of political psychology, or from the differential costs of information about legal and political checks on the executive; that dictatorship, at least in any strong sense, is not a real possibility in the United States today, due to demographic factors; and that tyrannophobia therefore has little social utility in modern circumstances. Whatever its possible utility in the past, a question on which we are agnostic, tyrannophobia today is just another misperception of risk, akin to a fear of genetically modified foods. Indeed, in light of the current evidence on the determinants of democratic stability, tyranny should be at the very bottom of the scale of public concern. The modern entrepreneurs of tyrannophobia – from George Orwell to George Lucas – ought not be lionized as defenders of the liberal state, but instead shunned, as purveyors of political misinformation.

#### Can’t happen here and their risk calculus is bad.

Posner and Vermeule 2009

Eric and Adrian, Professors of Law @ Chicago and Harvard, Tyrannophobia, September 15, 2009

Against this historical and comparative background, we turn to the relationship between tyrannophobia and dictatorship in the United States. If tyrannophobia were a crucial safeguard against dictatorship, it would have benefits (although, as we discussed in Part I, the benefits would not be as large as some assume). However, we believe that tyrannophobia is either not a safeguard against dictatorship, or is at best an unnecessary and costly one, akin to placing one’s house underground to guard against the trivial risk of a meteor strike. In the administrative state that flowered in the 20th century, demographic factors provide an independent and sufficient buffer against dictatorship. The United States of 2009 is too wealthy, with a population that is too highly educated, to slide into authoritarianism. Very likely, it really can’t happen here;66 current tyrannophobia can only be of the irrational variety, and if it constrains institutions or policies that are otherwise desirable, tyrannophobia produces social costs for little in the way of offsetting benefits. A. Causes of Tyrannophobia As we saw in Part II, tyrannophobic rhetoric, possibly rational, played an important role in the American founding. The puzzle is that, even if it was justified in that period as a prophylactic against dictatorship (and it may well not have been), why has it persisted across two hundred years of political stability? 1. Bounded Rationality Psychologists have offered a number of hypotheses for why people have incorrect beliefs about the risk of an event. These hypotheses center around bounded rationality, particularly cognitive biases and reliance on mental shortcuts called heuristics.67 People exaggerate risks of events that inspire them with dread (cancer deaths rather than ordinary illnesses); over which they have no control (nuclear accidents rather than car accidents); and that have unusual salience. The first tendency is related to loss aversion, the attribution of greater weight to losses than to identical gains against an arbitrary reference point. People are also imperfect Bayesians: they update probability estimates in light of new information as they should, but they do not do this very well or very quickly. Instead they give too much weight to their initial estimates and discount new information that conflicts with it. Past probability estimates are stickier, over time, than would be the case with unbounded rationality.

## 1NR

### Overview

#### Government shutdown wrecks CDC disease monitoring – key to check outbreaks

Emily Walker, 4-8-2011, "Both Sides Claim Win as Shutdown Averted," Med Page Today, http://www.medpagetoday.com/Washington-Watch/Washington-Watch/25826

The vast majority of employees at the Centers for Disease Control and Prevention (CDC) would be furloughed if the government ceased operations, said an HHS spokesman. Because the CDC tracks new public health threats such as disease outbreaks, the worst-case scenario during a shutdown would be a massive outbreak of a food-borne illness or other communicable disease. The CDC's emergency operation center -- a command center for monitoring and coordinating CDC's emergency response to public health threats in the United States and abroad -- will remain open. The center is currently working on responses to the earthquake and tsunami in Japan. But responses may be delayed, the spokesman said. "If a state were to call us and say 'We need help,' we may not be able to respond quickly," the spokesman said. While emergency workers will continue their jobs, the staff who work to "get people out the door," by booking travel and facilitating meetings, won't be working. "This would prevent us from responding as quickly as we'd like," the spokesman said. In addition, the CDC's ability to detect an outbreak could be jeapordized, he said. "We have a lot of disease surveillance networks. If those are scaled back to just the staff that monitor those networks, it could conceivably lead to us not being able to detect an outbreak as quickly as we'd like to. We simply won't have the manpower we have right now," the HHS spokesman said.

