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#### The Executive branch of the United States federal government should restrict the war powers authority of the president for targeted killing strikes carried out under Title 50 and implement this through self-binding mechanisms including, but not limited to independent commissions to review and ensure compliance with the order and transparency measures that gives journalists access to White House decisionmaking.

#### Including self-binding mechanisms ensures effective constraints and executive credibility

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IV. Executive Signaling: Law and Mechanisms¶ We suggest that the executive’s credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well-motivated ones, thus distinguishing themselves from their ill-motivated mimics. Among the specific mechanisms we discuss, an important subset involve executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations.¶This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by “government” or government officials. In constitutional theory, it is often suggested that constitutions represent an attempt by “the people” to bind “themselves” against their own future decisionmaking pathologies, or relatedly that constitutional prohibitions represent mechanisms by which governments commit themselves not to expropriate investments or to exploit their populations.71 Whether or not this picture is coherent,72 it is not the question we examine here, although some of the relevant considerations are similar.73 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government.¶ Furthermore, our question is subconstitutional; it is whether a well-motivated executive, acting within an established set of constitutional and statutory rules, can use signaling to generate public trust. Accordingly we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these constraints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations; in general, the solution is to engage in actions that are less costly for good types than for bad types.¶ We begin with some relevant law; then examine a set of possible mechanisms, emphasizing both the conditions under which they might succeed and the conditions under which they might not; and then examine the costs of credibility.¶ A. A Preliminary Note on Law and Self-Binding¶ Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.74 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is “yes, at least to the same extent that a legislature can.” Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.75 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies.¶More schematically, we may speak of formal and informal means of self-binding:¶ (1) The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so.¶ (2) The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding.76 However, there may be large political costs to repealing the order. This effect does not depend on the courts’ willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it.¶ In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president’s own future choices in ways that impose greater costs on ill-motivated presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal.¶ B. Mechanisms¶ What signaling mechanisms might a well-motivated executive adopt to credibly assure voters, legislators and judges that his policies rest on judgments about the public interest, rather than on power-maximization, partisanship or other nefarious motives? Intrabranch separation of powers. In an interesting treatment of related problems, Neal Katyal suggests that the failure of the Madisonian system counsels “internal separation of powers” within the executive branch.77 Abdication by Congress means that there are few effective checks on executive power; second-best substitutes are necessary. Katyal proposes some mechanisms that would be adopted by Congress, such as oversight hearings by the minority party, but his most creative proposals are for arrangements internal to the executive branch, such as redundancy and competition among agencies, stronger civil-service protections and internal adjudication of executive controversies by insulated “executive” decisionmakers who resemble judges in many ways.78Katyal’s argument is relevant because the mechanisms he discusses might be understood as signaling devices, but his overall approach is conceptually flawed, on two grounds. First, the assumption that second-best constraints on the executive should reproduce the Madisonian separation of powers within the executive branch is never defended. The idea seems to be that this is as close as we can get to the first-best, while holding constant everything else in our constitutional order. But the general theory of second-best states that approaching as closely as possible to the first-best will not necessarily be the preferred strategy;79 the best approach may be to adjust matters on other margins as well, in potentially unpredictable ways. If the Madisonian system has failed in the ways Katyal suggests, the best compensating adjustment might be, for all we know, to switch to a parliamentary system. (We assume that no large-scale changes of this sort are possible, whereas Katyal seemingly assumes that they are, or at least does not make clear his assumptions in this regard). Overall, Katyal’s view has a kind of fractal quality – each branch should reproduce within itself the very same separation of powers structure that also describes the whole system – but it is not explained why the constitutional order should be fractal.¶ Second, Katyal’s proposals for internal separation of powers are self-defeating: the motivations that Katyal ascribes to the executive are inconsistent with the executive adopting or respecting the prescriptions Katyal recommends.80 Katyal never quite says so explicitly, but he clearly envisions the executive as a power-maximizing actor, in the sense that the president seeks to remove all constraints on his current choices.81 Such an executive would not adopt or enforce the internal separation of powers to check himself. Executive signaling is not, even in principle, a solution to the lack of constraints on a power-maximizing executive in the sense Katyal implicitly intends. Although an illmotivated executive might bind himself to enhance his strategic credibility, as explained above, he would not do so in order to restore the balance of powers. Nor is it possible, given Katyal’s premise of legislative passivity or abdication, that Congress would force the internal separation of powers on the executive. In what follows, we limit ourselves to proposals that are consistent with the motivations, beliefs, and political opportunities that we ascribe to the well-motivated executive, to whom the proposals are addressed. This limitation ensures that the proposals are not self-defeating, whatever their costs.¶ The contrast here must not be drawn too simply. A well-motivated executive, in our sense, might well attempt to increase his power. The very point of demonstrating credibility is to encourage voters and legislators to increase the discretionary authority of the executive, where all will be made better off by doing so. Scholars such as Katyal who implicitly distrust the executive, however, do not subscribe to this picture of executive motivations. Rather, they see the executive as an unfaithful agent of the voters; the executive attempts to maximize his power even where fully-informed voters would prefer otherwise. An actor of that sort will have no incentive to adopt proposals intended to constrain that sort of actor.¶ Independent commissions. We now turn to some conceptually coherent mechanisms of executive signaling. Somewhat analogously to Katyal’s idea of the internal separation of powers, a well-motivated executive might establish independent commissions to review policy decisions, either before or after the fact. Presidents do this routinely, especially after a policy has had disastrous outcomes, but sometimes beforehand as well. Independent commissions are typically blue-ribbon and bipartisan.82¶ We add to this familiar process the idea that the President might gain credibility by publicly committing or binding himself to give the commission authority on some dimension. The president might publicly promise to follow the recommendations of such a commission, or to allow the commission to exercise de facto veto power over a policy decision before it is made, or might promise before the policy is chosen that the commission will be given power to review its success after the fact. To be sure, there will always be some wiggle room in the terms of the promise, but that is true of almost all commitments, which raise the costs of wiggling out even if they do not completely prevent it.¶ Consider whether George W. Bush’s credibility would have been enhanced had he appointed a blue-ribbon commission to examine the evidence for weapons of mass destruction in Iraq before the 2003 invasion, and publicly promised not to invade unless the commission found substantial evidence of their existence. Bush would have retained his preexisting legal authority to order the invasion even if the commission found the evidence inadequate, but the political costs of doing so would have been large. Knowing this, and knowing that Bush shared that knowledge, the public could have inferred that Bush’s professed motive – elimination of weapons of mass destruction – was also his real motive. Public promises that inflict reputational costs on badly motivated behavior help the well-motivated executive to credibly distinguish himself from the ill-motivated one.¶ The more common version of this tactic is to appoint commissions after the relevant event, as George W. Bush did to investigate the faulty reports by intelligence agencies that Iraq possessed weapons of mass destruction.83 If the president appoints after-the-fact commissions, the commissions can enhance his credibility for the next event—by showing that he will be willing, after that event, to subject his statements to scrutiny by public experts. Here, however, the demonstration of credibility is weaker, because there is no commitment to appoint any after-the-fact commissions in the future – merely a plausible inference that the president’s future behavior will track his past behavior.¶ Bipartisan appointments. In examples of the sort just mentioned, the signaling arises from public position-taking. The well-motivated executive might produce similar effects through appointments to office.84 A number of statutes require partisan balance on multimember commissions; although these statutes are outside the scope of our discussion, we note that presidents might approve them because they allow the president to commit to a policy that legislators favor, thus encouraging legislators to increase the scope of the delegation in the first place.85 For similar reasons, presidents may consent to restrictions on the removal of agency officials, because the restriction enables the president to commit to giving the agency some autonomy from the president’s preferences.86¶ Similar mechanisms can work even where no statutes are in the picture. As previously mentioned, during World War II, FDR appointed Republicans to important cabinet positions, making Stimson his Secretary of War. Clinton appointed William Cohen, a moderate Republican, as Secretary of Defense in order to shore up his credibility on security issues. Bipartisanship of this sort might improve the deliberation that precedes decisions, by impeding various forms of herding, cascades and groupthink;87 however, we focus on its credibility-generating effects. By (1) expanding the circle of those who share the president’s privileged access to information, (2) ensuring that policy is partly controlled by officials with preferences that differ from the president’s, and (3) inviting a potential whistleblower into the tent, bipartisanship helps to dispel the suspicion that policy decisions rest on partisan motives or extreme preferences, which in turn encourages broader delegations of discretion from the public and Congress.¶ A commitment to bipartisanship is only one way in which appointments can generate credibility. Presidents might simply appoint a person with a reputation for integrity, as when President Nixon appointed Archibald Cox as special prosecutor (although plausibly Nixon did so because he was forced to do so by political constraints, rather than as a tactic for generating credibility). A person with well-known preferences on a particular issue, even if not of the other party or widely respected for impartiality, can serve as a credible whistleblower on that issue. Thus presidents routinely award cabinet posts to leaders of subsets of the president’s own party, leaders whose preferences are known to diverge from the president’s on the subject; one point of this is to credibly assure the relevant interest groups that the president will not deviate (too far) from their preferences.¶ The Independent Counsel Statute institutionalized the special prosecutor and strengthened it. But the statute proved unpopular and was allowed to lapse in 1999.88 This experience raises two interesting questions. First, why have presidents confined themselves to appointing lawyers to investigate allegations of wrongdoing; why have they not appointed, say, independent policy experts to investigate allegations of policy failure? Second, why did the Independent Counsel Statute fail? Briefly, the statute failed because it was too difficult to control the behavior of the prosecutor, who was not given any incentive to keep his investigation within reasonable bounds.89 Not surprisingly, policy investigators would be even less constrained since they would not be confined by the law, and at the same time, without legal powers they would probably be ignored on partisan grounds. A commission composed of members with diverse viewpoints is harder to ignore, if the members agree with each other.¶ More generally, the decision by presidents to bring into their administrations members of other parties, or persons with a reputation for bipartisanship and integrity, illustrates the formation of domestic coalitions of the willing. Presidents can informally bargain around the formal separation of powers90 by employing subsets of Congress, or of the opposing party, to generate credibility while maintaining a measure of institutional control. FDR was willing to appoint Knox and Stimson, but not to give the Republicans in Congress a veto. Truman was willing to ally with Arthur Vandenbergh but not with all the Republicans; Clinton was willing to appoint William Cohen but not Newt Gingrich. George W. Bush likewise made a gesture towards credibility by briefing members of the Senate Intelligence Committee – including Democrats – on the administration’s secret surveillance program(s), which provided a useful talking point when the existence of the program(s) was revealed to the public.¶ Counter-partisanship. Related to bipartisanship is what might be called counterpartisanship: presidents have greater credibility when they choose policies that cut against the grain of their party’s platform or their own presumed preferences.91 Only Nixon could go to China, and only Clinton could engineer welfare reform. Voters and publics rationally employ a political heuristic: the relevant policy, which voters are incapable of directly assessing, must be highly beneficial if it is chosen by a president who is predisposed against it by convictions or partisan loyalty.92 Accordingly, those who wish to move U.S. terrorism policy towards greater security and less liberty might do well to support the election of a Democrat.93 By the same logic, George W. Bush is widely suspected of nefarious motives when he rounds up alleged enemy combatants, but not when he creates a massive prescription drug benefit.¶ Counter-partisanship can powerfully enhance the president’s credibility, but it depends heavily on a lucky alignment of political stars. A peace-loving president has credibility when he declares a military emergency but not when he appeases; a belligerent president has credibility when he offers peace but not when he advocates military solutions. A lucky nation has a well-motivated president with a belligerent reputation when international tensions diminish (Ronald Reagan) and a president with a pacific reputation when they grow (Abraham Lincoln, who opposed the Mexican War). But a nation is not always lucky.¶ Transparency. The well-motivated executive might commit to transparency, as a way to reduce the costs to outsiders of monitoring his actions.94 The FDR strategy of inviting potential whistleblowers from the opposite party into government is a special case of this; the implicit threat is that the whistleblower will make public any evidence of partisan motivations. The more ambitious case involves actually exposing the executive’s decisionmaking processes to observation. To the extent that an ill-motivated executive cannot publicly acknowledge his motivations or publicly instruct subordinates to take them into account in decisionmaking, transparency will exclude those motivations from the decisionmaking process. The public will know that only a well-motivated executive would promise transparency in the first place, and the public can therefore draw an inference to credibility.¶Credibility is especially enhanced when transparency is effected through journalists with reputations for integrity or with political preferences opposite to those of the president. Thus George W. Bush gave Bob Woodward unprecedented access to White House decisionmaking, and perhaps even to classified intelligence,95 with the expectation that the material would be published. This sort of disclosure to journalists is not real-time transparency – no one expects meetings of the National Security Council to appear on CSPAN – but the anticipation of future disclosure can have a disciplining effect in the present. By inviting this disciplining effect, the administration engages in signaling in the present through (the threat of) future transparency.¶There are complex tradeoffs here, because transparency can have a range of harmful effects. As far as process is concerned, decisionmakers under public scrutiny may posture for the audience, may freeze their views or positions prematurely, and may hesitate to offer proposals or reasons for which they can later be blamed if things go wrong.96 As for substance, transparency can frustrate the achievement of programmatic or policy goals themselves. Where security policy is at stake, secrecy is sometimes necessary to surprise enemies or to keep them guessing. Finally, one must take account of the incentives of the actors who expose the facts—especially journalists who might reward presidents who give them access by portraying their decisionmaking in a favorable light.97¶ We will take up the costs of credibility shortly.98 In general, however, the existence of costs does not mean that the credibility-generating mechanisms are useless. Quite the contrary: where the executive uses such mechanisms, voters and legislators can draw an inference that the executive is well-motivated, precisely because the existence of costs would have given an ill-motivated executive an excuse not to use those mechanisms.¶Multilateralism. Another credibility-generating mechanism for the executive is to enter into alliances or international institutions that subject foreign policy decisions to multilateral oversight. Because the information gap between voters and legislators, on the one hand, and the executive on the other is especially wide in foreign affairs, there is also wide scope for suspicion and conspiracy theories. If the president undertakes a unilateral foreign policy, some sectors of the domestic public will be suspicious of his motives. All recent presidents have faced this problem. In the case of George W. Bush, as we suggested, many have questioned whether the invasion of Iraq was undertaken to eliminate weapons of mass destruction, or to protect human rights, or instead to safeguard the oil supply, or because the president has (it is alleged) always wanted to invade Iraq because Saddam Hussein ordered the assassination of his father. In the case of Bill Clinton, some said that the cruise missile attack on Osama bin Laden’s training camp in Afghanistan was a “wag the dog” tactic intended to distract attention from Clinton’s impeachment.¶ A public commitment to multilateralism can close or narrow the credibility gap.¶ Suppose that a group of nations have common interests on one dimension – say, security from terrorism or from proliferation of nuclear weapons – but disparate interests on other dimensions – say, conflicting commercial or political interests. Multilateralism can be understood as a policy that in effect requires a supermajority vote, or even unanimity, among the group to license intervention. The supermajority requirement ensures that only interventions promoting the security interest common to the group will be approved, while interventions that promote some political agenda not shared by the requisite supermajority will be rejected. Knowing this, domestic audiences can infer that interventions that gain multilateral approval do not rest on disreputable motives.¶ It follows that multilateralism can be either formal or informal. Action by the United Nations Security Council can be taken only under formal voting rules that require unanimity. Informally, in the face of increasing tensions with Iran, George W. Bush’s policy has been extensive multilateral consultations and a quasi-commitment not to intervene unilaterally. Knowing that his credibility is thin after Iraq, Bush has presumably adopted this course in part to reassure domestic audiences that there is no nefarious motive behind an intervention, should one occur.¶ It also follows that multilateralism and bipartisan congressional authorization may be substitutes, in terms of generating credibility. In both cases the public knows that the cooperators – partisan opponents or other nations, as the case may be – are unlikely to share any secret agenda the president may have. The substitution is only partial, however; as we suggested in Part III, the Madisonian emphasis on bipartisan authorization has proven insufficient. The interests of parties within Congress diverge less than do the interests of different nations, which makes the credibility gain greater under multilateralism. In eras of unified government, the ability of the president’s party to put a policy through Congress without the co-operation of the other party (ignoring the threat of a Senate filibuster, a weapon that the minority party often hesitates to wield) often undermines the policy’s credibility even if members of the minority go along; after all, the minority members may be going along precisely because they anticipate that opposition is fruitless, in which case no inference about the policy’s merits should be drawn from their approval. Moreover, even a well-motivated president may prefer, all else equal, to generate credibility through mechanisms that do not involve Congress, if concerned about delay, leaks, or obstruction by small legislative minorities. Thus Truman relied on a resolution of the United Nations Security Council rather than congressional authorization to prosecute the Korean War.99¶ The costs of multilateralism are straightforward. Multilateralism increases the costs of reaching decisions, because a larger group must coordinate its actions, and increases the risks of false negatives – failure to undertake justified interventions. A president who declines to bind himself through multilateralism may thus be either illmotivated and desirous of pursuing an agenda not based on genuine security goals, or well-motivated and worried about the genuine costs of multilateralism. As usual, however, the credibility-generating inference holds asymmetrically: precisely because an ill-motivated president may use the costs of multilateralism as a plausible pretext, a president who does pursue multilateralism is more likely to be well-motivated. ¶ Strict liability. For completeness, we mention that the well-motivated executive might in principle subject himself to strict liability for actions or outcomes that only an ill-motivated executive would undertake. Consider the controversy surrounding George W. Bush’s telecommunications surveillance program, which the president has claimed covers only communications in which one of the parties is overseas; domestic-to-domestic calls are excluded.100 There is widespread suspicion that this claim is false.101 In a recent poll, 26% of respondents believed that the National Security Agency listens to their calls.102 The credibility gap arises because it is difficult in the extreme to know what exactly the Agency is doing, and what the costs and benefits of the alternatives are.¶ Here the credibility gap might be narrowed by creating a cause of action, for damages, on behalf of anyone who can show that domestic-to-domestic calls were examined.103 Liability would be strict, because a negligence rule – did the Agency exert reasonable efforts to avoid examining the communication? – requires too much information for judges, jurors, and voters to evaluate, and would just reproduce the monitoring problems that gave rise to the credibility gap in the first place. Strict liability, by contrast, would require a much narrower factual inquiry. Crucially, a commitment to strict liability would only be made by an executive who intended to minimize the incidence of (even unintentional and non-negligent) surveillance of purely domestic communications.¶ However, there are legal and practical problems here, perhaps insuperable ones. Legally, it is hardly clear that the president could, on his own authority, create a cause of action against himself or his agents to be brought in federal court. It is well within presidential authority to create executive commissions for hearing claims against the United States, for disbursing funds under benefit programs, and so on; but the problem here is that there might be no pot of money from which to fund damages. The so-called Judgment Fund, out of which damages against the executive are usually paid, is restricted to statutorily-specified lawsuits. If so, statutory authorization for the president to create the strict liability cause of action would be necessary, as we discuss shortly.104 Practically, it is unclear whether government agents can be forced to “internalize costs” through money damages in the way that private parties can, at least if the treasury is paying those damages.105 And if it is, voters may not perceive the connection between governmental action and subsequent payouts in any event.¶ The news conference. Presidents use news conferences to demonstrate their mastery of the details of policy. Many successful presidents, like FDR, conducted numerous such conferences.106 Ill-motivated presidents will not care about policy if their interest is just holding power for its own sake; thus, they would regard news conferences as burdensome and risky chores. The problem is that a well-motivated president does not necessarily care about details of policy, as opposed to its broad direction, and journalists might benefit by tripping up a president in order to score points. Reagan, for example, did not care about policy details, but is generally regarded as a successful president.107 To make Reagan look good, his handlers devoted considerable resources trying to prepare him for news conferences, resources that might have been better used in other ways.108¶ “Precommitment politics.”109 We have been surveying mechanisms that the wellmotivated executive can employ once in office. However, in every case the analysis can be driven back one stage to the electoral campaign for executive office. During electoral campaigns, candidates for the presidency take public positions that partially commit them to subsequent policies, by raising the reputational costs of subsequent policy changes. Under current law, campaign promises are very difficult to enforce in the courts.110 But even without legal enforcement, position-taking helps to separate the well-motivated from the ill-motivated candidate, because the costs to the former of making promises of this sort are higher. To be sure, many such promises are vacuous, meaning that voters will not sanction a president who violates them, but some turn out to have real force, as George H.W. Bush discovered when he broke his clear pledge not to raise taxes.

