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#### Contention 1 --- Intervention

#### Congress has abdicated war powers, leaving no check on unitary executive war-making

Pinhiero 11 – John C. Pinhiero, Associate Professor of History at Aquinas College, ““Hostilities” and War Powers: Let’s Choose the Constitution”, History News Service, 6-29, http://historynewsservice.org/2011/06/hostilities-and-war-powers-lets-choose-the-constitution/

¶ Last week Rep. Jerrold Nadler of New York warned that "if we

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, as in the case of Rep. Nadler, it can happen.

#### Executive war power *structurally* ensures groupthink and escalatory interventions

Fleischman 10 – Matthew Fleischman, J.D. Candidate at New York University School of Law, “A Functional Distribution of War Powers”, New York University Journal of Legislation and Public Policy, 13 N.Y.U. J. Legis. & Pub. Pol'y 137, Lexis

While Nzelibe and Yoo's model is clearly plausible, it misses certain critical institutional constructs

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it is the institutional design that would better accommodate functionalists' concerns and desires.

#### Those go nuclear ---

#### Accidents and miscalc

Adler 8 – David Gray, Professor of Political Science at Idaho State University, “The Judiciary and Presidential Power in Foreign Affairs: A Critique”, 6-1, http://www.freerangethought.com/index.php?option=com\_content&task=blogsection&id=6&Itemid=41

{11} The structure of shared powers in foreign relations serves to deter abuse

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to an examination of the judiciary's contribution to executive hegemony in foreign affairs.

#### High tempo interventions draw in outside powers

Friedman 11 – George Friedman, President of Stratfor Global Forecasting, “What Happened to the American Declaration of War?”, Stratfor, 3-29, http://www.stratfor.com/weekly/20110328-what-happened-american-declaration-war

An Increasing Tempo of Operations¶ All of this came just before the United States

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-or-death matter, a tonic for our adolescent body politic.

#### Requiring prior Congressional authorization for war deters adventurism

Dickerson 9 – Annette Warren Dickerson, Director of Education & Outreach for the Center for Constitutional Rights, “Restore. Protect. Expand. Amend the War Powers Resolution”, Center for Constitutional Rights White Paper, http://ccrjustice.org/files/CCR\_White\_WarPowers.pdf

Reform the War Powers Resolution¶ The War Powers Resolution has failed. Every president

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disguised as preemptive war, has no place in constitutional or international law.

#### Contention 2 --- Warfighting

#### Power projection structurally fails because operations are guided by incoherent strategies disconnected from national political will

Gallagher 11 – Lieutenant Colonel Joseph V. Gallagher III, United States Marine Corps, “Unconstitutional War: Strategic Risk in the Age of Congressional Abdication”, Parameters, Summer, http://strategicstudiesinstitute.army.mil/pubs/parameters/articles/2011summer/gallagher.pdf

Understanding the Gap¶ Since World War II, a wide gap has developed between

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wage fewer of them—and be far better positioned to win them.

#### Libya removed all remaining checks on *unilateral* executive war-making --- ruins accountability and signal of unified resolve

Webb 13 – Jim Webb, Former U.S. Senator from Virginia and Secretary of the Navy in the Reagan Administration, “Congressional Abdication”, The National Interest, 3-1, http://nationalinterest.org/article/congressional-abdication-8138?page=show

The president followed no clear historical standard when he unilaterally decided to use force in

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America is united and not acting merely at the discretion of one individual.

#### That crushes unit cohesion, morale, and allied support --- Congressional approval’s key

Frye 2 – Alton Frye, Presidential Senior Fellow Emeritus and Director of the Program on Congress and Foreign Policy at the Council on Foreign Relations, “Applying the War Powers Resolution to the War on Terrorism”, Testimony Before the Senate Judiciary Committee, 4-17, http://www.cfr.org/terrorism/applying-war-powers-resolution-war-terrorism/p4514

4. CONSENSUS IS ESSENTIAL TO NATIONAL COHESION¶ The case for active, continuing

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that Congress will play its proper constitutional role in the war on terrorism.

#### Plan boosts credible negotiating power by locking in public and Congressional support prior to conflict

Gelb 5 – Leslie H. Gelb, President Emeritus of the Council on Foreign Relations and Anne-Marie Slaughter, Dean of the Woodrow Wilson School of International and Public Affairs, “Declare War”, The Atlantic, 11-1, <http://www.theatlantic.com/magazine/archive/2005/11/declare-war/304301/?single_page=true>

\*Gender Modified

In the wake of the Vietnam War, Congress tried to fix this problem by

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support, [they] he would gain enormous credibility for his threats.

#### Effective power projection stops hotspot escalation to nuclear war

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

We live at a time when wars not only rage in nearly every region but

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Such a measure is not only prudent, it is also badly overdue.

#### Executive war power ruins soft power and global alliances

Schiffer 9 – Adam Schiffer, Ph.D., Assistant Professor of Political Science at Texas Christian University, and Carrie Liu Currier, Ph.D., Assistant Professor of Political Science at Texas Christian University, “War Powers, International Alliances, the President, and Congress”, http://apcentral.collegeboard.com/apc/public/repository/US\_Gov\_Balance\_of\_Power\_SF.pdf

The president’s advantages over Congress in the foreign policy realm have consequences far beyond the

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and how they are used to establish the legitimacy of American foreign policy.