#### Extinction

Quammen 12 David, award-winning science writer, long-time columnist for Outside magazine for fifteen years, with work in National Geographic, Harper's, Rolling Stone, the New York Times Book Review and other periodicals, 9/29, “Could the next big animal-to-human disease wipe us out?,” The Guardian, pg. 29, Lexis

Infectious disease is all around us. It's one of the basic processes that ecologists study, along with predation and competition. Predators are big beasts that eat their prey from outside. Pathogens (disease-causing agents, such as viruses) are small beasts that eat their prey from within. Although infectious disease can seem grisly and dreadful, under ordinary conditions, it's every bit as natural as what lions do to wildebeests and zebras. But conditions aren't always ordinary. Just as predators have their accustomed prey, so do pathogens. And just as a lion might occasionally depart from its normal behaviour - to kill a cow instead of a wildebeest, or a human instead of a zebra - so a pathogen can shift to a new target. Aberrations occur. When a pathogen leaps from an animal into a person, and succeeds in establishing itself as an infectious presence, sometimes causing illness or death, the result is a zoonosis. It's a mildly technical term, zoonosis, unfamiliar to most people, but it helps clarify the biological complexities behind the ominous headlines about swine flu, bird flu, Sars, emerging diseases in general, and the threat of a global pandemic. It's a word of the future, destined for heavy use in the 21st century. Ebola and Marburg are zoonoses. So is bubonic plague. So was the so-called Spanish influenza of 1918-1919, which had its source in a wild aquatic bird and emerged to kill as many as 50 million people. All of the human influenzas are zoonoses. As are monkeypox, bovine tuberculosis, Lyme disease, West Nile fever, rabies and a strange new affliction called Nipah encephalitis, which has killed pigs and pig farmers in Malaysia. Each of these zoonoses reflects the action of a pathogen that can "spillover", crossing into people from other animals. Aids is a disease of zoonotic origin caused by a virus that, having reached humans through a few accidental events in western and central Africa, now passes human-to-human. This form of interspecies leap is not rare; about 60% of all human infectious diseases currently known either cross routinely or have recently crossed between other animals and us. Some of those - notably rabies - are familiar, widespread and still horrendously lethal, killing humans by the thousands despite centuries of efforts at coping with their effects. Others are new and inexplicably sporadic, claiming a few victims or a few hundred, and then disappearing for years. Zoonotic pathogens can hide. The least conspicuous strategy is to lurk within what's called a reservoir host: a living organism that carries the pathogen while suffering little or no illness. When a disease seems to disappear between outbreaks, it's often still lingering nearby, within some reservoir host. A rodent? A bird? A butterfly? A bat? To reside undetected is probably easiest wherever biological diversity is high and the ecosystem is relatively undisturbed. The converse is also true: ecological disturbance causes diseases to emerge. Shake a tree and things fall out. Michelle Barnes is an energetic, late 40s-ish woman, an avid rock climber and cyclist. Her auburn hair, she told me cheerily, came from a bottle. It approximates the original colour, but the original is gone. In 2008, her hair started falling out; the rest went grey "pretty much overnight". This was among the lesser effects of a mystery illness that had nearly killed her during January that year, just after she'd returned from Uganda. Her story paralleled the one Jaap Taal had told me about Astrid, with several key differences - the main one being that Michelle Barnes was still alive. Michelle and her husband, Rick Taylor, had wanted to see mountain gorillas, too. Their guide had taken them through Maramagambo Forest and into Python Cave. They, too, had to clamber across those slippery boulders. As a rock climber, Barnes said, she tends to be very conscious of where she places her hands. No, she didn't touch any guano. No, she was not bumped by a bat. By late afternoon they were back, watching the sunset. It was Christmas evening 2007. They arrived home on New Year's Day. On 4 January, Barnes woke up feeling as if someone had driven a needle into her skull. She was achy all over, feverish. "And then, as the day went on, I started developing a rash