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#### CIR will pass now

David Nakamura, “For House Republicans, New Momentum on Immigration Reform,” WASHINGTON POST, 1—24—14, <http://www.washingtonpost.com/politics/for-house-republicans-new-momentum-on-immigration-reform/2014/01/24/1c48e25e-8509-11e3-bbe5-6a2a3141e3a9_story.html>

Recent signals from House Republican leaders that they will pursue their own vision of immigration reform have presented the White House with an opening to achieve a major legislative deal this year that has eluded lawmakers for decades. Speaker John A. Boehner (R-Ohio) is expected to release a brief outline of immigration principles to his caucus as soon as its annual retreat next week. The goals would include strengthening border security and creating new visas for foreign workers, while providing a path toward legalizing the status of the nation’s 11 million to 12 million undocumented immigrants, according to people briefed on the deliberations. Obama administration officials and congressional Democrats expressed optimism that new momentum in the House could yield results after months in which the issue languished in the lower chamber. But they cautioned that it is far too early to determine whether a compromise could be reached between the House and Senate, which approved a bipartisan plan to overhaul border-control laws last June. “It’s a very big deal, and there’s a path here that could get it done,” Cecilia Munoz, the White House’s director of domestic policy, said of the potential for an immigration agreement. White House officials view immigration as the best chance President Obama has to pass a major piece of domestic legislation in his final three years in office, largely because some GOP leaders believe their party must broaden its appeal to Latinos and Asian Americans. Obama won reelection in 2012 with the support of more than 70 percent of those voters.

#### Political capital is key

Orlando Sentinel 11-1-13 "What we think: It'll take both parties to clear immigration logjam" articles.orlandosentinel.com/2013-11-01/news/os-ed-immigration-reform-congress-20131031\_1\_immigration-reform-comprehensive-reform-house-republicans

For those who thought the end of the government shutdown would provide a break from the partisan bickering in Washington, think again. The battle over comprehensive immigration reform could be every bit as contentious. Polls show the popular momentum is there for comprehensive reform, which would include a path to citizenship for many of the nation's 11 million undocumented immigrants. But it'll take plenty of political capital from President Obama and leaders in both parties on Capitol Hill to make it happen. Immigration-reform activists, who have been pushing for reform for years, are understandably impatient. This week police arrested 15 who blocked traffic at a demonstration in Orlando. There are plenty of selling points for comprehensive immigration reform. An opportunity for millions of immigrants to get on the right side of the law. Stronger border security. The chance for law enforcement to focus limited resources on real threats to public safety, instead of nannies and fruit pickers. A more reliable work force to meet the needs of key industries. Reforms to let top talent from around the world stay here after studying in U.S. universities. The Senate passed its version of comprehensive immigration in June. It includes all of the benefits above. Its path to citizenship requires undocumented immigrants to pay fines, learn English, pass a criminal background check and wait more than a decade. So far, House Republicans have balked, taking a piecemeal rather than comprehensive approach. Many members fear being challenged from the right for supporting "amnesty." Yet polls show the public supports comprehensive reform. In June, a Gallup poll found 87 percent of Americans — including 86 percent of Republicans — support a pathway to citizenship like the one outlined in the Senate bill. Florida Republican Sen. Marco Rubio took flak from tea-party supporters for spearheading the comprehensive bill. Now, apparently aiming to mend fences, he says immigration should be handled piecemeal. He's politically savvy enough to know that's a dead end. But comprehensive reform won't have a chance without President Obama making full use of his bully pulpit to promote it, emphasizing in particular all that undocumented immigrants would need to do to earn citizenship. House Democratic leaders will have to underscore the president's message.

#### Strikes are hugely popular, shield Obama—plan is a loss

Daniel Byman and Benjmain Wittes, Brookings Institution, “Tools and Tradeoff: Confronting U.S. Citizen Terrorist Suspects Abroad,” 6—17—13, [www.brookings.edu/~/media/research/files/reports/2013/07/23%20us%20citizen%20terrorist%20suspects%20awlaki%20jihad%20byman%20wittes/toolsandtradeoffs.pdf](http://www.brookings.edu/~/media/research/files/reports/2013/07/23%20us%20citizen%20terrorist%20suspects%20awlaki%20jihad%20byman%20wittes/toolsandtradeoffs.pdf)

Ironically, although targeting citizens with lethal force raises significant legal issues and liberal voices have been highly critical of the perceived lack of due process in the Awlaki strike, in general, such operations are highly popular. In one recent Huffington Post/YouGov poll, respondents favored drone strikes as a tool by a wide margin, whether citizens were the targets or not.90 Moreover, the political benefits to Obama or to another president do not come simply in the form of additional votes but, rather, in inoculation against the charge that they are soft on terrorism. The Awlaki strike, for example, led conservative Republican Rick Perry, governor of Texas and then a presidential candidate, to praise the president. And Obama’s eventual rival for the presidency, Governor Mitt Romney felt compelled to say, “I commend the President.”91

#### The impact is clean tech

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It should come as no surprise that immigrants will help drive the green revolution. America's young scientists and engineers, especially the ones drawn to emerging industries like alternative energy, tend to speak with an accent. The 2000 Census found that immigrants, while accounting for 12 percent of the population, made up nearly half of the all scientists and engineers with doctorate degrees. Their importance will only grow. Nearly 70 percent of the men and women who entered the fields of science and engineering from 1995 to 2006 were immigrants. Yet, the connection between immigration and the development and commercialization of alternative energy technology is rarely discussed. Policymakers envision millions of new jobs as the nation pursues renewable energy sources, like wind and solar power, and builds a smart grid to tap it. But Dan Arvizu, the leading expert on solar power and the director of the National Renewable Energy Laboratory of the U.S. Department of Energy in Golden, Colorado, warns that much of the clean-technology talent lies overseas, in nations that began pursuing alternative energy sources decades ago. The 2000 Census found that immigrants, while accounting for 12 percent of the population, made up nearly half of the all scientists and engineers with doctorate degrees. Their importance will only grow. Expanding our own clean-tech industry will require working closely with foreign nations and foreign-born scientists, he said. Immigration restrictions are making collaboration difficult. His lab's efforts to work with a Chinese energy lab, for example, were stalled due to U.S. immigration barriers. "We can't get researchers over here," Arvizu, the son of a once-undocumented immigrant from Mexico, said in an interview in March 2009, his voice tinged with dismay. "It makes no sense to me. We need a much more enlightened approach." Dr. Zhao Gang, the Vice Director of the Renewable Energy and New Energy International Cooperation Planning Office of the Ministry of Science and Technology in China, says that America needs that enlightenment fast. "The Chinese government continues to impress upon the Obama administration that immigration restrictions are creating major impediments to U.S.-China collaboration on clean energy development," he said during a recent speech in Cleveland. So what's the problem? Some of it can be attributed to national security restrictions that impede international collaboration on clean energy. But Arvizu places greater weight on immigration barriers, suggesting that national secrecy is less important in the fast-paced world of green-tech development. "We are innovating so fast here, what we do today is often outdated tomorrow. Finding solutions to alternative energy is a complex, global problem that requires global teamwork," he said. We need an immigration system that prioritizes the attraction and retention of scarce, high-end talent needed to invent and commercialize alternative energy technology and other emerging technologies.

#### Solve warming

Norris 9 --- leaders in the youth climate movement and work at the Breakthrough Institute (3/10/2009, Teryn and Jesse, “Want to Save the World? Make Clean Energy Cheap,” http://www.huffingtonpost.com/teryn-norris/want-to-save-the-world-ma\_b\_173482.html)

Over 12,000 young adults attended the recent Power Shift 2009 summit in Washington, DC. Their goal? Building the largest youth movement in decades to save the world from global warming.

Largely missing from Power Shift, however, was a critical group: young scientists, engineers, and entrepreneurs. Maybe it was mid-terms. Perhaps the event seemed too political. Or maybe the summit recruited too many traditionally-defined "activists."

Whatever the cause, we have very little chance of overcoming climate change without enlisting young innovators at a drastically greater scale. Simply put, they represent one of the most important catalysts for creating a clean energy economy and achieving long-term prosperity.

The reason is this: at its core, climate change is a challenge of technology innovation. Over the next four decades, global energy demand will approximately double. Most of this growth will happen in developing nations as they continue lifting their citizens out of poverty and building modern societies. But over the same period, global greenhouse gas emissions must fall dramatically to avert the worst consequences of climate change.

Shortly before his untimely death in 2005, the Nobel Prize-winning physicist Richard Smalley coined this the "Terawatt Challenge": increasing global energy production from roughly 15 terawatts in 2005 to 60 terawatts annually by 2100 in a way that simultaneously confronts the challenges of global warming, poverty alleviation, and resource depletion.

The single greatest obstacle to meeting the Terawatt Challenge is the "technology gap" between dirty and clean energy sources. Low-carbon energy technologies remain significantly more expensive than fossil fuels. For example, solar photovoltaic electricity costs up to three to five times that of coal electricity, and plug-in hybrid and electric vehicles can be twice as expensive as their gasoline-fueled competitors.

Unless this technology gap is bridged and clean energy technologies become affordable and scalable, poor and rich nations alike will continue opposing significant prices on their carbon emissions and will continue relying primarily upon coal and other fossil fuels to power their development. This will virtually assure massive climate destabilization.

So the task is clear: to avoid climate catastrophe and create a new energy economy, we must unleash our forces of innovation - namely, scientists, engineers and entrepreneurs- to invent a new portfolio of truly scalable clean energy technologies, chart new paths to bring these technologies to market, and ensure they are affordable enough to deploy throughout the world.

In short, to save the world we must make clean energy cheap.

#### Extinction

Flournoy 12 – PhD and MA from the University of Texas, Former Dean of the University College @ Ohio University, Former Associate Dean @ State University of New York and Case Institute of Technology, Project Manager for University/Industry Experiments for the NASA ACTS Satellite, Currently Professor of Telecommunications @ Scripps College of Communications @ Ohio University (Don, "Solar Power Satellites," January, Springer Briefs in Space Development, Book)

In the Online Journal of Space Communication , Dr. Feng Hsu, a NASA scientist at Goddard Space Flight Center, a research center in the forefront of science of space and Earth, writes, “The evidence of global warming is alarming,” noting the potential for a catastrophic planetary climate change is real and troubling (Hsu 2010 ) . Hsu and his NASA colleagues were engaged in monitoring and analyzing climate changes on a global scale, through which they received first-hand scientific information and data relating to global warming issues, including the dynamics of polar ice cap melting. After discussing this research with colleagues who were world experts on the subject, he wrote: I now have no doubt global temperatures are rising, and that global warming is a serious problem confronting all of humanity. No matter whether these trends are due to human interference or to the cosmic cycling of our solar system, there are two basic facts that are crystal clear: (a) there is overwhelming scientific evidence showing positive correlations between the level of CO2 concentrations in Earth’s atmosphere with respect to the historical fluctuations of global temperature changes; and (b) the overwhelming majority of the world’s scientific community is in agreement about the risks of a potential catastrophic global climate change. That is, if we humans continue to ignore this problem and do nothing, if we continue dumping huge quantities of greenhouse gases into Earth’s biosphere, humanity will be at dire risk (Hsu 2010 ) . As a technology risk assessment expert, Hsu says he can show with some confidence that the planet will face more risk doing nothing to curb its fossil-based energy addictions than it will in making a fundamental shift in its energy supply. “This,” he writes, “is because the risks of a catastrophic anthropogenic climate change can be potentially the extinction **of human species**, a risk that is simply too high for us to take any chances” (Hsu 2010 ) . It was this NASA scientist’s conclusion that humankind must now embark on the next era of “sustainable energy consumption and re-supply, the most obvious source of which is the mighty energy resource of our Sun” (Hsu 2010 ) (Fig . 2.1 ).