#### Grounding use of force in constitutionally-based SOP creates a perception of benign hegemony and encourages international cooperation based on rule of law

Ikenberry 1 – G. John, Peter F. Krogh Professor of Global Justice at the School of Foreign Service at Georgetown University, “Getting Hegemony Right - Analysis of the United States as a "Hyperpower" Nation”, The National Interest, Spring, Lexis

A critical ingredient in stabilizing international relations in a world of radical power disparities is

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do so now, when America's relative power may be at its peak.

#### Existential threats are likely --- democratic alliances founded on mutual restraint build capacity to prevent and mitigate their impact

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

¶ Grand Strategy as Liberal Order Building¶ American dominance of the global system will

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liberal order building, it can begin the process of gaining it back.

#### Contention 3 --- SOP

#### Unchecked war power sets a precedent that causes the executive to broadly ignore Congressional controls

Barron 8 – David J. Barron, Professor of Law at Harvard Law School and Martin S. Lederman, Visiting Professor of Law at the Georgetown University Law Center, “The Commander in Chief at the Lowest Ebb -- A Constitutional History”, Harvard Law Review, February, 121 Harv. L. Rev. 941, Lexis

Thus, as future administrations contemplate the extent of their own discretion at the "

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for a change that risks such a fundamental revision of our national identity.

#### U.S. war powers are modeled internationally --- the precedent of unilateral executive authority ruins global human rights norms and encourages preemptive conflict in multiple hotspots

Sloane 8 – Sloane, Associate Professor of Law, Boston University School of Law, 2008 (Robert, Boston University Law Review, April, 88 B.U.L. Rev. 341, Lexis)

There is a great deal more constitutional history that arguably bears on the scope of

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to U.S. national security in the twenty-first century.

#### Collapse of human rights norms causes global WMD conflict

**Burke-White 4** – William W., Lecturer in Public and International Affairs and Senior Special Assistant to the Dean at the Woodrow Wilson School of Public and International Affairs, Princeton University and Ph.D. at Cambridge, “Human Rights and National Security: The Strategic Correlation”, The Harvard Human Rights Journal, Spring, 17 Harv. Hum. Rts. J. 249, Lexis

This Article presents a strategic--as opposed to ideological or normative--argument that

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U.S.-U.N. cooperation on human rights issues.

#### Preemption ruins U.S. leverage to deescalate regional crises --- goes nuclear

Steinberg 2 – James B. Steinberg, Vice President and Director of Foreign Policy at the Brookings Institution, Michael E. O'Hanlon and Susan E. Rice, “The New National Security Strategy and Preemption”, Brookings Policy Brief Series, December, http://www.brookings.edu/research/papers/2002/12/terrorism-ohanlon

The Dangers of Legitimating Preemption¶ A final concern relates to the impact of the

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also illustrate the dangers of legitimating an easy and early recourse to preemption.

#### Requiring formal declaration of war restores Congressional war powers and balances SOP by checking the Executive

Weinberger 9 – Seth Weinberger, Assistant Professor in the Department of Politics and Government at the University of Puget Sound, M.A. and Ph.D. in Political Science from Duke University, “Balancing War Powers in an Age of Terror”, The Good Society, 18(2), http://muse.jhu.edu/journals/good\_society/v018/18.2.weinberger.html

¶ The key to developing a constitutionally, legally, and practically sound balanced theory

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-so to undo that separation, even in the face of war.

#### Congress must be the first mover

Hansen 9 – Hansen and Friedman, professors of law at the New England School of Law, 2009 (Victor and Lawrence, The Case for Congress: Separation of Powers and the War on Terror, p.130)

The problem, of course, is that much of this congressional involvement has come

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more difficult for Congress to stand up to an assertive and aggressive president.

#### Only formal, structural checks restrain preemption

Damrosch 97 – Lori Fisler Damrosch, Professor of Law at the Columbia University School of Law, “Use of Force and Constitutionalism”, Columbia Journal of Transnational Law, 36 Colum. J. Transnat'l L. 449, Lexis

Structural-institutional explanations, on the other hand, point to features of liberal

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perception of Spain in 1898), the restraint may fail to take effect.

#### Plan –

#### The United States Federal Government should require Congressional authorization prior to initiating warfare, unless to repel attacks on the United States.

#### Plan’s the perfect balance that checks the Executive but preserves defensive capabilities

Lobel 8 – Jules Lobel, Professor at University of Pittsburgh Law School, “War Powers for the 21st Century: The Constitutional Perspective”, Testimony Before the Subcommittee on International Organizations, Human Rights and Oversight Committee on Foreign Affairs U.S. House of Representatives, 4-10, http://democrats.foreignaffairs.house.gov/110/lob041008.htm

III Revising the War Powers Resolution¶ I believe that it is necessary and possible to reform the War Powers Resolution

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and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect.22¶

#### Obama will comply

Barron 8 – David J. Barron, Professor of Law at Harvard Law School and Martin S. Lederman, Visiting Professor of Law at the Georgetown University Law Center, “The Commander in Chief at the Lowest Ebb -- A Constitutional History”, Harvard Law Review, February, 121 Harv. L. Rev. 941, Lexis

¶ In addition to offering important guidance concerning the congressional role, our historical review

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the executive branch itself for most of our history of war powers development.¶