across my stomach." The rash spread. "Over the next 48 hours, I just went down really fast." By the time Barnes turned up at a hospital in suburban Denver, she was dehydrated; her white blood count was imperceptible; her kidneys and liver had begun shutting down. An infectious disease specialist, Dr Norman K Fujita, arranged for her to be tested for a range of infections that might be contracted in Africa. All came back negative, including the test for Marburg. Gradually her body regained strength and her organs began to recover. After 12 days, she left hospital, still weak and anaemic, still undiagnosed. In March she saw Fujita on a follow-up visit and he had her serum tested again for Marburg. Again, negative. Three more months passed, and Barnes, now grey-haired, lacking her old energy, suffering abdominal pain, unable to focus, got an email from a journalist she and Taylor had met on the Uganda trip, who had just seen a news article. In the Netherlands, a woman had died of Marburg after a Ugandan holiday during which she had visited a cave full of bats. Barnes spent the next 24 hours Googling every article on the case she could find. Early the following Monday morning, she was back at Dr Fujita's door. He agreed to test her a third time for Marburg. This time a lab technician crosschecked the third sample, and then the first sample. The new results went to Fujita, who called Barnes: "You're now an honorary infectious disease doctor. You've self-diagnosed, and the Marburg test came back positive." The Marburg virus had reappeared in Uganda in 2007. It was a small outbreak, affecting four miners, one of whom died, working at a site called Kitaka Cave. But Joosten's death, and Barnes's diagnosis, implied a change in the potential scope of the situation. That local Ugandans were dying of Marburg was a severe concern - sufficient to bring a response team of scientists in haste. But if tourists, too, were involved, tripping in and out of some python-infested Marburg repository, unprotected, and then boarding their return flights to other continents, the place was not just a peril for Ugandan miners and their families. It was also an international threat. The first team of scientists had collected about 800 bats from Kitaka Cave for dissecting and sampling, and marked and released more than 1,000, using beaded collars coded with a number. That team, including scientist Brian Amman, had found live Marburg virus in five bats. Entering Python Cave after Joosten's death, another team of scientists, again including Amman, came across one of the beaded collars they had placed on captured bats three months earlier and 30 miles away. "It confirmed my suspicions that these bats are moving," Amman said - and moving not only through the forest but from one roosting site to another. Travel of individual bats between far-flung roosts implied circumstances whereby Marburg virus might ultimately be transmitted all across Africa, from one bat encampment to another. It voided the comforting assumption that this virus is strictly localised. And it highlighted the complementary question: why don't outbreaks of Marburg virus disease happen more often? Marburg is only one instance to which that question applies. Why not more Ebola? Why not more Sars? In the case of Sars, the scenario could have been very much worse. Apart from the 2003 outbreak and the aftershock cases in early 2004, it hasn't recurred. . . so far. Eight thousand cases are relatively few for such an explosive infection; 774 people died, not 7 million. Several factors contributed to limiting the scope and impact of the outbreak, of which humanity's good luck was only one. Another was the speed and excellence of the laboratory diagnostics - finding the virus and identifying it. Still another was the brisk efficiency with which cases were isolated, contacts were traced and quarantine measures were instituted, first in southern China, then in Hong Kong, Singapore, Hanoi and Toronto. If the virus had arrived in a different sort of big city - more loosely governed, full of poor people, lacking first-rate medical institutions - it might have burned through a much larger segment of humanity. One further factor, possibly the most crucial, was inherent in the way Sars affects the human body: symptoms tend to appear in a person before, rather than after, that person becomes highly infectious. That allowed many Sars cases to be recognised, hospitalised and placed in isolation before they hit their peak of infectivity. With influenza and many other diseases, the order is reversed. That probably helped account for