### 3

#### Congressional control of targeted killing destroys war fighting and turns the case.

Issacharoff ‘13

Samuel Issacharoff, Reiss Professor of Constitutional Law, New York University School of Law. and Richard H. Pildes, Sudler Family Professor of Constitutional Law, New York University School of Law; CoDirector, NYU Program on Law and Security, “Drones and the Dilemma of Modern Warfare,” PUBLIC LAW & LEGAL THEORY RESEARCH PAPER SERIES WORKING PAPER NO. 13-34 Star Chamber=politicized secret court from 15th century England, symbol of abuse

Procedural Safeguards

As with all use of lethal force, there must be procedures in place to maximize the likelihood of correct identification and minimize risk to innocents. In the absence of formal legal processes, sophisticated institutional entities engaged in repeated, sensitive actions – including the military – will gravitate toward their own internal analogues to legal process, even without the compulsion or shadow of formal judicial review. This is the role of bureaucratic legalism63 in developing sustained institutional practices, even with the dim shadow of unclear legal commands. These forms of self-regulation are generated by programmatic needs to enable the entity’s own aims to be accomplished effectively; at times, that necessity will share an overlapping converge with humanitarian concerns to generate internal protocols or process-like protections that minimize the use of force and its collateral consequences, in contexts in which the use of force itself is otherwise justified. But because these process-oriented protections are not codified in statute or reflected in judicial decisions, they typically are too invisible to draw the eye of constitutional law scholars who survey these issues from much higher levels of generality. In theory, such review procedures could be fashioned alternatively as a matter of judicial review (perhaps following warrant requirements or the security sensitivities of the FISA court), or accountability to legislative oversight (using the processes of select committee reporting), or the institutionalization of friction points within the executive branch (as with review by multiple agencies). Each could serve as a check on the development of unilateral excesses by the executive. And, presumably, each could guarantee that internal processes were adhered to and that there be accountability for wanton error. The centrality of dynamic targeting in the active theaters such as the border areas between Afghanistan and Pakistan make it difficult to integrate legislative or judicial review mechanisms. Conceivably, the decision to place an individual on a list for targeting could be a moment for review outside the boundaries of the executive branch, but even this has its drawback. Any court engaged in the ex parte review of the decision to execute someone outside the formal mechanisms of crime and punishment risks appearing as a modern variant of the Star Chamber.64 Similarly, there are difficulties in forcing a polarized Congress as a whole to assume collective responsibility for decisions of life and death and the incentives have turned out to not to be well aligned to get a subset of Congress, such as the intelligence committees, to play this role effectively.65

#### Congressional restrictions cause adversaries to doubt the credibility of our threats – causes nuclear escalation

Matthew Waxman 8/25/13, Professor of Law @ Columbia and Adjunct Senior Fellow for Law and Foreign Policy @ CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN

A claim previously advanced from a presidentialist perspective is that stronger¶ legislative checks on war powers is harmful to coercive and deterrent strategies, because¶ it establishes easily-visible impediments to the President’s authority to follow through on¶ threats. This was a common policy argument during the War Powers Resolution debates¶ in the early 1970s. Eugene Rostow, an advocate inside and outside the government for¶ executive primacy, remarked during consideration of legislative drafts that any serious¶ restrictions on presidential use of force would mean in practice that “no President could¶ make a credible threat to use force as an instrument of deterrent diplomacy, even to head¶ off explosive confrontations.”178 He continued:¶ In the tense and cautious diplomacy of our present relations with the Soviet¶ Union, as they have developed over the last twenty-five years, the authority of the¶ President to set clear and silent limits in advance is perhaps the most important of¶ all the powers in our constitutional armory to prevent confrontations that could¶ carry nuclear implications. …¶ [I]t is the diplomatic power the President needs most under the¶ circumstance of modern life—the power to make a credible threat to use force in¶ order to prevent a confrontation which might escalate.179¶ In his veto statement on the War Powers Resolution, President Nixon echoed these¶ concerns, arguing that the law would undermine the credibility of U.S. deterrent and¶ coercive threats in the eyes of both adversaries and allies – they would know that¶ presidential authority to use force would expire after 60 days, so absent strong¶ congressional support they could assume U.S. withdrawal at that point.180 In short, those¶ who oppose tying the president’s hands with mandatory congressional authorization¶ requirements to use force sometimes argue that doing so incidentally and dangerously ties¶ his hands in threatening it. A critical assumption here is that presidential flexibility,¶ preserved in legal doctrine, enhances the credibility of presidential threats to escalate

#### The plan collapses executive crisis response --- triggers terrorism, rogue state attacks, and wildfire prolif

John Yoo 8/30/13, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “Like it or not, Constitution allows Obama to strike Syria without Congressional approval,” Fox News, <http://www.foxnews.com/opinion/2013/08/30/constitution-allows-obama-to-strike-syria-without-congressional-approval/>

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 are 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 it 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’s 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's 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's 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 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 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 eighteenth-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’s 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's 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’s 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 state aggression causes 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.

### Intel

#### Not proliferating, even if they are it will be slow

Hymans 12 – is Associate Professor of International Relations at the University of Southern California (Jacques, May/June, “Botching the Bomb” <http://www.foreignaffairs.com/articles/137403/jacques-e-c-hymans/botching-the-bomb>) Jacome

THE CHRONIC problem of nuclear proliferation is once again dominating the news. A fierce debate has developed over how to respond to the threat posed by Iran's nuclear activities, which most experts believe are aimed at producing a nuclear weapon or at least the capacity to assemble one. In this debate, one side is pushing for a near-term military attack to damage or destroy Iran's nuclear program, and the other side is hoping that strict sanctions against the Islamic Republic will soften it up for a diplomatic solution. Both sides, however, share the underlying assumption that unless outside powers intervene in a dramatic fashion, it is inevitable that Iran will achieve its supposed nuclear goals very soon.

Yet there is another possibility. The Iranians had to work for 25 years just to start accumulating uranium enriched to 20 percent, which is not even weapons grade. The slow pace of Iranian nuclear progress to date strongly suggests that Iran could still need a very long time to actually build a bomb -- or could even ultimately fail to do so. Indeed, global trends in proliferation suggest that either of those outcomes might be more likely than Iranian success in the near future. Despite regular warnings that proliferation is spinning out of control, the fact is that since the 1970s, there has been a persistent slowdown in the pace of technical progress on nuclear weapons projects and an equally dramatic decline in their ultimate success rate.

The great proliferation slowdown can be attributed in part to U.S. and international nonproliferation efforts. But it is mostly the result of the dysfunctional management tendencies of the states that have sought the bomb in recent decades. Weak institutions in those states have permitted political leaders to unintentionally undermine the performance of their nuclear scientists, engineers, and technicians. The harder politicians have pushed to achieve their nuclear ambitions, the less productive their nuclear programs have become. Meanwhile, military attacks by foreign powers have tended to unite politicians and scientists in a common cause to build the bomb. Therefore, taking radical steps to rein in Iran would be not only risky but also potentially counterproductive, and much less likely to succeed than the simplest policy of all: getting out of the way and allowing the Iranian nuclear program's worst enemies -- Iran's political leaders -- to hinder the country's nuclear progress all by themselves.

#### Iran is rational

**Waltz 12 –** Senior Research Scholar at the Saltzman Institute of War and Peace Studies and Adjunct Professor of Political Science at Columbia University(Kenneth, “Why Iran Should Get the Bomb”<http://www.foreignaffairs.com/articles/137731/kenneth-n-waltz/why-iran-should-get-the-bomb>**)**

UNFOUNDED FEARS One reason the danger of a nuclear Iran has been grossly exaggerated is that the debate surrounding it has been distorted by misplaced worries and fundamental misunderstandings of how states generally behave in the international system. The first prominent concern, which undergirds many others, is that the Iranian regime is innately irrational. Despite a widespread belief to the contrary, Iranian policy is made not by "mad mullahs" but by perfectly sane ayatollahs who want to survive just like any other leaders. Although Iran's leaders indulge in inflammatory and hateful rhetoric, they show no propensity for self-destruction. It would be a grave error for policymakers in the United States and Israel to assume otherwise. Yet that is precisely what many U.S. and Israeli o/cials and analysts have done. Portraying Iran as irrational has allowed them to argue that the logic of nuclear deterrence does not apply to the Islamic Republic. If Iran acquired a nuclear weapon, they warn, it would not hesitate to use it in a first strike against Israel, even though doing so would invite massive retaliation and risk destroying everything the Iranian regime holds dear. Although it is impossible to be certain of Iranian intentions, it is far more likely that if Iran desires nuclear weapons, it is for the purpose of providing for its own security, not to improve its offensive capabilities (or destroy itself). Iran may be intransigent at the negotiating table and defiant in the face of sanctions, but it still acts to secure its own preservation. Iran's leaders did not, for example, attempt to close the Strait of Hormuz despite issuing blustery warnings that they might do so after the eu announced its planned oil embargo in January. The Iranian regime clearly concluded that it did not want to provoke what would surely have been a swiftand devastating American response to such a move. Nevertheless, even some observers and policymakers who accept that the Iranian regime is rational still worry that a nuclear weapon would embolden it, providing Tehran with a shield that would allow it to act more aggressively and increase its support for terrorism. Some analysts even fear that Iran would directly provide terrorists with nuclear arms. The problem with these concerns is that they contradict the record of every other nuclear weapons state going back to 1945. History shows that when countries acquire the bomb, they feel increasingly vulnerable and become acutely aware that their nuclear weapons make them a potential target in the eyes of major powers. This awareness discourages nuclear states from bold and aggressive action. Maoist China, for example, became much less bellicose after acquiring nuclear weapons in 1964, and India and Pakistan have both become more cautious since going nuclear. There is little reason to believe Iran would break this mold.

#### No arms race

Kenneth **Waltz 12**, senior research scholar @ Saltzman, Poly Sci Prof @ Columbia, Jul/Aug 2012, “Why Iran Should Get the Bomb,” Foreign Affairs 91.4, pq

Another oft-touted worry is that if Iran obtains the bomb,other states in the region will follow suit, leading to a nuclear arms race in the Middle East. But the nuclear age is now almost 70 years old, and so far, fears of proliferationhave proved to be unfounded. Properly defined, the term "proliferation" means a rapid and uncontrolled spread. Nothing like that has occurred; in fact, since 1970, there has been a marked slowdown in the emergence of nuclear states. There is no reason to expect that this pattern will change now. Should Iran become the second Middle Eastern nuclear power since 1945, it would hardly signal the start of a landslide. When Israel acquired the bomb in the 1960s, it was at war with many of its neighbors. Its nuclear arms were a much bigger threat to the Arab world than Iran's program is today. If an atomic Israel did not trigger an arms race then, there is no reason a nuclear Iran should now.

No US strikes

Xinhua News 11

[“Iran's nuclear issue escalates, but unlikely into conflict”, 12-29-2011, http://news.xinhuanet.com/english/indepth/2011-12/29/c\_131334180.htm]

BEIJING, Dec. 29 (Xinhua) -- Iran's nuclear issue has escalated again recently with the West mulling sanctions on Iran's Central Bank and its crude exports, but the seeming saber-rattling on the part of both sides is unlikely to evolve into an imminent conflict. On Dec. 14, the U.S. House of Representatives passed a massive defense bill, which requests new sanctions on Iran, targeting foreign financial institutions that do business with the Islamic republic's central bank. Iran's First Vice President Mohammad-Reza Rahimi said Tuesday that if the exports of Iran's oil were hit by sanctioned from the West, "not a drop of oil" would pass through the Strait of Hormuz. Iran's Navy Chief Admiral Habibollah Sayari also said Wednesday that Iran would find it "really easy" to shut down the Strait of Hormuz, the world's most important oil transit channel. The comments drew a quick response from the United States. A spokeswoman from the Bahrain-based U.S. Navy 5th Fleet said the Navy is "always ready to counter malevolent actions to ensure freedom of navigation." Despite the latest flare-up of tensions, there is little possibility that Iran and the U.S. would rush headlong into war, in view of the current circumstances. U.S. President Barack Obama, with his re-election bid next year on his mind, would try to avoid any war that could become controversial. Iran, on the other hand, is becoming more adept at playing a game of brinkmanship. While sticking to its tough stance on its nuclear program, Tehran has apparently been ready to compromise a bit at the last minute, leaving the door open for further negotiations. It has been almost 10 years since Iran's nuclear issue surfaced in 2003, but neither side has ever crossed the red lines. Iran has maintained its cooperation with the International Atomic Energy Agency (IAEA) and has never announced plans to develop nuclear weapons. The West, for its part, has not imposed a complete embargo on Iran's crude exports, to say nothing of launching strikes against Iran's nuclear facilities.

#### won’t escalate

Matthew **Kroenig 12** Matthew Kroenig is a Stanton nuclear security fellow at the Council on Foreign Relations and an assistant professor of government at Georgetown University. From July 2010 to July 2011, he was a Council on Foreign Relations International Affairs Fellow in the Department of Defense, where he worked on Middle East defense policy and strategy. Previously, in 2005, he worked as a strategist in the Office of the Secretary of Defense “Why Attacking Iran Is A Good Idea” March 21, 2012 http://postwarwatch.com/2012/03/21/matthew-kroenig-attacking-iran/

The United States would try to build international support for an attack, to build a coalition, or even call for a vote in the UN Security Council. China and Russia would almost certainly veto such a measure, so it is very unlikely there could be a Security Council Resolution. But the US could build an international coalition with the British, the French, and other allies to support an attack. The question is, what would China and Russia do, would they support Iran? They are not formal allies of Iran. They have been less than amicable with Iran; Russia and China would almost certainly protest a US strike, yet it is unlikely that they could or would retaliate in a meaningful way against the United States economically or militarily: I think they would lodge a diplomatic protest, but that is all.

### New Adv

#### Democracies destroy the environment—statistically proven

**Midlarsky 98** (Democracy and the Environment: An Empirical Assessment Author(s): Manus I. Midlarsky Source: Journal of Peace Research, Vol. 35, No. 3, Special Issue on Environmental Conflict (May, 1998), pp. 341-361 Published by: Sage Publications, Ltd. Stable URL: http://www.jstor.org/stable/424940)

Yet one wonders if all of the preceding arguments do not constitute an idealization of democracy that ignores the rough and tumble of actual decision-making within the legislative and executive branches of government. Corporations and environmental groups can fight each other to a standstill, leaving a decision-making vacuum instead of a direct impact of democracy on the environment. Or as the result of budget constraints, democracies may not be responsive to environmental imperatives but to more pressing issues of the economic sustenance of major portions of the voting public. The nuts and bolts of daily democratic governance may turn out to be very different from the ideal. There are further difficulties in the hypothesized positive relationship between democracy and the environment. First is the problem of potential inequality, always a difficulty in practising democracy in the absence of draconian redistribution schemes. According to Lafferty & Meadowcroft (1996b): Environmental problems are typically experienced as external constraints which frustrate established expectations and which require an adjustment to existing social practices. They threaten a pre-existing structure of entitlements and raise questions concerning distributive justice. While the idea that a cleaner environment will benefit everyone that green policies are good for both rich and poor, industrialists and consumers - is attractive, in reality environmental problems touch dijferent groups in diffrerent ways As intimated earlier, stable democracies cannot long persist under conditions of extreme inequality. A second concern is the difficulty presented by the globalization of environmental issues. As Paehlke (1996: 28) put it, 'The great danger for both democracy and environment is that, while economy and environment are now global in character, democracy functions on only national and local decision levels and only within some nations.' The problems imposed by the Chernobyl disaster of course constitute an illustration in extremis. But even between democracies there are difficulties imposed by the sharing of a common environment. The acidification of Scandinavian lakes as the result of British industry is but one case in point. Despite the existence of two democratically elected governments accountable to their separate populations, the resolution of such environmental problems between the two countries requires negotiation and treaty making that would not necessarily be accountable to these populations.

#### Extinction

**Diner 94** – Judge Advocate General’s Corps [Major David N., United States Army Military Law Review Winter, lexis]

By causing widespread extinctions, humans have artificially simplified many ecosystems. As biologic simplicity increases, so does the risk of ecosystem failure. The spreading Sahara Desert in Africa, and the dustbowl conditions of the 1930s in the United States are relatively mild examples of what might be expected if this trend continues. Theoretically, each new animal or plant extinction, with all its dimly perceived and intertwined affects, could cause total ecosystem collapse and human extinction. Each new extinction increases the risk of disaster. Like a mechanic removing, one by one, the rivets from an aircraft's wings, n80 mankind may be edging closer to the abyss.

#### Democracy kills trade and global growth

**Garten 4** DEAN OF THE YALE SCHOOL OF MANAGEMENT The Trouble With Freedom By Jeffrey E. Garten | NEWSWEEK From the magazine issue dated May 10, 2004, http://www.newsweek.com/2004/05/09/the-trouble-with-freedom.html

The growth of democracy could, for example, slow the expansion of international trade. Reason: a democratic government cannot decree the dropping of barriers but must listen to the views of farmers, workers, manufacturers, nongovernmental organizations and others. In many countries, the voice of public opinion will play a larger role than ever before. At best, this is likely to delay international trade talks as governments attempt to reach delicate compromises among competing interests at home. At worst, it could lead to rising protectionism as anti-trade groups scream the loudest. Democracies also tend to favor easy money, even when it's not the technically correct prescription for sound economic policies; it's a sure way for politicians to curry favor with the masses. The danger is that when several countries do this, the world economy develops a bias toward inflation--which ultimately is destructive to long-term growth. It is therefore vital to establish fiercely independent central banks with governors strong enough to withstand political pressure. Right now, for example, the finance ministers from Germany and France are in a highly visible fight with Jean-Claude Trichet, the president of the European Central Bank, over his insistence that now is not the right time to lower interest rates in the eurozone. This kind of confrontation is sure to be played out in many countries over the next few years. Speaking of easy money, democracies like to open the spending spigot, even when they shouldn't. Case in point: Brazil's president, Luiz Inacio Lula da Silva, is right now under intense public pressure to abandon his admirable fiscal conservatism in order to gun the economic engines. The temptation may be politically irresistible and even understandable, but international financial markets will not be pleased. Even the most advanced democracies, such as the United States, France and Germany, have demonstrated an inability to build the necessary long-term safety nets to prosper in a hypercompetitive global economy. Obviously, so too will less sophisticated democracies. Think about America's inability to rein in its enormous fiscal deficits, despite the certainty of massive upcoming expenses relating to Social Security and health care for its aging population. Or about the inability of major European nations to establish economically viable pension and unemployment compensation systems.