the scale of worldwide misery and death during the 1918-1919 influenza. And that infamous global pandemic occurred in the era before globalisation. Everything nowadays moves around the planet faster, including viruses. When the Next Big One comes, it will likely conform to the same perverse pattern as the 1918 influenza: high infectivity preceding notable symptoms. That will help it move through cities and airports like an angel of death. The Next Big One is a subject that disease scientists around the world often address. The most recent big one is Aids, of which the eventual total bigness cannot even be predicted - about 30 million deaths, 34 million living people infected, and with no end in sight. Fortunately, not every virus goes airborne from one host to another. If HIV-1 could, you and I might already be dead. If the rabies virus could, it would be the most horrific pathogen on the planet. The influenzas are well adapted for airborne transmission, which is why a new strain can circle the world within days. The Sars virus travels this route, too, or anyway by the respiratory droplets of sneezes and coughs - hanging in the air of a hotel corridor, moving through the cabin of an aeroplane - and that capacity, combined with its case fatality rate of almost 10%, is what made it so scary in 2003 to the people who understood it best. Human-to-human transmission is the crux. That capacity is what separates a bizarre, awful, localised, intermittent and mysterious disease (such as Ebola) from a global pandemic. Have you noticed the persistent, low-level buzz about avian influenza, the strain known as H5N1, among disease experts over the past 15 years? That's because avian flu worries them deeply, though it hasn't caused many human fatalities. Swine flu comes and goes periodically in the human population (as it came and went during 2009), sometimes causing a bad pandemic and sometimes (as in 2009) not so bad as expected; but avian flu resides in a different category of menacing possibility. It worries the flu scientists because they know that H5N1 influenza is extremely virulent in people, with a high lethality. As yet, there have been a relatively low number of cases, and it is poorly transmissible, so far, from human to human. It'll kill you if you catch it, very likely, but you're unlikely to catch it except by butchering an infected chicken. But if H5N1 mutates or reassembles itself in just the right way, if it adapts for human-to-human transmission, it could become the biggest and fastest killer disease since 1918. It got to Egypt in 2006 and has been especially problematic for that country. As of August 2011, there were 151 confirmed cases, of which 52 were fatal. That represents more than a quarter of all the world's known human cases of bird flu since H5N1 emerged in 1997. But here's a critical fact: those unfortunate Egyptian patients all seem to have acquired the virus directly from birds. This indicates that the virus hasn't yet found an efficient way to pass from one person to another. Two aspects of the situation are dangerous, according to biologist Robert Webster. The first is that Egypt, given its recent political upheavals, may be unable to staunch an outbreak of transmissible avian flu, if one occurs. His second concern is shared by influenza researchers and public health officials around the globe: with all that mutating, with all that contact between people and their infected birds, the virus could hit upon a genetic configuration making it highly transmissible among people. "As long as H5N1 is out there in the world," Webster told me, "there is the possibility of disaster. . . There is the theoretical possibility that it can acquire the ability to transmit human-to-human." He paused. "And then God help us." We're unique in the history of mammals. No other primate has ever weighed upon the planet to anything like the degree we do. In ecological terms, we are almost paradoxical: large-bodied and long-lived but grotesquely abundant. We are an outbreak. And here's the thing about outbreaks: they **end**. In some cases they end after many years, in others they end rather soon. In some cases they end gradually, in others they end with a crash. In certain cases, they end and recur and end again. Populations of tent caterpillars, for example, seem to rise steeply and fall sharply on a cycle of anywhere from five to 11 years. The crash endings are dramatic, and for a long while they seemed mysterious. What could account for such sudden and recurrent collapses? One possible factor is infectious disease, and viruses in particular.