#### Trade checks nuke wars

**Copley** News **99** (Copley News Service ’99 [December 1, lexis-nexis]

For decades, many children in America and other countries went to bed fearing annihilation by nuclear war. The specter of nuclear winter freezing the life out of planet Earth seemed very real. Activists protesting the World Trade Organization's meeting in Seattle apparently have forgotten that threat. The truth is that nations join together in groups like the WTO not just to further their own prosperity, but also to forestall conflict with other nations. In a way, our planet has traded in the threat of a worldwide nuclear war for the benefit of cooperative global economics. Some Seattle protesters clearly fancy themselves to be in the mold of nuclear disarmament or anti-Vietnam War protesters of decades past. But they're not. They're special interest activists, whether the cause is environmental, labor or paranoia about global government. Actually, most of the demonstrators in Seattle are very much unlike yesterday's peace activists, such as Beatle John Lennon or philosopher Bertrand Russell, the father of the nuclear disarmament movement, both of whom urged people and nations to work together rather than strive against each other. These and other war protesters would probably approve of 135 WTO nations sitting down peacefully to discuss economic issues that in the past might have been settled by bullets and bombs. As long as nations are trading peacefully, and their economies are built on exports to other countries, they have a major disincentive to wage war. That's why bringing China, a budding superpower, into the WTO is so important. As exports to the United States and the rest of the world feed Chinese prosperity, and that prosperity increases demand for the goods we produce, the threat of hostility diminishes.

#### econ decline causes nuclear war

Austin 09 (Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, “The Global Economy Unravels”, Forbes, 3-6, http://www.aei.org/article/100187)

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

#### authoritarianism key to solve terror- stats prove

Ursula E. Daxecker Department of Political Science, University of Amsterdam and Michael L. Hess Department of Political Science, University of New Mexico.(2013). “Repression Hurts: Coercive Government Responses and the Demise of Terrorist Campaigns”. British Journal of Political Science, 43, pp 559-577 doi:10.1017/S0007123412000452

CONCLUSION In this article, we argued that the effect of repression on terrorist group termination is conditional on countries’ regime type. In democracies, coercive tactics can have counterproductive effects by jeopardizing citizens’ perceptions of the government’s legitimacy. Coercive government responses in democracies can reduce the public’s co-operation with government authorities and increase support for terrorist groups. Yet since coercive measures are unlikely to change the government’s perceived legitimacy in authoritarian regimes, we expect that repression reduces the duration of terrorist campaigns. An empirical analysis of 539 groups for the 1976–2006 period supports our expectations on group duration, and these findings are robust to additional model specifications. Evaluating the implications of our arguments for terrorist campaign outcomes shows that repression decreases the likelihood of negotiated settlements in democracies, but increases the hazard of group victory in democratic regimes.

#### Terrorism leads to global nuke war

Dennis Ray **Morgan**, Hankuk University of Foreign Studies, Yongin Campus - South Korea [Futures](http://www.sciencedirect.com.ezp-prod1.hul.harvard.edu/science/journal/00163287), [Volume 41, Issue 10](http://www.sciencedirect.com.ezp-prod1.hul.harvard.edu/science?_ob=PublicationURL&_tockey=%23TOC%235805%232009%23999589989%231515128%23FLA%23&_cdi=5805&_pubType=J&view=c&_auth=y&_acct=C000014438&_version=1&_urlVersion=0&_userid=209690&md5=7eaadd08919055b45011bba80bf06023), December 20**09**, Pages 683-693, World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race

In a remarkable website on nuclear war, Carol Moore asks the question ‘‘Is Nuclear War Inevitable??’’ [10].4 In Section 1, Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they’ve figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel. Because of the Russian ‘‘dead hand’’ system, ‘‘where regional nuclear commanders would be given full powers should Moscow be destroyed,’’ it is likely that any attack would be blamed on the United States’’ [10]. Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal ‘‘Samson option’’ against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even ‘‘anti-Semitic’’ European cities [10]. In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well.

#### democracy ruins primacy

Chris **Zambelis**, policy analyst, Strategic Assessment Center, Hicks and Associates, Inc., “The Strategic Implications of Political Liberalization and Democratization in the Middle East,” PARAMETERS, Autumn 20**05**, pp. 87-102. Available from the World Wide Web at: [www.carlisle.army.mil/usawc/Parameters/05autumn/zambelis.htm](http://www.carlisle.army.mil/usawc/Parameters/05autumn/zambelis.htm), accessed 3/9/06.

Given the populist credentials of Islamists, the rise of Islamist governments may transform the political and foreign policy orientation of traditional allies. This possibility should be of concern considering the credibility problem Washington faces in the region. As mentioned earlier, public opinion surveys demonstrate that America’s poor credibility does not stem from a popular Arab and Muslim aversion to American culture and democracy. Instead, Muslims harbor deep resentments toward US foreign policy in the region.40 Since democratic governments are by definition accountable to their citizens, public opinion will play an increasingly influential role in the political and foreign policy orientation of countries where Islamists dominate. When Islamists come to power, they will likely act on their populist impulses, at least in the early stages of any transition.41 For example, incumbent governments may place conditions on the continued presence of American military forces on their soil, but still keep dialogue open. Others may limit cooperation or abandon agreements governing security collaboration with Washington. It is also possible that democratic governments will cater to public opinion and demand that American forces vacate military installations altogether. It is no surprise that the new Shia-dominated Iraq has hinted at the need for establishing a timetable for the withdrawal of Coalition forces. Other governments may reorient their foreign policies away from the United States and look to Europe, Russia, and even China or India. China has been active in cultivating closer ties to prominent energy producers in the region, namely Sudan and Iran, in order to secure energy sources to fuel its dynamic economic growth.42 Beijing also has boosted security cooperation with Pakistan.43 India is pursuing a similar strategy in the region.44

#### Weakening primacy causes extinction

**Nye 90** (former assistant secretary of defense and president of Harvard's Kennedy school of government (Joseph, Bound To Lead: The Changing Nature Of American Power 1990, p. 16-17)

Some suggest that the current debate on American decline should be regarded as a register of mass psychology and popular fads rather than an analysis of power.42 Others ask why Americans should worry about power. Why not focus solely on wealth and live as well as Swedes or Canadians? The short answer is that the United States is not in the same geopolitical position as Sweden or Canada. It cannot afford a free ride in world politics. If the largest country in a world of nation-states abdicates leadership (as the United States did in the 1920s), the results can be disastrous for all. In an assessment of the debate about American decline, British scholar Susan Strange concludes that "we are all in agreement... on the critical nature of the present end-of-century decade. We share a common perception that mankind... is standing at a fork in the road... In the last resort, it may be that this common concern is more significant than the differences in interpretation. Decline and War. Perceptions of change in the relative power of nations are of critical importance to understanding the relationship between decline and war. One of the oldest generalizations about international politics attributes the onset of major wars to shifts in power among the leading nations. Thus Thucydides accounted for the onset of the Peloponnesian War which destroyed the power of ancient Athens. The history of the interstate system since 1500 is punctuated by severe wars in which one country struggled to surpass another as the leading state. If, as Robert Gilpin argues, "international politics has not changed fundamentally over the millennia," the implications for the future are bleak. And if fears about shifting power precipitate a major war in a world with 50,000 nuclear weapons, history as we know it may end.

### Solvency

#### DOD shift inevitable, but a fast transition crushes the entire drone program

¶ Posted By Gordon Lubold Former senior advisor at the United States Institute of Peace in Washington, National Security Reporter for FP, and, Shane Harris Senior Writer for Foreign Policy 11-5 Tuesday, November 5, 2013 - 6:32 PM”Exclusive: The CIA, Not The Pentagon, Will Keep Running Obama's Drone War” http://killerapps.foreignpolicy.com/posts/2013/11/05/cia\_pentagon\_drone\_war\_control

In May, the White House leaked word that it would start shifting drone operations from the shadows of the CIA to the relative sunlight of the Defense Department in an effort to be more transparent about the controversial targeted killing program. But six months later, the so-called migration of those operations has stalled, and it is now unlikely to happen anytime soon, Foreign Policy has learned.¶ The anonymous series of announcements coincided with remarks President Obama made on counterterrorism policy at National Defense University in which he called for "transparency and debate on this issue." A classified Presidential Policy Guidance on the matter, issued at the same time, caught some in government by surprise, triggering a scramble at the Pentagon and at CIA to achieve a White House objective. The transfer was never expected to happen overnight. But it is now clear the complexity of the issue, the distinct operational and cultural differences between the Pentagon and CIA and the bureaucratic politics of it all has forced officials on all sides to recognize transferring drone operations from the Agency to the Defense Department represents, for now, an unattainable goal.¶ "The physics of making this happen quickly are remarkably difficult," one U.S. official told FP. "The goal remains the same, but the reality has set in." ¶ Another U.S. official emphasized that the transfer is still continuing. "This is the policy, and we're moving toward that policy, but it will take some time," the official said. "The notion that there has been some sort of policy reversal is just not accurate. I think from the moment the policy was announced it was clear it was not something that would occur overnight or immediately."¶ The official noted that all involved are mindful not to disrupt the drone program just for the sake of completing the transfer from the CIA to the military. "While we work jointly towards this transition, we also want to ensure that we maintain capabilities."¶ Officials at the CIA and the Defense Department are loathe to try and fix a program that they don't think is broken, even if it has become a political liability for Obama, who has faced constant pressure from human rights activists, his political base, and a growing chorus of libertarian Republicans to scale back the program and subject it to greater public scrutiny. But the pitfalls of transferring operations reside in more practical concerns. The U.S. official said that while the platforms and the capabilities are common to either the Agency or the Pentagon, there remain distinctly different approaches to "finding, fixing and finishing" terrorist targets. The two organizations also use different approaches to producing the "intelligence feeds" upon which drone operations rely. Perhaps more importantly, after years of conducting drone strikes, the CIA has developed an expertise and a taste for them. The DOD's appetite to take over that mission may not run very deep.¶ The military operates its own drones, of course, and has launched hundreds of lethal strikes in Iraq and Afghanistan. But the CIA is more "agile," another former official said, and has a longer track record of being able to sending drones into places where U.S. combat forces cannot go.¶ "The agency can do it much more efficiently and at lower cost than the military can," said one former intelligence official. Another former official with extensive experience in intelligence and military operations said it takes the military longer to deploy drones -- in part because the military uses a larger support staff to operate the aircraft.

Obama is committed to transitioning drones to the DOD now away from the CIA—the plan messes up the calibrated process and turns the case.

Klaidman 13 (Daniel, The Daily Beast, “Exclusive: No More Drones for CIA”, Mar 19, 2013, http://www.thedailybeast.com/articles/2013/03/19/exclusive-no-more-drones-for-cia.html, ZBurdette)

At a time when controversy over the Obama administration’s drone program seems to be cresting, the CIA is close to taking a major step toward getting out of the targeted killing business. Three senior U.S. officials tell The Daily Beast that the White House is poised to sign off on a plan to shift the CIA’s lethal targeting program to the Defense Department. The move could potentially toughen the criteria for drone strikes, strengthen the program’s accountability, and increase transparency. Currently, the government maintains parallel drone programs, one housed in the CIA and the other run by the Department of Defense. The proposed plan would unify the command and control structure of targeted killings and create a uniform set of rules and procedures. The CIA would maintain a role, but the military would have operational control over targeting. Lethal missions would take place under Title 10 of the U.S. Code, which governs military operations, rather than Title 50, which sets out the legal authorities for intelligence activities and covert operations. “This is a big deal,” says one senior administration official who has been briefed on the plan. “It would be a pretty strong statement.” Officials anticipate a phased-in transition in which the CIA’s drone operations would be gradually shifted over to the military, a process that could take as little as a year. Others say it might take longer but would occur during President Obama’s second term. “You can’t just flip a switch, but it’s on a reasonably fast track,” says one U.S. official. During that time, CIA and DOD operators would begin to work more closely together to ensure a smooth hand-off. The CIA would remain involved in lethal targeting, at least on the intelligence side, but would not actually control the unmanned aerial vehicles. Officials told The Daily Beast that a potential downside of the agency’s relinquishing control of the program was the loss of a decade of expertise that the CIA has developed since it has been prosecuting its war in Pakistan and beyond. At least for a period of transition, CIA operators would likely work alongside their military counterparts to target suspected terrorists. The policy shift is part of a larger White House initiative known internally as “institutionalization,” an effort to set clear standards and procedures for lethal operations. More than a year in the works, the interagency process has been driven and led by John Brennan, who until he became CIA director earlier this month was Obama’s chief counterterrorism adviser. Brennan, who has presided over the administration’s drone program from almost day one of Obama’s presidency, has grown uncomfortable with the ad hoc and sometimes shifting rules that have governed it. Moreover, Brennan has publicly stated that he would like to see the CIA move away from the kinds of paramilitary operations it began after the September 11 attacks, and return to its more traditional role of gathering and analyzing intelligence. Lately, Obama has signaled his own desire to place the drone program on a firmer legal footing, as well as to make it more transparent. He obliquely alluded to the classified program during his State of the Union address in January. “In the months ahead,” he declared, “I will continue to work with Congress to ensure that not only our targeting, detention, and prosecution of terrorists remain consistent with our laws and systems of checks and balances, but that our efforts are even more transparent to the American people and to the world.” Shortly after taking office, Obama dramatically ramped up the drone program, in part because the government’s targeting intelligence on the ground had vastly improved and because the precision technology was very much in line with the new commander in chief’s “light footprint” approach to dealing with terrorism. As the al Qaeda threat has metastasized, U.S. drone operations have spread to more remote, unconventional battlefields in places like Yemen and Somalia. With more strikes, there have been more alleged civilian casualties. Adding to the mounting pressure for the administration to provide a legal and ethical rationale for its targeting polices was the killing of Anwar al-Awlaki, a senior commander of al Qaeda’s Yemen affiliate, who also happened to be a U.S. citizen. (Two weeks later, his 16-year-old son was killed in a drone strike, which U.S. officials have called an accident.) The recent nomination of Brennan to head the CIA became a kind of proxy battle over targeted killings and the administration’s reluctance to be more forthcoming about the covert program. At issue were a series of secret Justice Department legal opinions on targeted killing that the administration had refused to make public or turn over to Congress. It looks like the White House may now be preparing to launch a campaign to counter the growing perception—with elites if not the majority of the public—that Obama is running a secretive and legally dubious killing machine. For weeks, though the White House has not confirmed it, administration officials have been whispering about the possibility that Obama would make a major speech about counterterrorism policy, including efforts to institutionalize—but also reform—the kinds of lethal operations that have been a hallmark of his war on terrorism. With an eye on posterity, Obama may feel the time has come to demonstrate publicly that his policies, for all of the criticism, have stayed within the law and American values. “Barack Obama has got to be concerned about his legacy,” says one former adviser. “He doesn’t want drones to become his Guantánamo.” But for the president to step out publicly on the highly sensitive subject of targeted killings, he’s going to have to do more than simply give an eloquent speech. An initiative like shifting the CIA program to the military, as well as other aspects of the institutionalization plan, may be just what he needs.

And solves drone sustainability

Matthew Waxman, 3/20/13, Going Clear, www.foreignpolicy.com/articles/2013/03/20/going\_clear

So, moving operations to the Pentagon may modestly improve transparency and compliance with the law but -ironically for drone critics -it may also entrench targeted-killing policy for the long term. For one thing, the U.S. government will now be better able to defend publicly its practices at home and abroad. The CIA is institutionally oriented toward extreme secrecy rather than public relations, and the covert status of CIA strikes makes it difficult for officials to explain and justify them. The more secretive the U.S. government is about its targeting policies, the less effectively it can participate in the broader debates about the law, ethics, and strategy of counterterrorism. Many of the criticisms of drones and targeting are fundamentally about whether it's appropriate to treat the fight against al Qaeda and its allies as a war -with all the legal authorities that flow from that, like the powers to detain and kill. The U.S. government can better defend its position without having to maintain plausible deniability of its most controversial program and without the negative image (whether justified or not) that many audiences associate with the CIA. Under a military-only policy, the United States would also be better positioned to correct lingering misperceptions about targeted killings and to take remedial action when it makes a mistake. Moreover, clearer legal limits and the perception of stricter oversight will make drone policy more legitimate in the public's eyes. Polling shows that Americans support military drone strikes more strongly than CIA ones, so this move will likely strengthen political backing for continued strikes. Consider the case of Guantanamo: The shuttering of black sites, as well as the Supreme Court's decisions that detainees there can challenge their detention in federal court and that all detainees are protected by the Geneva Convention, have muted criticism of the underlying practice of detention without trial. Here, too, the proposed reforms would put the remaining policy on stronger footing. It's difficult to assess fully the pros and cons of getting the CIA out of the lethal targeting business because the government has not explained why it has been using the CIA for some operations and not others. As to efficacy -how the advantages of targeted strikes match up against the costs -strategy should dictate which agency should be responsible, not the other way around. That said, the result of shifting control to the Pentagon will likely be a more sustainable, if perhaps more restrained and formalized, long-term policy of targeted killing.