### Uniqueness

#### Obama has no incentive to cave-it would end his presidency-it is just a question of getting the GOP to believe it

**Lewison, Daily Kos senior policy editor, 9-18-13**

(Jed, “Obama says he will not yield an inch to GOP extortion demands on debt limit”, <http://www.dailykos.com/story/2013/09/18/1239737/-Obama-says-he-will-not-yield-an-inch-to-GOP-extortion-demands-on-debt-limit>, ldg)

Republicans who think the debt limit is a source of leverage are counting on President Obama to flip-flop back to his 2011 strategy. That would be more plausible if what happened in 2011 hadn't turned out to be such a disaster and, more importantly, if President Obama didn't realize it was a disaster—but clearly, he does. Obviously, we won't know until the ink is dry on the debt limit increase whether President Obama follows through on his commitment to reject GOP hostage-taking on the debt limit, but if Republicans haven't started contemplating what happens if their strategy fails, they had better get started wrapping their minds around it, because all indications are that's exactly what's going to happen.

#### GOP assumes Obama will cave now-only by staying strong can Obama get them to retreat

**Benen, MSNBC, 9-17-13**

(Steve, “Far-right House Republicans expect Obama to cave”, <http://maddowblog.msnbc.com/_news/2013/09/17/20542472-far-right-house-republicans-expect-obama-to-cave?lite>, ldg)

But there's another question that's been nagging at me. I realize Obamacare has driven Republicans mad, but what I don't understand is their endgame. Do they really want a government shutdown? Would they welcome a potentially catastrophic breach in the debt ceiling? As it turns out, no -- they're working from the assumption that the president will cave. A weakened President Obama will back down if there is a standoff over funding ObamaCare and preventing a government shutdown, House conservatives say. They are urging Speaker John Boehner (R-Ohio) and Majority Leader Eric Cantor (R-Va.) to gamble that Obama and Senate Democrats will take the blame if they reject legislation that keeps the government running but stops ObamaCare. At least 43 conservatives want the GOP leadership to go for broke, asserting that Obama has been damaged by stumbles over Syria and by several delays in implementing the Affordable Care Act. Marlin Stutzman (R-Ind.) insisted, "I think the president's too weak to shut the government down.... I think we will win." Rep. Steve King (R-Iowa) added, "Syria has hurt him significantly.... It is a factor in the [continuing resolution] going forward, it is a factor in the debt ceiling." This is delusional thinking, even by the standards of House Republicans. Let's unwrap this a bit. First, the vast majority of Americans oppose the Republicans' health care efforts, and polls show it's the GOP that will get the blame in the event of a shutdown. Second, Obama hasn't been damaged by Syria -- he got everything he wanted without firing a shot, and the public strongly backs his current approach. And third, there's simply no way Democrats would ever agree to sabotage their own health care law, which the party fought tooth and nail to approve, following a generations-long effort. What's more -- and this is the funny part -- Boehner, Cantor, and the Republican leadership is well aware of all three of these truths, but they can't seem to persuade their own members to listen to reason.

### PC Low

#### Obama has maximized his capital to resolve the debt limit

**Bohan, Reuters correspondent, 9-11-13**

(Caren, “Delay in Syria vote frees Obama to shift to hefty domestic agenda”, <http://carnegieeurope.eu/strategiceurope/?fa=52932>, ldg)

(Reuters) - Putting off a decision on military strikes on Syria allows President Barack Obama to shift his attention back to a weighty domestic agenda for the fall that includes budget fights, immigration and selecting a new chairman of the Federal Reserve. Obama and his aides have immersed themselves for a week and a half in an intensive effort to win support in Congress for U.S. military action in Syria after a suspected chemical weapons attack last month killed more than 1,400 people. But the effort, which included meetings by Obama on Capitol Hill on Tuesday followed by his televised speech to Americans, seemed headed for an embarrassing defeat, with large numbers of both Democrats and Republicans expressing opposition. The push for a vote on Syria - which has now been delayed - had threatened to crowd out the busy legislative agenda for the final three months of 2013 and drain Obama's political clout, making it harder for him to press his priorities. But analysts said a proposal floated by Russia, which the Obama administration is now exploring, to place Syria's weapons under international control may allow Obama to emerge from a difficult dilemma with minimal political damage. "He dodges a tough political situation this way," said John Pitney, professor of politics at Claremont McKenna College in California. Pitney said the delay in the Syria vote removes a big burden for Obama, given that Americans, who overwhelmingly opposed military intervention in Syria, will now be able to shift their attention to other matters. He said Obama could suffer some weakening of his leverage with Congress. The administration's "full court press" to try to persuade lawmakers to approve military force on Syria was heavily criticized and did not yield much success. "He probably has suffered some damage in Congress because there are probably many people on (Capitol Hill) who have increasing doubts about the basic competence of the administration and that's a disadvantage in any kind of negotiation," Pitney said. BUDGET BATTLES Among Obama's most immediate challenges are two looming budget fights. By September 30, Congress and the president must agree on legislation to keep federal agencies funded or face a government shutdown. Two weeks later, Congress must raise the limit on the country's ability to borrow or risk a possible debt default that could cause chaos in financial markets. On the first budget showdown, Obama may be at a strategic advantage because of divisions among opposition Republicans about whether to use the spending bill to provoke a fight over Obama's signature health care law, known as Obamacare. House Republican leaders are trying to rally the party around a temporary spending measure that would keep the government funded until December 15 but are facing resistance within their own caucus from some conservatives who want to cut off funding for Obamacare, even if it means a government shutdown. The debt limit fight could end up going down to the wire and unnerving financial markets. Republicans want to use that standoff to extract concessions from the Democratic president, such as spending cuts and a delay in the health law. But Obama has said he has no intention of negotiating over the borrowing limit.