## 2NC

### CIR Will Pass: 2NC Wall

#### Will pass—leadership push, Tallent, state action, DREAMers

Jennifer Rubin, “Positive Signs for Immigration Reform,” WASHINGTON POST, 1—22—14, <http://www.washingtonpost.com/blogs/right-turn/wp/2014/01/22/positive-signs-for-immigration-reform/>

Plenty of signs suggest immigration reform will move front and center in the next few weeks. House Speaker John Boehner of Ohio meets with reporters on Capitol Hill in Washington, Thursday, Jan. 16, 2014. On Wednesday, the Republican-run House passed an immense $1.1 trillion spending package, a bipartisan compromise that all but banishes the likelihood of an election-year government shutdown. Majority Whip Kevin McCarthy (Calif.), as The Hill reported, is sounding a positive note, saying he would supporting legalizing the 11 million or so illegal immigrants but not carving a special pathway to citizenship. He joins a number of conservative Republicans including Rep. Bob Goodlatte (R-Va.) in suggesting that formula. (The devil is in the details: Does this mean they could eventually get citizenship?) This still will be too generous to satisfy immigration opponents, for whom the goalposts constantly change. If earned citizenship was equated in 2013 with “amnesty,” the same will be true in 2014 of “no special pathway.” At bottom, there are some on the right who want no impediment to deporting 11 million people. Suggesting that this will never happen and that they therefore are eroding the “rule of law” they claim to support doesn’t seem to register. The next critical step may come at the House GOP confab next week. Leadership can take the pulse of the conference and then see if there is a real chance for progress. Another indication of potential success is the staff brought on to try to bridge the gaps between Democrats and the Republicans who are at least open to the possibility of comprehensive reform. The speaker’s decision to hire Rebecca Tallent, a veteran of immigration reform battles, suggests his public comments are more than window dressing. If he really wants to find a bill that can pass, Tallent is the person to craft it. Politico today also suggests that states are creating impetus for federal immigration reform. (“The National Conference of State Legislatures report, released Tuesday, documents a 64 percent increase in state-level immigration legislation; in all, 2013 saw a total of 437 laws and resolutions passed on immigration, compared to 267 in 2012.”) I wouldn’t overestimate the importance of these efforts, but it does give some Republicans cover to say federal action is needed for purposes of uniformity. But perhaps the biggest breakthrough is the grudging realization that aside from DREAMers, all that is possible at this point is legalization (removing the fear of deportation). Democrats will grumble. Sen. Chuck Schumer (D-N.Y.) will race to the media to make sure they carry the spin that this spells the end of real immigration reform. But in the end there could be a half-a loaf deal that, for example, does something on boarder security, makes citizenship available for DREAMers, makes legalization attainable for millions more and looks at the need for loosening the strings on high-skill immigrants who are needed and provide a shot in the arm to the economy.

### TK Restrix Hurt Obama: General—2NC

#### Targeted killing restrictions sap political capital – spills over to other issues

Steve Vladeck, Professor, Law, American University, “Drones, Domestic Detention, and the Costs of Libertarian Hijacking,” Lawfare, 3—14—13, <http://www.lawfareblog.com/2013/03/drones-domestic-detention-and-the-costs-of-libertarian-hijacking/>

The same thing appears to be happening with targeted killings. Whether or not Attorney General Holder’s second letter to Senator Paul actually answered the relevant question, it certainly appeared to mollify the junior Senator from Kentucky, who declared victory and withdrew his opposition to the Brennan nomination immediately upon receiving it. Thus, as with the Feinstein Amendment 15 months ago, the second Holder letter appears to have taken wind out of most of the libertarian critics’ sails, many of whom (including the Twitterverse) have now returned to their regularly scheduled programming. It seems to me that both of these episodes represent examples of what might be called “libertarian hijacking”–wherein libertarians form a short-term coalition with progressive Democrats on national security issues, only to pack up and basically go home once they have extracted concessions that don’t actually resolve the real issues. Even worse, in both cases, such efforts appeared to consume most (if not all) of the available oxygen and political capital, obfuscating, if not downright suppressing, the far more problematic elements of the relevant national security policy. Thus, even where progressives sought to continue the debate and/or pursue further legislation on the relevant questions (for an example from the detention context, consider Senator Feinstein’s Due Process Guarantee Act), the putative satisfaction of the libertarian objections necessarily arrested any remaining political inertia (as Wells cogently explained in this post on Senator Paul and the DPGA from November).

#### Drone policy is polarizing – triggers ideological fights

Rosa Brooks, Professor, Law Georgetown University, “The Constitutional and Counterterrorism Implications of Targeted Killing,” Senate Testimony, 4—22—13, <http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf>

Mr. Chairman, the mere mention of drones tends to arouse strong emotional reactions on both sides of the political spectrum, and last week’s tragic events in Boston have raised the temperature still further. Some demonize drones, denouncing them for causing civilian deaths or enabling long-distance, “video game-like” killing, even as they ignore the fact that the same (or worse) could equally be said of many other weapons delivery systems. Others glorify drones, viewing them as a low- or no-cost way to “take out terrorists” wherever they may be found, with little regard for broader questions of strategy or the rule of law.

### CIR Theory: A2 “Intrinsicness”

#### Politics tests a key opportunity cost

Steve **Saideman**, Associate Professor, Political Science, McGill University, “Key Constraint of Policy Relevance,” 7—25—**11**, http://duckofminerva.blogspot.com/2011/07/key-constraint-on-policy-relevance.html, accessed 10-2-11.

Dan Drezner has a great post today about how the foreign policy smart set (his phrase) gets so frustrated by domestic politics that they tend to recommend domestic political changes that are never going to happen. I would go one step further and suggest that one of the key problems for scholars who want to be relevant for policy debates is that we tend to make recommendations that are "incentive incompatible." I love that phrase. What is best for policy may not be what is best for politics, and so we may think we have a good idea about what to recommend but get frustrated when our ideas do not get that far. Lots of folks talking about early warning about genocide, intervention into civil wars and the like blame "political will." That countries lack, for whatever reason, the compulsion to act. Well, that is another way of saying that domestic politics matters, but we don't want to think about it. Dan's piece contains an implication which is often false--that IR folks have little grasp of domestic politics. Many IR folks do tend to ignore or simplify the domestic side too much, but there is plenty of scholarship on the domestic determinants of foreign policy/grand strategy/war/trade/etc. Plenty of folks look at how domestic institutions and dynamics can cause countries to engage in sub-optimal foreign policies (hence the tradeoff implied in my second book--For Kin or Country). The challenge, then, is to figure out what would be a cool policy and how that cool policy could resonate with those who are relevant domestically. That is not easy, but it is what is necessary. To be policy relevant requires both parts--articulating a policy alternative that would improve things and some thought about how the alternative could be politically appealing. Otherwise, we can just dream about the right policy and gnash our teeth when it never happens.

### CIR Internal: A2 “Winners Win”

#### Obama believes the link

Robert **Kuttner**, senior fellow, Demos, “Obama Has Amassed Enormous Political Capital, But He Doesn’t Know What to Do with It,” Alternet, 4—28—**09**, www.alternet.org/economy/138641/obama\_has\_amassed\_enormous\_political\_capital,\_but\_he\_doesn%27t\_know\_what\_to\_do\_with\_it/

We got a small taste of what a more radical break might feel like when Obama briefly signaled with the release of Bush's torture memos that he might be open to further investigation of the Bush's torture policy, but then backtracked and quickly asked the Democratic leadership to shut the idea down. Evidently, Obama's political self wrestled with his constitutional conscience, and won. Civil libertarians felt a huge letdown, but protest was surprisingly muted.Thus the most important obstacle for seizing the moment to achieve enduring change: Barack Obama's conception of what it means to promote national unity. Obama repeatedly declared during the campaign that he would govern as a consensus builder. He wasn't lying. However, there are two ways of achieving consensus. One is to split the difference with your political enemies and the forces obstructing reform. The other is to use presidential leadership to transform the political center and alter the political dynamics. In his first hundred days, Obama has done a little of both, but he defaults to the politics of accommodation.

#### Wins only build long-term capital

**Purdum 10**, Columnist for Vanity Fair, (Todd, “Obama Is Suffering Because of His Achievements, Not Despite Them,” 12-20 www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html)

 With this weekend’s decisive Senate repeal of the military’s “Don’t Ask, Don’t Tell” policy for gay service members, can anyone seriously doubt Barack Obama’s patient willingness to play the long game? Or his remarkable success in doing so? In less than two years in office—often against the odds and the smart money’s predictions at any given moment—Obama has managed to achieve a landmark overhaul of the nation’s health insurance system; the most sweeping change in the financial regulatory system since the Great Depression; the stabilization of the domestic auto industry; and the repeal of a once well-intended policy that even the military itself had come to see as unnecessary and unfair.

So why isn’t his political standing higher?

Precisely because of the raft of legislative victories he’s achieved. Obama has pushed through large and complicated new government initiatives at a time of record-low public trust in government (and in institutions of any sort, for that matter), and he has suffered not because he hasn’t “done” anything but because he’s done so much—way, way too much in the eyes of his most conservative critics. With each victory, Obama’s opponents grow more frustrated, filling the airwaves and what passes for political discourse with fulminations about some supposed sin or another. Is it any wonder the guy is bleeding a bit? For his part, Obama resists the pugilistic impulse. To him, the merit of all these programs has been self-evident, and he has been the first to acknowledge that he has not always done all he could to explain them, sensibly and simply, to the American public.

But Obama is nowhere near so politically maladroit as his frustrated liberal supporters—or implacable right-wing opponents—like to claim. He proved as much, if nothing else, with his embrace of the one policy choice he surely loathed: his agreement to extend the Bush-era income tax cuts for wealthy people who don’t need and don’t deserve them. That broke one of the president’s signature campaign promises and enraged the Democratic base and many members of his own party in Congress. But it was a cool-eyed reflection of political reality: The midterm election results guaranteed that negotiations would only get tougher next month, and a delay in resolving the issue would have forced tax increases for virtually everyone on January 1—creating nothing but uncertainty for taxpayers and accountants alike. Obama saw no point in trying to score political debating points in an argument he knew he had no chance of winning.

Moreover, as The Washington Post’s conservative columnist Charles Krauthammer bitterly noted, Obama’s agreement to the tax deal amounted to a second economic stimulus measure—one that he could never otherwise have persuaded Congressional Republicans to support. Krauthammer denounced it as the “swindle of the year,” and suggested that only Democrats could possibly be self-defeating enough to reject it. In the end, of course, they did not.

Obama knows better than most people that politics is the art of the possible (it’s no accident that he became the first black president after less than a single term in the Senate), and an endless cycle of two steps forward, one step back. So he just keeps putting one foot in front of the other, confident that he can get where he wants to go, eventually. The short-term resultsare often messy and confusing. Just months ago, gay rights advocates were distraught because Obama wasn’t pressing harder to repeal “Don’t Ask, Don’t Tell.” Now he is apparently paying a price for his victory because some Republican Senators who’d promised to support ratification of the START arms-reduction treaty—identified by Obama as a signal priority for this lame-duck session of Congress—are balking because Obama pressed ahead with repealing DADT against their wishes. There is a price for everything in politics, and Obama knows that, too.

### Envt DA: O/V 2NC

#### prefer environment impacts—there’s an invisible threshold and it is irreversible

Diner 94 (Major David N., Judge Advocate General's Corps – United States Army, “The Army and The Endangered Species Act: Who's Endangering Whom?”, Military Law Review, Winter, 143 Mil. L. Rev. 161, Lexis)

The prime reason is theworld's survival. Like all animal life, humans live off of other species. At some point, the number of species could decline to the point at which the ecosystem fails, and then humans also would become extinct. No one knows how many [\*171]  species the world needs to support human life, and to find out -- byallowing certain species to become extinct -- would not be sound policy. In addition to food, species offer many direct and indirect benefits to mankind. [68](http://www.truthnews.net/world/2004080046.htm?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a#n68) 2.Ecological Value. -- Ecological value is the value that species have in maintaining the environment. Pest, [69](http://www.nasa.gov/pdf/490945main_10-10_TFPD.pdf?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a#n69) erosion, and flood control are prime benefits certain species provide to man. Plants and animals also provide additional ecological services-- pollution control, [70](http://www.nasa.gov/pdf/432577main_Earth_Science_R1.pdf?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a#n70)oxygen production, sewage treatment, and biodegradation.[71](http://www.wired.com/science/discoveries/news/2003/05/58966?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a#n71) 3.Scientific and Utilitarian Value. -- Scientific value is the use of species for research into the physical processes of the world. [72](http://www.lexis.com/research/retrieve?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a" \l "n72" \t "_self) Without plants and animals, a large portion of basic scientific research would be impossible. Utilitarian value is the direct utility humans draw from plants and animals. [73](http://www.lexis.com/research/retrieve?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a" \l "n73" \t "_self) Only a fraction of the  [\*172]  earth's species have been examined, and mankind may someday desperately need the species that it is exterminating today. To accept that the snail darter, harelip sucker, or Dismal Swamp southeastern shrew [74](http://www.lexis.com/research/retrieve?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a" \l "n74" \t "_self) could save mankind may be difficult for some. Many, if not most, species are useless to man in a direct utilitarian sense. Nonetheless, they may be critical in an indirect role, because their extirpations could affect a directly useful species negatively. In a closely interconnected ecosystem, the loss of a species affects other species dependent on it. [75](http://www.lexis.com/research/retrieve?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a" \l "n75" \t "_self) Moreover, as the number of species decline, the effect of each new extinction on the remaining species increases dramatically. [76](http://www.lexis.com/research/retrieve?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a" \l "n76" \t "_self) 4.Biological Diversity. -- The main premise of species preservation is that diversity is better than simplicity. [77](http://www.lexis.com/research/retrieve?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a" \l "n77" \t "_self)As the current mass extinction has progressed, the world's biological diversity generally has decreased. This trend occurs within ecosystems by reducing the number of species, and within species by reducing the number of individuals. Both trends carry serious future implications. [78](http://www.lexis.com/research/retrieve?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a" \l "n78" \t "_self) [\*173]  Biologicallydiverse ecosystems are characterized by a large number of specialist species, filling narrow ecological niches. These ecosystems inherently are more stable than less diverse systems. "The more complex the ecosystem, the more successfully it can resist a stress. . . . [l]ike a net, in which each knot is connected to others by several strands, such a fabric can resist collapse better than a simple, unbranched circle of threads -- which if cut anywhere breaks down as a whole." [79](http://www.lexis.com/research/retrieve?_m=15aac6482af89f930a3e32f7a8def8da&csvc=le&cform=byCitation&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlW-zSkAA&_md5=37ae2564ed6a714dcd205b0ee5431e9a#n79) By causing widespread extinctions, humans have artificially simplified many ecosystems. As biologic simplicity increases, so does the risk of ecosystem failure. The spreading Sahara Desert in Africa, and the dustbowl conditions of the 1930s in the United States are relatively mild examples of what might be expected if this trend continues. Theoretically, each new animal or plant extinction, with all its dimly perceived and intertwined affects, could cause total ecosystem collapse and human extinction. Each new extinction increases the risk of disaster. Like a mechanic removing, one by one, the rivets from an aircraft's wings, n80 mankind may be edging closer to the abyss.