### AT: Obama Won’t Lead

#### Obama’s locked in

**Walker, Fire Dog Lake, 9-16-13**

(Jon, “Obama Reaffirms Pledge Not to Negotiate over the Debt Limit”, <http://fdlaction.firedoglake.com/2013/09/16/obama-reaffirms-pledge-not-to-negotiate-over-the-debt-limit/>, ldg)

One of the most positive developments over the weekend is that President Obama strongly reaffirmed that he will not negotiate over the debt limit while on This Week. From Obama’s interview: And I’ve told him, and I’ve told the country, what I think we need to do. I’m happy to have a conversation with him about how we can deal with the so-called sequester, which is making across-the-board cuts on stuff that we shouldn’t be cutting, while continuing tax breaks, for example, for companies that are not helping to grow the economy. There are ways of doing this, it’s just that they haven’t been willing to negotiate in a serious way on that. What I haven’t been willing to negotiate, and I will not negotiate, is on the debt ceiling. Not only did Obama firmly say he would not negotiate but went on to explain allowing this precedent to develop would undermine the very structure of our government. It was the type of definitive statement Obama can’t back away from without looking weak and pathetic. Saying he “will not negotiate” is not a clever negotiation tactic, it is a firm stance. An ongoing concern of mine is that Obama would use the Republican focus on the debt ceiling to again try to force everyone to back his goal of a “grand bargain.” This whole debt limit problem started because back in 2011 because Obama thought creating an artificial crisis with the debt limit would force Democrats to accept cuts to Social Security and Republicans to accept tax increase. Obama only ended up with sequester and a continuing headache with all future debt ceiling votes. It appears Obama really did learn his lesson.

### AT: No Econ Impact

#### Growth fine now-debt ceiling will wreck it

**Shapiro, Sonecon chairman, 9-5-13**

(Robert, “Congress and China Pose Biggest Threats to U.S. Economic Expansion”, <http://www.thedailybeast.com/articles/2013/09/05/congress-and-china-pose-biggest-threats-to-u-s-economic-expansion.html>, ldg)

As summer ends, and investors and policymakers look ahead, the American economy faces a range of downside risks. Most of these risks are what economists call “exogenous,” which is a fancy way of saying that they come from sources outside the economy itself. Left to itself, the economy appears set to maintain its current path of moderate growth. Gross domestic product grew at a 1.8 percent rate in the first quarter of this year followed by 2.5 percent growth in the second quarter, with no signs of the bracing job and income gains Americans remember from the 1980s and 1990s. But this may be as good as it gets. The fundamental internals, while not great, are decent. Now, however, outside forces pose the biggest threat. And the two largest threats come from Washington, D.C., and Beijing. The most clear and present threat to growth lies in the looming fight over the debt ceiling. After a reprieve over the spring and summer, debt-ceiling brinksmanship is about to resume. The Treasury Department is poised to reach the limit of debt issuance in October. It has to be said how truly foolish and irrational it is that this matter should pose any risk to our economic security. But the Republican Party is caught in an internal power struggle that could well result in Congress suspending the Treasury’s legal authority to issue bonds to finance debts already accrued by the current and previous Congresses. That would constitute a technical default by the United States—and that would trigger an unprecedented slump in the value of all U.S. Treasury securities, until now the world’s most secure and stable financial instrument. Interest rates on those securities would shoot up, and we would see a chaotic sell-off in U.S. and global bond markets followed by a sharp economic slowdown and a precipitous nosedive in stock markets. It would all unfold like a bitter divorce, where one spouse spitefully engineers a collapse of the marital assets heedless of how it will affect their children (in this scenario, you and I are the children). Of course, a debt-ceiling debacle is not inevitable. Once the debt-limit debate has produced some fiery political theater, the grown-ups in the GOP leadership and wealthy donors who underwrite most Republican campaigns may yet bring their party’s radicals to heel.