### Trade DA: O/V 2NC (:30/1:00

#### trade explains peace—not democracy

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The discovery that democracies seldom fight each other has led, quite reasonably, to the conclusion that democracy causes peace, at leastwithin the community of liberal polities. Explanations abound, but a consensus account of the dyadic democratic peace has been surprisingly slow to materialize. I offer a theory of liberal peace based on capitalism and common interstate interests. Economic development, capital market integration, and the compatibility of foreignpolicy preferences supplant the effect of democracy in standard statistical tests of the democratic peace. In fact, after controlling for regional heterogeneity, any one of these three variables is sufficient to account for effects previously attributed to regime type in standard samples of wars, militarized interstate disputes (MIDs), and fatal disputes.1 If war is a product of incompatible interests and failed or abortive bargaining, peace ensues when states lack differences worthy of costly conflict, or when circumstances favor successful diplomacy. Realists and others argue that state interests are inherently incompatible, but this need be so only if state interests are narrowly defined or when conquest promises tangible benefits. Peace can result from at least three attributes of mature capitalist economies. First, the historic impetus to territorial expansion is tempered by the rising importance of intellectual and financial capital, factors that are more expediently enticed than conquered. Land does little to increase the worth of the advanced economies while resource competition is more cheaply pursued through markets than by means of military occupation. At the same time, development actually increases the ability of states to project power when incompatible policy objectives exist. Development affects who states fight (and what they fight over) more than the overall frequency of warfare. Second, substantial overlap in the foreign policy goals of developed nations in the post–WorldWar II period further limits the scope and scale of conflict. Lacking territorial tensions, consensus about how to order the international system has allowed liberal states to cooperate and to accommodate minor differences. Whether this affinity among liberal states will persist in the next century is a question open to debate. Finally, the rise of global capital markets creates a newmechanism for competition and communication for states that might otherwise be forced to fight. Separately, these processes influence patterns of warfare in the modern world. Together, they explain the absence of war among states in the developed world and account for the dyadic observation of the democratic peace. The notion of a capitalist peace is hardly new. Montesquieu, Paine, Bastiat, Mill, Cobden, Angell, and others saw in market forces the power to end war. Unfortunately, war continued, leading many to view as overly optimistic classical conceptions of liberal peace. This study can be seen as part of an effort to reexamine capitalist peace theory, revising arguments in line with contemporary insights much as Kantian claims were reworked in response to evolving evidence of a democratic peace. Existing empirical research on the democratic peace, while addressing many possible alternatives, provides an incomplete and uneven treatment of liberal economic processes.Mostdemocraticpeace researchexamines trade in goods and services but ignores capital markets and offers only a cursory assessment of economic development (Maoz and Russett 1992). Several studies explore the impact of interests, though these have largely been dismissed by democratic peace advocates (Oneal and Russett 1999a; Russett and Oneal 2001). These omissions or oversights help to determine the democratic peace result and thus shape subsequent research, thinking, and policy on the subject of liberal peace. This study offers evidence that liberal economic processes do in fact lead to peace, even accounting for the well-documented role of liberal politics. Democracy cohabitates with peace. It does not, by itself, lead nations to be less conflict prone, not even toward other democracies. The argument and evidence provided here are bound to draw criticism. Skepticism in the face of controversial claims is natural, reasonable, even essential for the cumulation of knowledge. The democratic peace observation is supported by an exceptionally large and sophisticated body of research.2 At the same time, excessive deference to previous conclusions privileges conventional wisdom.3 A willingness to doubt that which we have come to believe is a hallmark of scientific inquiry. Indeed, the weight of existing evidence does not directly contradict this study as previous research has typically failed to address the claims of classical liberal political economists like Montesquieu, Richard Cobden, and Norman Angell. As with previous research, this study finds support for a liberal peace, though the key causal variables, and some major policy implications, are considerably changed. Two Traditions of Liberal Peace Liberal scholarship details two paths to peace, one dominated by democracy, the other guided by the philosophy of market economics. This article briefly reviews each tradition, offering a few critical comments. The Political Tradition Democratic peace research most often attributes its intellectual genesis to Kant’s essay Perpetual Peace, though scholars like Abbe de Saint-Pierre, Rousseau, and Bentham all provided similar arguments prior to Kant.4 Early twentieth-century scholar-statesmen likeWoodrow Wilson andNicolasMurrayButler advanced thepacific effects of democracy in their writings, and to a lesser extent in practice. After a cold war hiatus, contemporary politicians like Bill Clinton and George W. Bush have again picked up the banner of liberal peace in an era of U.S. hegemony.5 Early statistical work questioned the liberal conviction that democracies are generally less warlike (cf.Wright 1942). Babst (1964, 1972) was the first to identify the special dyadic observation.6 Small and Singer (1976) drew attention to the topic, paradoxically by seeking to establish that Kant was wrong. Rummel (1979, 1983, 1985) argued foralibertarian peace, incorporating,amongother things, free markets: “The more freedom that individuals have in a state, the less the state engages in foreign violence” (1983, 27). Doyle (1983a, 1983b, 1997) examines three traditions of liberalism exemplified by Kant,Machiavelli, and Schumpeter, favoring Kantian republicanism.7 Levy (1988) characterized the democratic peace as “lawlike”,8 anticipating the bulk of quantitative research.9 Numerous studies have nowreported a negative statistical association between dyadic democracy and disputes, crises, or wars, especially in the post–World War II period (Beck, Katz, and Tucker 1998; Bremer 1992, 1993; Gelpi andGriesdorf 1997; Gleditsch1995; GleditschandHegre 1997; Gleditsch andWard1997;Hensel, Goertz,andDiehl 2000;Hermann and Kegley 1995, 1996; Hewitt and Wilkenfeld 1996; Huth and Allee 2002, 2003; Maoz and Abdoladi 1989; Maoz and Russett 1992, 1993; Morgan and Campbell 1991; Morgan and Schwebach 1992; Oneal and Russett 1997, 1999a, 1999c; Oneal, Russett, and Berbaum 2003; Oneal et al. 1996; Raknerud and Hegre 1997; Ray 1993, 1995; Russett 1993; Russett and Oneal 2001; Russett, Oneal, and Davis 1998; Senese 1997;Van Belle 1997;Ward and Gleditsch 1998;Weede 1992).10 Theories of democratic peace have also proliferated, in no small part because of the difficulty in accounting for the special dyadic nature of the observation.11 Initial accounts focused on linking domestic liberal norms or institutions to constraints on the use of force. Institutional explanations assert that elements of the apparatus of liberal government interfere with the exercise of military foreign policy (Bueno deMesquita and Lalman 1992; Maoz and Russett 1993; Russett 1993).Kant ([1795]1957) sawconstitutional constraints as inhibiting the sovereign’s innate proclivity toward warfare. Norms explanations assign an analogous role to informal processes said to evolve in mature democracies (Dixon1993, 1994;Ember, Ember, andRussett 1992;Mintz andGeva 1993;Owen 1994, 1997; Russett 1993).12 Constructivists argue that warfare is becoming socially unacceptable (Cederman 2001a, 2001b; Cederman and Rao 2001; Mueller 1989; Risse-Kappen 1995, 1997; Wendt 1999).13 Some see the evolution of a common identity (Deutsch 1978; Flynn and Farrell 1999).14 Others claim that mature democracies do not go to war with states that they perceive as democratic, but may fight with unrecognized democracies (Weart 1994, 1998).15 Constraint theories have been criticized as ad hoc and deductively flawed (Bueno deMesquita et al. 1999; Gates, Knutsen, andMoses 1996; Layne 2003;Rosato 2003).Note that the statement“democracies behave differently toward each other than toward nondemocracies” characterizes, in broad strokes, both the observation and many of the theories designed to explain the observation. Efforts to avoid a circularity between theory and evidence benefit most from new empirical content (Huth and Allee 2003). Work by Mousseau (2000), Hegre (2000), andMousseau, Hegre, and Oneal (2003), for example, restricts the domain of the democratic peace to states with advanced industrialized economies. It is not obvious from existing explanations for the democratic peace why norms, institutions, or other factorswould inhibit conflict among rich democracies but fail to do so for poor democratic states.16 Bueno de Mesquita et al. (1999, 2003) offer an elaborate and carefully constructed explanation in which leaders intent on remaining in office seek to retain the support of a winning coalition drawn from the group of politically relevant citizens (the selectorate). Size matters in this theory, as leaders in societies with small winning coalitions (autocracies) can efficiently target benefits to key supporters, while leaders facing big winning coalitions (democracies) are better off providing public goods to stay in power. Democracies fight harder because leaders with large winning coalitions are more likely to be replaced in the event of defeat. Two democracies, taken together, promise particularly expensive contests, leading democrats more often to prefer negotiated settlements.17 Comparisons of the costs or risks of war often tell us more about who gets what than about whether force is needed to get there. Since disputes typically end in some division of the stakes, the democratic peace can be described in terms of the timing of bargains, rather than about tactics. Several authors view democracies as more transparent (Mitchell 1998; Small 1996;VanBelle 1997).18 Others argue that “audience costs” or opposition groups allow democracies better to signal resolve (Fearon 1994; Schultz 1998, 1999; Smith 1998). Properly understood, however, these explanations anticipate monadic democratic pacifism, not the dyadic democratic peace relationship. Contests should be less likely in all dyads possessing at least one democratic state, regardless of the regime type of the dyadic partner.19 As Schultz acknowledges, domestic signaling arguments “. . . are fundamentally claims about democratic states, rather than democratic dyads” (1999, 243).20 Which explanations for the democratic peace are mostnearly “right?” Givensomany accounts, it is a safebet that at least some theoriesmust be in error. Still, whittling away at the panoply of plausible arguments has proven difficult. Textbook social science begins with deductive theories, implications of which are then tested empirically. The evolution of democratic peace research has been messier,with the bulk of explanations coming in response to the observation. Several authors seek to critically evaluate democratic peace theory (Gates,Knutsen, andMoses 1996; Layne 1994; Rosato 2003), but culling theories deductively is problematic.Apoorly crafted argument could still be fundamentally sound. Conversely, explanations that are seen to be flawed are often revised, escaping intellectual death. Other theories might be deductively coherent, but remain products, rather than predictors, of the observation. It is not clear, for example, how to reconcile the persuasive theory of Bueno de Mesquita et al. (2003) about large selectorates, with the persuasive evidence of Mousseau, Hegre, and Oneal (2003) that only some large selectorates matter.Given the malleabilityof assumptions, one should be able todevelopnumerous logically coherent explanations for almost any given empirical relationship. Indeed, given the flexibility of assumptions, and the number of bright minds engaged, it is rather a riddle that the democratic peace has yet to produce numerous logically coherent theoretical explanations. Statistical testing is necessary to substantiate any theoretical claim that is at variance with the established democratic peace observation.21 This same evidence is also sufficient to challenge existing theories of the democratic peace. Rather than seek to show that every conceivable attribute of democracy cannot possibly influence the propensity toward interstate violence—an impossible task—this article focuses on comparing democratic and capitalist variants of the liberal peace empirically. The Economic Tradition What else but democracy could account for liberal peace? One answer might be capitalism. The association between economic freedom and interstate peace has deep intellectual roots, though the liberal political economy tradition has received little attention in recent decades.22 Enlightenment figures like Montesquieu and Smith argued that market interests abominate war. Paine wrote that “commerce diminishes the spirit, both of patriotism and military defense” (cited in Walker 2000, 59). Cobden called trade “the grand panacea” ([1867] 1903, 36). Mill sawmarket forces as “rapidly rendering war obsolete” (1902, 390). Angell argued that it had become “impossible for one nation to seize by force the wealth or trade of another . . . war, even when victorious, can no longer achieve those aims for which peoples strive” (1933, 60). Angell (1933) serves as a useful point of departure in attempting to identify how capitalism contributes to interstate peace. Angell highlights two processes thought to diminish the appeal of conquest among countries with modern industrial economies. First, changes in the nature of production make it difficult to cheaply subdue and to profitably manage modern economies through force. Industrial economies are increasingly dependent on inputs that are more easily and cheaply obtained through commerce than through coercion. Relating tales of Viking raids on the English countryside, Angell asks why, now that the tables have turned, he did not see “our navy loading up a goodly part of our mercantile marine with the agricultural and industrial wealth of the Scandinavian peninsular” (1933, 103). Governments, like individuals, choose between trade and theft in obtaining needed goods and services. Modernity made it easier to profit from production and trade, and harder to draw wealth from conquered lands or confiscated loot.23 The second process Angell outlines involves economic globalization. The integration of world markets not only facilitates commerce, but also creates new interests inimical to war. Financial interdependence ensures that damage inflicted on one economy travels through the global system, afflicting even aggressors. Angell imagines aTeutonic army descending on London: “the German General, while trying to sack the Bank of England, might find his own balance in the Bank of Germany had vanished, and the value of even the best of his investments reduced” (1933, 106–7). As wealth becomes less tangible, more mobile, distributed, and more dependent on the good will of investors, it also becomes more difficult to coerce (Brooks 1999; Rosecrance 1985). The chief challenge to the arguments of Angell and other political economists is that they turned out to be wrong (Carr 1939; Morgenthau 1948). Two world wars and associated economic upheaval reversed the trend toward globalization and dissolved optimism about a capitalist peace.24 Cold war tensions ensured that scholarship was preoccupied with balancing and deterrence (Jervis 1978; Richardson 1960; Snyder 1961; Waltz 1959, 1979), and that subsequent generations of researchers remained skeptical about the prospects for liberal peace (Waltz 1970, 1999, 2000). These same events led to the long hiatus in democratic peace research. However, when interest in liberal peace returned, attention centered on democracy. Kantian theory was givena thorough rewrite in an attempt to conform to the evolving evidence, while the capitalist peace received little attention. Of the factors emphasized by liberal political economists, trade has been by far the most closely evaluated in contemporary scholarship (Bliss andRussett 1998; Keohane and Nye 1989; Oneal and Ray 1997; Oneal et al. 1996; OnealandRussett 1997, 1999a;Polachek 1980, 1997; Polachek, Robst, and Chang 1999).25 Yet, of the elements of global capitalism, trade is arguably the least important in terms of mitigating warfare. Classical political economists had yet to consider the strategic nature of conflict (Schelling 1966). If trademakes one partnermore pliant, it should allowother states to becomemore aggressive (Morrow 1999;Wagner 1988), so that the overall decline in warfare is small or nonexistent (Beck, Katz, and Tucker 1998; Gartzke, Li, and Boehmer 2001). Economic development, financial markets, and monetary policy coordination all arguably play a more critical role in promoting peace (Gartzke and Li 2003). Much of the impact of free markets on peace will be missed if much of what comprises capitalism is omitted or ignored. What are the “aims for which peoples strive,” which Angell mentions? Much like realists, classical political economists assumed that warfare results from resource competition. If there are other reasons why nations fight, then some wars will occur, despite the basic validity of capitalist peace arguments. It is then necessary to revise, rather than reject out of hand, economic explanations for liberal peace. This article next offers the outlines of a revised theory of capitalist peace. Capitalism as Pacifism The security dilemma implies that insecurity is a durable facet of international affairs. War can result as each country fears for its own security, even when neither state intends aggression (Glaser 1997; Jervis 1978). Yet, insecurity is predicated on the expectation that at least some countries are revisionist powers. Even “pessimistic” conceptions ofworld affairs appear more sanguine aswe relax the assumption that insecurity is ubiquitous and immutable. The task before peace theorists, then, is to identify when and how nations are liberated from the security dilemma. The argument here is that capitalism resolves insecurity by creating “powerful pacifists” (Lake 1992), countries possessing military strength ensuring that they are largely free from foreign influence or domination, but equally that they lack incentives to act aggressively abroad, at least under certain circumstances.26 Warfare results from two stages of interaction. First, states must possess the willingness and ability to compete. Second, states must be unable, or unwilling, to resolve differences through diplomatic means.27 Capabilities constrain weak, distant states (Belize and Burundi do not fight each other), but weakness alone is often insufficient, given the relativity of power. Indeed, weakness is an attractive attribute in a target. For similar reasons, an unwillingness to fight must also be mutual. For the purposes of exposition, imagine that the motives for war are divided between zero-sum (private goods) and nonzerosum( goodswith public properties).Private goods competition involves things like attempts to conquer or control material resources (land, labor, minerals).28 Competition can also occur over efforts to influence or compel policies (norms, alignments, leaders).29 The allocation of resources is inherently conflictual; two states that claim the same territory must compromise, fight, or delay a decision. The allocation of policies may or may not generate significant friction, depending on whether, or to what extent, stateobjectives are compatible.While itwould beodd to speak of countries as having substantially compatible interests when drawing a common geographic boundary (cf. Collins and Lapierre 1997;Holbrooke 1998), it would be strange not to consider the existence (or absence) of common cause in assessing such topics as ideology, norm enforcement, terrorism, or the organization of the global or regional economy. At least three mechanisms associated with capitalism are capable of addressing the security dilemma and mitigating the causes of war. States with similar policy goals have no need to fight to establish policy since little can be gained from victory, or lost in defeat. States always have dissimilar interests when it comes to resource or territorial issues, but changes in modern economies often make these differences trivial, as resources can be hadmore easily through commerce. There can be no basis for agreement between two passersby about who should collect a quarter lying on the sidewalk, but fighting over 25 cents makes little sense. If, however, a sack of $100 bills falls from the sky, landing on the quarter, then it is entirely possible that a fight will ensue over who can collect their bag of riches. Yet, even the sack of money need not lead to violence if the passersby can agree on how to divide up the wind fall. States willing and able to fight can still avoid a contest if competitors are able to foresee the likely consequences of fighting and identify appropriate bargains. Economic Development Conflict is inherent in the allocation of resources among two or more parties, but need not result in violence if the stakes are literally “not worth fighting over” or when bargains preempt fighting. Imagine two countries attempting to divide up a bundle of goods (resources, territory). Comparison of available allocations is zero-sum; any shift from one allocation to another benefits one country only at the expense of the other country. In this framework, a mutual preference for peace requires that the value of winning be small relative to the cost of fighting (Morrow 1989; Powell 1999). Peace advocates have long championed factors thought to make war prohibitively expensive. Cobden, for example, claimed optimistically that “Should war break out between two great nations I have no doubt that the immense consumption of material and the rapid destruction of property would have the effect of very soon bringing the combatants to reason or exhausting their resources” ([1867] 1903, 355). Yet, if war is a process where competitors inflict costs on one another, making war more expensive will affect who wins, or how long fighting lasts, but not whether a contest occurs (Levy andMorgan 1984). 172 ERIK GARTZKE War costs are also endogenous; if fighting is prohibitive, countries will make themselves a “nice little war.”30 Increasing the cost of fighting, or alternately increasing the benefits of peace—even when possible—shape what each actorwill accept in lieu of fighting, but do not tell us which bargains are forged before warfare, and which after. Even the prospect of nuclear annihilation did not deter disputes during the cold war (Schelling 1960). If, on the other hand, the value of resources in dispute is small or varies with ownership, then states can be disinclined to fight. Nations have historically used force to acquire land and resources, and subdue foreign populations. War or treaties that shifted control of territory changed the balance of resources, and power. Sovereigns, and to a lesser extent citizens, prospered as the state extended its domain. Development can alter these incentives if modern production processes de-emphasize land, minerals, and rooted labor in favor of intellectual and financial capital (Brooks 1999, 2005; Rosecrance 1996). If the rents from conquest decline, even as occupation costs increase, then states can prefer to buy goods rather than steal them.31 As the U.S. invasion of Iraq illustrates, occupying a reluctant foreign power is extremely labor intensive. If soldiers are expensive, then nations can be better off “outsourcing occupation” to local leaders and obtaining needed goods through trade.32 At the same time that development leads states to prefer trade to theft, developed countries also retain populations with common identities, cultural affinities, and political, social, and economic ties. These states may be reluctant to conquer their neighbors, but they are equally opposed to arbitrary contractions of their borders. Residents of Gibraltar, for example, prefer British rule, even while Spain, which has fought over this lump of rock for centuries, is today unwilling to provoke a war.33 The combination of a lack of motive for territorial expansion and continued interest in serving and protecting a given population ensures a decline in conflict among states with developed economies, especially where developed countries are geographically clustered (Gleditsch 2003). Since most territorial disputes are between contiguous states (Vasquez 1993), I hypothesize that developed, contiguous dyads are more powerful than either developing or noncontiguous dyads.34 H1: Development leads contiguous dyads to be less likely to experience conflict. While development decreases incentives for territorial aggrandizement, it greatly enhances the technological ability of states to project power. Nations with ships and aircraft can engage in distant disputes inconceivable for poor countries. Development may also lead to increased willingness to pursue policy conflicts. If development is clustered and neighbors no longer covet territory, capabilities can be devoted to pursuing the nation’s secondary or tertiary interests. Distributed production networks and greater economic, social, or political integration naturally also create incentives to seek to influence the foreign policies of other countries, sometimes through force. In contrast to the blanket assertion of classical political economists, I expect that development actually leads countries to be more likely to engage in conflicts far from home.35 Iraq invadedandoccupiedKuwait inAugust 1990, intent on securing its “nineteenth province” and wresting Kuwaiti oil wealth from local leaders. The United States anditsCoalition allies also invadedKuwait, not toconquer and keep, but to return the Emirate to its previous leaders. WhileCoalition objectiveswere couched inmoralistic rhetoric, the United States was clearly concerned about who governed Kuwait, while preferring not to govern the country itself. Similarly, European colonial powers have repeatedly intervened in Africa, Asia, and elsewhere to prop up or dethrone regimes, impose settlements, or otherwise meddle in the affairs of developing countries. H2:Development leadsnoncontiguousdyads to be more likely to experience conflict. Similar Interests There is a second salient difference between the two sets of motives for invading Kuwait. Suppose that Iraq had formed an alliance, like the U.S. Coalition. Spoils from the conquest of Kuwait would have had to be divided up in some manner. Each new member of an Iraqi-led alliance would dilute the spoils, diminishing each member’s “slice.” By going it alone, Iraq kept all of the wealth of Kuwait to itself, at least for a little while. In contrast, U.S. objectives were not much diluted by the size of its coalition. Since there was no resource “pie” to distribute, the size of the Coalition was not a hindrance in allocating benefits, though reasons for reconstituting Kuwait differed markedly among the members, another source of tension that could have led to conflict (Baker 1995). Students of war often treat state interests as largely uniform, and largely incompatible. International competition forces nations—large and small—to be security seekers (Waltz 1959, 1979), or to lust after power (Mearsheimer 2001). A different conception of interests comes from utilitarianism (Bentham [1781] 2000; Mill [1861] 1998) and rational theory (Black 1948; Downs 1957; Riker 1963), one in which interests are variable and are often logical primitives.Many countries may share to a greater or lesser extent compatible worldviews or objectives (cf. Keohane and Nye 1989). Conversely, strong policy differences can lead to conflict, and possibly to war (Bueno deMesquita 1981, 1985, 1989;Morrow1985). For example, World War II and the cold war were “ideological contests” which pitted coalitions of countries with incompatible visions of an appropriate world order against each other. Since policy interests vary, while interests over resource allocations are more nearly constant (in their fundamental incompatibility), policy conflict should also vary. The range of policy issues over which state preferences might vary is literally innumerable. This article adopts an axiomatic approach, making the broadest theoretical claim, and then using a policy interest index to operationalize interest affinity in testing. H3: Similar state policy interests lead dyads to be less likely to experience conflict. Globalization of Capital While policy differences or resource competition can generate conflict, they need not produce contests if states can resolve differences diplomatically. Liberal theory emphasizes the pacifying effect of cross-border economic linkages. Markets are arguably most relevant as mechanisms for revealing information, however, rather than for adding to the risks or costs of fighting (Gartzke and Li 2003; Gartzke, Li, and Boehmer 2001). Competition creates incentives to bluff, to exaggerate capabilities or resolve. Anarchy makes it difficult for states to compel honest answers from one another except through the threat or imposition of harm. Contests inform by being costly, forcing actors to choose between bearing the burden of competition and backing down.Of course, one can signal by “burning money,” expending valuable resources autonomously, but such acts create a relative as well as absolute loss. Tactics that impart costs only as a byproduct of imposing costs onanopponent can produce relative gains, while tactics such as burning money only harmthe initiator. States with economies integrated into global markets face autonomous investors with incentives to reallocate capital away from risk. A leader’s threats against another state become costly when threats spark market repercussions. Participants learn from watching the reactions of leaders to the differential incentives of economic cost and political reward. Two economically integrated states can more often avoid military violence, since market integration combines mechanisms for revelation and coercion. An economically integrated target can be coerced by the threat of losing valuable exchange, but a nonintegrated initiator cannot make its threats credible or informative. Conversely, a globalized initiator can signal but has little incentive to hamper its own markets when a nonintegrated target does not suffer (Gartzke 2006b). H4: Financial or monetary integration leads dyads to be less likely to experience conflict. Research Design I next analyze the hypotheses in a standard statistical test of the democratic peace, using a sample of all dyad years (1950–92). This sample is well documented by previous studies. The democratic peace is thought to be most robust in the post–World War II period.36 Unless noted, variables are coded as described in Oneal and Russett (1999a). Adopting the assumptions of this canonical research program allows for ready comparison of results and diminishes the danger that my findings result from idiosyncrasies in coding or model specification. Oneal and Russett (1999a) appear to offer the most appropriate baseline for the analysis. Subsequent research focuses on other aspects of theirKantian tripartite liberal explanation (Oneal and Russett 1999c; Russett and Oneal 2001), or on extending the temporal domain (Oneal and Russett 1999b; Oneal, Russett, and Berbaum 2003). I estimated coefficients using logit and GEE in Stata (v. 8) with Huber/White robust standard errors, though for brevity only the logit estimates are reported. Results using GEE are generally equivalent or more favorable to the hypotheses. Independent variables are lagged one year behind the dependent variable to control for endogeneity. The Beck, Katz, and Tucker (1998) method of temporal spline variables was adopted to control for duration dependence. 37 Dependent Variable Zeev Maoz’s construction of dyadic militarized interstate disputes (DYMID) is used as the dependent variable,with the standard dichotomous coding of “1” for the initial year of a MID in the dyad and “0” otherwise (Gochman and Maoz 1984; Jones, Bremer, and Singer 1996).38 The Maoz data are intentionally formatted in dyads.Maoz also corrects for coding errors in the MID 2.1 dataset.39 Key Independent Variables • Democracy: Researchers differ over how to measure democracy, both monadically and dyadically. I rely on three different datasets and three variable constructions to represent dyadic democracy. The standard in democratic peace research is the Gurr Polity IV data (Jaggers and Gurr 1995). I first prepared monadic values by combining Polity democracy (DEMOC) and autocracy (AUTOC) scales as follows: [(DEMOCi – AUTOCi ) + 10]/2, (where i ∈ [A,B]). The variable differs modestly from Oneal and Russett in that I add 10 so that all values are nonnegative and divide by 2 to yield the 0–10 range of Polity variables. DEMOCRACY (LOW) and DEMOCRACY (HIGH), respectively, report the lower and higher of democracy values in the dyad. DEMOCRACY A×B is the product of monadic values. BOTH DEMOC. (≥7) equals one (“1”) if each dyad member has a monadic score of at least seven and zero (“0”) otherwise. . • Markets: Democratic peace research examines trade interdependence (Oneal et al. 1996, 2003; Oneal and Russett 1997, 1999a, 1999b, 1999c; Russett and Oneal 2001). Capital and monetary integration may be more relevant to conflict than trade (Gartzke and Li 2003; Gartzke, Li, and Boehmer 2001). Liberalization creates valuable linkages and institutional constraints on a state’s ability to intervene in market processes. Because states may be tempted to interfere with market responses to interstate crises, both robust markets and laissez-faire policies matter. The International Monetary Fund (IMF) provides several indicators of market size, robustness, and liberalization. The IMF publication Annual Reports on Exchange Arrangements and Exchange Restrictions (AREAER) lists a series of variables measuring economic openness. I use an index evaluated in previous studies that takes the difference between eight and the sum of eight types of government restrictions on foreign exchange, current, and capital accounts (Gartzke and Li 2003; Gartzke, Li, and Boehmer 2001). IMF FIN. OPEN. (LOW) reports the lower monadic score in the dyad.40 High values of IMF FIN. OPEN. (LOW) are thus expected to reduce the likelihood of militarized disputes. The IMF only reports data on member countries, systematically reducing variance and biasing against statistical significance. I also include indicators of trade to assess whether trade influences militarized disputes independent of capital liberalization. I use both the trade data provided by Oneal and Russett, and data from Gleditsch (2002).41 Again, I follow the Oneal and Russett operationalization. Monadic values are first constructed using a ratio of bilateral trade over GDP to measure the importance of trade relative to a state’s total economy. TRADE DEP. (LOW) denotes the lower trade dependence statistic in the dyad (Bliss and Russett 1998; Oneal and Russett 1997, 1999a, 1999b). Trade interdependence is expected to modestly decrease MID propensity. • Development: Economic development leads to a secular decline in the valuation of conquerable resources while intellectual and financial capital critical to productivity in modern economies must be enticed rather than coerced. Conversely, wealth and the technology effect allow for greater power projection. Poor countries seldom fight abroad because they cannot, and because 40Bilateral dataonfinancial openness is not available for a large sample of countries. Signaling should occur monadically, though two integrated economies probably increase the effect. Unlike democracy, economic freedom has a monadic effect (Gartzke 2005a). 41Oneal,Russett, and Berbaum (2003) advocate use of the Gleditsch (2002) data since these data contain fewer missing observations. CAPITALIST PEACE 175 their governments are preoccupied with existing territory. Development brings with it the ability to project power, encouraging contests over both policy and resources, while the richest states losemuch of their willingness to steal resources associated with territory. Early quantitative studies of the democratic peace included GDP/pop (the consensus measure of development), but the variable was not found to be significant (Maoz and Russett 1992). I argue that per capita GDP has contrasting effects on disputes. Gartzke andRohner (2006b) examine this argument directly by splitting the sample of disputes between territorial and nonterritorial conflicts, and by looking at initiators and targets. Here, however, I need to adhere to an established research design. To parse out the contrasting effects of development on war and peace, I include two variables. GDPPC (LOW) measures the lower of the twomonadic population weighted gross domestic product statistics for a given dyad (Gleditsch 2002). I also examine the natural log of GDPPC (LOW) to limit multicollinearity among variables.42 A second variable isolates the effect of wealth on likely subjects of territorial aggression. GDPPC × CONTIG (LOW) interacts contiguity and the development variable. It is most likely that a decline in the value of conquest will manifest itself in relations with neighbors, where territorial claims are most common and aggression most practical.43 • Interest Similarity: Many students of international relations reject as excessively narrow the realist emphasis on uniform, monolithic interests and argue instead that state objectives vary with a complex variety of factors (cf. Moravcsik 1997). Relations between the United States and Israel, and between the United States and India have been quite different in the post–World War II period, even accounting for capabilities, geography, regime type, and so on. National interests also change over time; elections in Bolivia and Germany resulted in two very different leaders, one who is moving her country closer to the United States, and one who is moving farther away. Ideally, researchers ininternational relationswould possess a model of state interests that would estimate the effects of a number of relevant causal variables. The same could be said for democracy, however, and for measures of national capabilities, economic development, alliance ties, and so on.There exists no consen- 42None of the key variables correlates at above 0.38 (Democracy [Low] and GDP per capita). Results are available from the author. 43See Vasquez (1993) for a discussion of the close relationship between contiguity and territorial disputes or wars. Data measuring territorial conflict cannot be used in the research design required to replicate existing democratic peace research (Tir et al. 1998). sus theory of national preferences, nor is one likely to be constructed in a reasonable time. Empirical research on conflictmust thus choose between measuring interests imperfectly, and not measuring them at all. I have chosen the former, while being mindful of the many potential pitfalls involved in this approach. The argument supplied here is consistent with other research in arguing that variable state interests are an important indicator of foreign policy behavior (cf. Bueno de Mesquita 1981; Voeten 2000). If we cannot know the myriad causes of preferences, we can at least go some way in measuring their manifestation and their effects. Measuring interests provides a number of empirical challenges. Preferences are not directly observable, so one must identify conditions that appear to reflect state preferences. Using data on United Nations General Assembly voting available for the period covered by the Oneal and Russett (1999a) data (1946–96), I construct an AFFINITY index. Data on “revealed” preferences are an imperfect representation of an actor’s real ranking over outcomes. Still, UN voting arguably distorts preferences less than available alternatives such as alliance portfolios (Gartzke 1998, 2000). I examine other indicators in the appendix (I also use the residuals of AFFINITY as a proxy, after regressing the interest variable on democracy and other variables, and show that the residuals have similar effects). The Affinity index reports the similarity of dyadicUNvoting patterns, using the “S” coding (Signorino and Ritter 2001). Values range between one, “most similar,” and negative one, “least similar.” I expect a threshold effect of interests. AFFINITY should be negatively associated with disputes, with the more dissimilar values (closer to −1) being disproportionately likely to fight.44 Additional Variables I include the same “control” variables as Oneal andRussett (1999a) to facilitate comparison of results.45 • Geographic Contiguity and Distance: Distance may not make the heart grow fonder, but it does appear to discourage interstate disputes. The contiguity dummy is a dichotomous variable coded “1” for dyadic partners that share a land border or that are separatedby less than 150 miles of water. CONTIGUITY is expected to increase MID likelihood. I also include a variable measuring the natural logarithm of the great circle distance between national capitals (with some large countries these data use the nearest major city to the appropriate border). DISTANCE should decrease militarized disputes. • Major Power Status: Major powers are arguably more than just capable states. Powerful countries are more active internationally, leading more often to warfare. MAJOR POWER is a dummy variable coded “1” if at least one state in a dyad is one of the five post–World War II major powers (China, France, United States, United Kingdom, and USSR) and “0” otherwise. • Military Alliances: Alliances are intended to affect interstate conflict, both by deterring aggression and by encouraging intervention. Previous studies include a measure for alliance ties within a dyad (Oneal and Russett 1997;Russett and Oneal 2001).ALLIANCE is a dichotomous variable for the presence of a defense pact, neutrality pact, or entente in the dyad based on the Correlates ofWar (COW) Alliance Dataset (Singer and Small 1966; Small and Singer 1990). • Capabilities: CAPABILITY RATIO equals the natural log of the ratio of the stronger state’s COW capabilities index (CINC) to that of the weaker dyadic state. CINC is constructed as the weighted average of a state’s share of total system population, urban population, energy consumption, iron and steel production, military personnel, and military expenditures. • Regions: Several scholars identify regional variability in interstate conflict (Bennett and Stam 1999; Lemke 2002, 2003a, 2003b). Controlling for sample heterogeneity is important on both econometric and substantive grounds. Indeed, the problem appears particularly relevant in the context of the democratic peace (Henderson 2002). I prepare six dummy variables for the respective regions (Asia,Europe,NorthAfrica, theMiddle East, North America, South America, Sub-Saharan Africa), coded “1” if both states are in the region and “0” otherwise.46 Adopting a standard democratic peace model also ensures that I have not chosen control variables that favormy hypotheses.Acheck using just the democracy and market variables, with and without temporal splines, yields the same substantive result. 46Unlike COW, I divide the Americas at the Isthmus of Panama, including Panama in South America. I also drop theWest Pacific as a category to avoid a dummy variable trap. The region experiences Results The trend in democratic peace research has been to narrow the scope of claims to conformto an evolving understanding of the empirical relationship, from monadic to dyadic processes, and from all democracies to just those with developed economies. Advanced democracies differ from developing democracies in their wealth, integration into the global economy, and in their post–World War II preference convergence. Below, I assess the effects of variables representing markets, development, and interests. I conducted many tests, but to save space, I report only representative examples of the results. Additional analysis is summarized in an appendix to this study. Basic Analysis Table 1 lists five regressions. Model 1 is a baseline representing work by Oneal and Russett and other democratic peace researchers.47 Consistent with conventional wisdom, DEMOCRACY (LOW) is significant and negative (reducing dispute likelihood), while DEMOCRACY (HIGH) increases the odds of a MID. Except for the Africa and North America dummies, and the intercept, all variables are significant at or above the 5% level, with signs that are consistent with conventional expectations. In Models 2 to 5 in Table 1, I sequentially add liberal economic variables, first examining the impact of markets on disputes, then adding the more complex influence of development, and finally adding interests. Introducing an indicator that captures the broader effects of capitalism causes the democracy variables to become insignificant, while IMF FIN. OPEN. (LOW) is statistically significant at the 0.1% level, and in the expected direction. Notice that TRADE DEP. (LOW) and also the ALLIANCE dummy are no longer statistically significant. A broader measure of global capitalism accounts for the apparent impact of trade and alliances on disputes. Similarly, several of the regional dummies are now insignificant (Asia, Europe), or are significant at a lower critical level (South America). Only conflict behavior in the Middle East remains robustly different from conflict in other regions. The theory proposed here argues that development imposes contrasting effects on conflict.Model 3 adds the linear development variable. Results are as reported in other studies. The effect of development on disputes is not statistically significant. Other key variables remain substantially the same as in Model 2. Model 4 introduces an interaction variable between per capitaGDPand contiguity. Estimating both the linear effect of average national income and the interaction term shows both variables to be significant in opposite directions. GDPPC (LOW) increases the dispute propensityof dyads, even as it decreases the tendency of states to fightwith their neighbors. Finally, I introduce the indicator of interest similarity based on UnitedNations voting. States with similar interests, or integrated markets, ormutual development and an absence of policy differences are less likely to fight. Model 5 also drops the regional dummies to show that the combined influence of liberal economic variables does not depend on the presence of controls for regional heterogeneity. Readers should ask some probing questions before accepting these findings (additional tests appear in an empirical appendix). One source of discrepancy between the results reported here and those of other studies could be sample size. The reported sample drops from 282,287 in Model 1 to 166,140 in Model 5.48 To check whether sample size explains the insignificance of democracy, I reran Model 1 using the sample from Model 5. DEMOCRACY (LOW) is again statistically significant in the expected direction, though at a lower critical level (p = 0.012). Standard errors for DEMOCRACY (LOW) in both models are about the same, but the estimated coefficient in the sample forModel 5 is about half the size of that inModel 1. DEMOCRACY (HIGH) is not statistically significant, but this is often also found to be the case in studies supporting the democratic peace. The trade variable, TRADE DEP. (LOW), has lower standard errors and thus is significant at a higher critical level. Finally, the alliance variable is not statistically significant, thought the standard errors for ALLIANCE are almost the same as inModel 1. The findings inModels 2 to 5 do not appear to result from listwise deletion of cases. Another possibility is that democracy is insignificant due to multicollinearity. This is not the case. Multicollinearity is a problem of estimation that occurs when two or more independent variables covary at such a high level that almost none of the variance in these variables can be shown to have an independent statistical effect on the dependent variable (Kmenta 1986, 430–42). IMF FIN. 48IMF data on liberalization underrepresents the effect of economic freedom, since missing values are far more common among less integrated countries. Imputation (King et al. 2001)would thus tend to favor the hypotheses. OPEN. (LOW) correlates withDEMOCRACY (LOW) at 0.1451, with DEMOCRACY (HIGH) at 0.1556, and with TRADE DEP. (LOW) at 0.1517.AFFINITY correlateswith these variables at −0.1053,−0.2915, and 0.0023, respectively. Itmay be that the covariance between the democracy variables and the dependent variable is captured by IMF FIN. OPEN. (LOW), AFFINITY, and other variables, but this is preciselywhat the theory predicts, and what excess empirical content entails. Still another concern involves appropriate estimation method. In some studies, Oneal and Russett (1999b, 1999c) advocate the use of the general estimating equation (GEE). Theremay be reason to debateOneal and Russett’s choice of GEE, particularly their assumption that temporal dependence is capturedby anAR1process (Beck 2003). However, it is useful in this instance to simply adopt the data, variables,andmethods preferredby thosewhoanticipate contrasting results. Findings using GEE are substantially the same, and often present substantively stronger evidence for a capitalist peace than results presented here using logit. Figure 1 plots the relative risk ratios for DEMOCRACY (LOW),IMFFIN.OPEN. (LOW), the combined development variables, and AFFINITY fromModel 5. Values for each key variable represent probabilities of a MID, weighted by maximum variable values. Initial probabilities of a MID are calculated using the method of recycled predictions, running the actual data back throughModel 5, but replacing one of the key variables with a standard value such as the mean, minimum, etc. This process is repeated for several standard values and then the original values of the variable are replaced and another key variable is assessed. The relative impact of key variables differs substantially. Dyads with the least integrated markets or the most dissimilar interests are about five times as likely to experience a MID as dyads with globalized markets or very similar interests. The effect of interests on disputes also appears nonlinear. Values of AFFINITY above the mean show little change in dispute probability, but values below the mean (states with dissimilar interests) produce major changes in the probability of a dispute. I combine the effect of GDPPC (LOW) and GDPPC × CONTIG. (LOW) to assess the overall impact of development on conflict. A change from the maximum to the minimum value of development increases the likelihood of a dispute by roughly 2.5 times.49 The development variables also appear to have a graduated effect on conflict,with the greatest reduction in dispute propensity occurring among the most developed states. Comparing the most democratic and most autocratic dyads, the latter is only slightly more likely to fight. While analysis of militarized dispute data has become widespread in the study of the democraticpeace,MIDsusage is not ubiquitous. Other researchers emphasize the effect of joint democracy on wars (Ray 1993, 2000; Rummel 1979, 1983; Small and Singer 1976). Militarized disputes have a number of advantages as an indicator of conflict behavior, not the least of which is their greater frequency. Wars are such rare events that their nonoccurrance in a given context may or may not be indicative of a qualitative change in the conflict tendency of countries or dyads. Still, the most intuitive, widely articulated, and in some respects robust formulation of the democratic peace involves wars, not MIDs. “Democracies very rarely, if ever, make war on each other” (Russett and Oneal 2001, 43).50 The results detailed in Table 1 (and in the appendix) seem to indicate that liberal peace is a product of capital and de- velopment rather than democracy. The majority of MIDs involve little or no actual bloodshed, however. The factors said to make democracies peaceful are arguably most potent when dealing with large-scale contests. A thorough assessment of the determinants of liberal peace should thus examine wars as (Small and Singer 1976, 1982). By any standard, wars between democracies are rare. If we define democracy as a state that scores above seven on the Polity democracy scale then, out of 222 category five MIDs (wars), there are no observations of war in a democratic dyad in the postwar sample (\_2 = 17.27, Pr = 0.001). The result seems pretty compelling. Yet, democratic dyads constitute only about 7.2% of the observations. Many other things could be happening that are ignored in such a simple test. Howmany wars occur between “capitalist” countries? It is not obvious how to condense the bundle of factors discussed above into a single variable. Still,IMFFIN.OPEN. (LOW) is probably the best candidate for such a test. Let me arbitrarily define capitalist dyads as those where the lower IMF FIN. OPEN score is at least six. This is the closest ordinal value on the scale to a value at least two standard deviations above themean(3.006+2×(1.627)=6.26). It also produces a subsample of capitalist dyads that is about 6.9% of the available sample of observations, not much different from that for democratic dyads (R = 0.1491 for the two dummy variables). Interestingly, there are no wars in the capitalist dyads either, though the smaller sample of cases for which data on financial openness are available means that only about a quarter of the wars are accounted for inthe sample (54 wars,\_2=4.0, Pr=0.045).Toextend this very crude test a bit further, I add zeros to round out missing observations so that the capitalist and democracy samples are the same size and all 222 wars appear in the sample.When I do this, the capitalist dyads again contain no wars and the relationship is highly significant (0.1%). Thus, both democracies and capitalist dyads appear never to fight wars. Still, determiningmore about these relationships, and their relative impact on war, requires that we move beyond cross tabs. Table 2 lists four regressions that are similar in most respects to those reported in Table 1. The main differences involve the dependent variable. Rather than coding for the presence or absence of MIDs, the first two columns of coefficients and standard errors (Models 6 and 7) represent the estimated probability of a war between pairs of countries in the post–WorldWar II period. The second pair of columns (Models 8 and 9) report estimated coefficients and standard errors for fatal MIDs (militarized disputes with at least one battle casualty reported). The first and third columns (Models 6 and 8) include democracy and other variables but omit the capitalist peace variables. The second and fourth columns (Models 7 and 9) again introduce indicators for market integration, economic development, and the interaction between development and contiguity. I omit the interest variable because it is not statistically significant in these regressions. This makes sense as fatal conflicts and wars disproportionately involve resource competition (Senese 2005; Vasquez 1993), rather than the policy disputes captured by the interest variable (Gartzke 2005b).Most of the militarized disputes accounted for by policy differences in the sample do not involve fatalities. Model 6 in Table 2 replicates the first model in Table 1, but estimates the determinants of wars rather than militarized disputes. Democracies are much less likely to experience wars. Distance mitigates warfare, but contiguity appears insignificant. Alliance ties and power disparity are also associatedwith a lower likelihood of war. Interestingly, there are major regional differences in war propensity (Bennett and Stam 2003). Some, but not all, of these differences are subsumed by the capitalist variables introduced inModel 7. Asia no longer appearsmore war prone, but theMiddle East, where per capita incomes are high due to resource wealth rather than manufacturing or industry, and where markets are largely state controlled, remains atypically hostile.51 Europe drops out of the analysis because there are no European wars in the 51The association between oil and autocracy (Dunning 2005; Ross 2001), and civil warfare (De Soysa 2000; Fearon 2005), and the sample. Contiguity becomes statistically significant and positive, but now distance is not a significant predictor of warfare, perhaps because armies that fight major wars, ceteris paribus, are also more willing to travel. Similarly, major power status and alliance ties appear irrelevant to whether states go to war with each other in this analysis. The biggest change inModel 7, however, is that the introduction of measures of economic development and market integration leads democracy to become insignificant, while the capital and development variables are all statistically significant.We see a repeat of the effects of the capitalist peace variables on wars that was previously reported for MIDs. Development discourages fighting among contiguous states, but makes wars far from home more likely, while free markets lead to less violent dyads. A similar story is told by comparing Models 8 and 9, each estimating the probability of deadly MIDs, with each other and with previous regressions. One difference in Model 8 is that the threshold democracy score is just short of standard levels of statistical significance (DEMOCRACY (LOW) is statistically significant at the 10% level). A second difference is that trade ties are associated with a decrease in conflict in Model 8, as they were in Table 1, Model 1.Contiguity matters for deadly MIDs, presumably because many states that will fight small conflicts, but not wars, are also unwilling or unlikely to travel far distances. Both South America and Europe return as independent variables, as the lower conflict threshold ensures that there are for observations in both regions. The Middle East is again unusually dispute prone, as is Asia, while Europe is atypically peaceful only when the effects of capitalism are ignored. Africa and the Americas are not different in their dispute behavior from overall trends, once we measure capitalist peace. Again, we find that free markets and development diminish disputes and war,while democracy has no effect on whether dyads fight. Conclusion: The (Other) Liberal Peace This study offers evidence suggesting that capitalism, and not democracy, leads to peace**.**