#### Economic decline increases the propensity for conventional and nuclear conflict

**Harris and Burrows 09** PhD European History @ Cambridge, counselor in the National Intelligence Council (NIC) & member of the NIC’s Long Range Analysis Unit

Mathew, and Jennifer “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>

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

### Weakness Link

#### Reducing war powers will end Obama’s credibility with Congress – it causes stronger GOP pushback on the debt ceiling

**Seeking Alpha 9-10-13**

(“Syria Could Upend Debt Ceiling Fight”, <http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight>, ldg)

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability. I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four. While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there, which would be limited in nature. Rather, investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over spending and the debt ceiling. Currently, the government loses spending authority on September 30 while it hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe. Failure in the Syrian vote could change this. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues. Until now, consensus has been that the two sides would compromise to fund the government at sequester levels while passing a $1 trillion stand-alone debt ceiling increase. However, the right wing of Boehner's caucus has been pushing for more, including another $1 trillion in spending cuts, defunding of Obamacare, and a one year delay of the individual mandate. Already, Conservative PACs have begun airing advertisements, urging a debt ceiling fight over Obamacare. With the President rendered hapless on Syria, they will become even more vocal about their hardline resolution, setting us up for a showdown that will rival 2011's debt ceiling fight. I currently believe the two sides will pass a short-term continuing resolution to keep the government open, and then the GOP will wage a massive fight over the debt ceiling. While Obama will be weakened, he will be unwilling to undermine his major achievement, his healthcare law. In all likelihood, both sides will dig in their respective trenches, unwilling to strike a deal, essentially in a game of chicken. If the House blocks Syrian action, it will take America as close to a default as it did in 2011. Based on the market action then, we can expect massive volatility in the final days of the showdown with the Dow falling 500 points in one session in 2011. As markets panicked over the potential for a U.S. default, we saw a massive risk-off trade, moving from equities into Treasuries. I think there is a significant chance we see something similar this late September into October. The Syrian vote has major implications on the power of Obama and the far-right when it comes to their willingness to fight over the debt ceiling. If the Syrian resolution fails, the debt ceiling fight will be even worse, which will send equities lower by upwards of 10%. Investors must be prepared for this "black swan" event. Looking back to August 2011, stocks that performed the best were dividend paying, less-cyclical companies like Verizon (VZ), Wal-Mart (WMT), Coca-Cola (KO) and McDonald's (MCD) while high beta names like Netflix (NFLX) and Boeing (BA) were crushed. Investors also flocked into treasuries despite default risk while dumping lower quality bonds as spreads widened. The flight to safety helped treasuries despite U.S. government issues. I think we are likely to see a similar move this time. Assuming there is a Syrian "no" vote, I would begin to roll back my long exposure in the stock market and reallocate funds into treasuries as I believe yields could drop back towards 2.50%. Within the stock market, I think the less-cyclical names should outperform, making utilities and consumer staples more attractive. For more tactical traders, I would consider buying puts against the S&P 500 and look toward shorting higher-beta and defense stocks like Boeing and Lockheed Martin (LMT). I also think lower quality bonds would suffer as spreads widen, making funds like JNK vulnerable. Conversely, gold (GLD) should benefit from the fear trade. I would also like to address the potential that Congress does not vote down the Syrian resolution. First, news has broken that Russia has proposed Syria turn over its chemical stockpile. If Syria were to agree (Syria said it was willing to consider), the U.S. would not have to strike, canceling the congressional vote. The proposal can be found here. I strongly believe this is a delaying tactic rather than a serious effort. In 2005, Libya began to turn over chemical weapons; it has yet to complete the hand-off. Removing and destroying chemical weapons is an exceptionally challenging and dangerous task that would take years, not weeks, making this deal seem unrealistic, especially because a cease-fire would be required around all chemical facilities. The idea that a cease-fire could be maintained for months, essentially allowing Assad to stay in office, is hard to take seriously. I believe this is a delaying tactic, and Congress will have to vote within the next two weeks. The final possibility is that Democrats back their President and barely ram the Syria resolution through. I think the extreme risk of a full-blown debt stand-off to dissipate. However, Boehner has promised a strong fight over the debt limit that the market has largely ignored. I do believe the fight would still be worse than the market anticipates but not outright disastrous. As such, I would not initiate short positions, but I would trim some longs and move into less cyclical stocks as the risk would still be the debt ceiling fight leading to some drama not no drama. Remember, in politics everything is connected. Syria is not a stand-alone issue. Its resolution will impact the power structure in Washington. A failed vote in Congress is likely to make the debt ceiling fight even worse, spooking markets, and threatening default on U.S. obligations unless another last minute deal can be struck.