## 1NR

### ER Compet: A2 “Perm do Both”

**Doesn’t solve prez powers - congressional silence is key**

Bellia 2

[Patricia, Professor of Law @ Notre Dame, “Executive Power in Youngstown’s Shadows” Constitutional Commentary, , 19 Const. Commentary 87, Spring, Lexis]

To see the problems in giving dispositive weight to inferences from congressional action (or inaction), we need only examine the similarities between courts' approach to executive power questions and courts' approach to federal-state preemption questions. If a state law conflicts with a specific federal enactment, n287 or if Congress displaces the state law by occupying the field, n288 a court cannot give the state law effect. Similarly, if executive action conflicts with a specific congressional policy (reflected in a statute or, as Youngstown suggests, legislative history), or if Congress passes related measures not authorizing the presidential conduct, courts cannot give the executive action effect. n289 When Congress is silent, however, the state law will stand; when Congress is silent, the executive action will stand. This analysis makes much sense with respect to state governments with reserved powers, but it makes little sense with respect to an Executive Branch lacking such powers. **The combination of** congressional silence **and judicial inaction** has the **practical** effect of creating power. Courts' reluctance to face questions about the scope of the President's constitutional powers - express and implied - creates three other problems. First, **the implied** presidential power given **effect** by virtue ofcongressional silence **and judicial inaction** can solidify into a broader claim**. When the Executive exercises an "initiating"** or "concurrent" **power, it will tie that power to a textual provision or to a claim about the structure of the Constitution.** Congress's silence **as a practical matter** tends to validate theexecutive rationale, and the Executive **Branch** maythen claim a power not only to exercise the **disputed** authority in the face of congressional silence, but also **to exercise the disputed authority** inthe face of congressional opposition. In other words, a power that the Executive Branch claims is "implied" in the Constitution may soon become an "implied" and "plenary" one. Questions about presidential power to terminate treaties provide a  [\*151]  ready example. The Executive's claim that the President has the power to terminate a treaty - the power in controversy in Goldwater v. Carter, where Congress was silent - now takes a stronger form: that congressional efforts to curb the power are themselves unconstitutional. n290

**Simultaneous legislative and executive action creates a mixed precedent, undermining presidential authority**

**Bellia 2**

[Patricia, Professor of Law @ Notre Dame, “Executive Power in Youngstown’s Shadows” Constitutional Commentary, , 19 Const. Commentary 87, Spring, Lexis]

Second, **courts' failure to resolve the contours of the President's** constitutional **powers** **creates uncertainty** **about** whether some forms of constitutionally based **executive action** have the same legal force as a federal statute. Returning to Dames & Moore, **t**he fact that the Court rested the President's authority on grounds of congressional approval rather than implied constitutional authority avoided the difficult question of how the President could by his sole authority displace the application of the federal statutes that had provided the basis for Dames & Moore's original cause of action against the Iranian enterprises. [291](https://www.lexis.com/research/retrieve?_m=f19618c70694bf3d339be1d061d942b7&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVtz-zSkAW&_md5=1b7b7f45414d178a7293c7eabf182ff3" \l "n291#n291" \t "_self) Similar questions arise with respect to the displacement of state law by operation of sole executive agreements. The result is confusion about whether **sole** executive agreements are the "supreme Law of the Land**,"** [292](https://www.lexis.com/research/retrieve?_m=f19618c70694bf3d339be1d061d942b7&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVtz-zSkAW&_md5=1b7b7f45414d178a7293c7eabf182ff3" \l "n292#n292" \t "_self) with the available precedents suggesting that they are [293](https://www.lexis.com/research/retrieve?_m=f19618c70694bf3d339be1d061d942b7&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVtz-zSkAW&_md5=1b7b7f45414d178a7293c7eabf182ff3" \l "n293#n293" \t "_self) and the weight of recent commentary suggesting that they are not.

### AT: Perm Do Both

#### The counterplan aloneis key to effective drone operations---the permutation sends the signal that the rest of the government sides with critics of drones over the executive---that delegitimizes drones and collapses the program

Kenneth Anderson 10, Professor of International Law at American University, 3/8/10, “Predators Over Pakistan,” The Weekly Standard, <http://www.weeklystandard.com/print/articles/predators-over-pakistan>

Obama deserves support and praise for this program from across the political spectrum. More than that, though, the drone strikes need an aggressive defense against increasingly vocal critics who are moving to create around drone warfare a narrative of American wickedness and cowardice and of CIA perfidy.

Here the administration has dropped the ball. It has so far failed to provide a robust affirmation of the propositions that underwrite Predator drone warfare. Namely:

n Targeted killings of terrorists, including by Predators and even when the targets are American citizens, are a lawful practice;

n Use of force is justified against terrorists anywhere they set up safe havens, including in states that cannot or will not prevent them;

n These operations may be covert—and they are as justifiable when the CIA is tasked to carry them out secretly as when the military does so in open armed conflict.

n All of the above fall within the traditional American legal view of “self-defense” in international law, and “vital national security interests” in U.S. domestic law.

There are good reasons for Republicans and centrist Democrats to make common cause in defending these propositions. On the one hand, they should want to aggressively protect the administration against its external critics—the domestic and international left—who are eager to prosecute Americans for their actions in the war on terror. They should also want to make clear that in defending drone strikes, they are defending the American (and not just the Obama) legal and strategic position. Moreover, it will be the American view of domestic and international law for future administrations, Democratic and Republican.

At the same time, congressional Republicans and centrist Democrats need to put Obama’s senior legal officials on the record and invite them to defend their own administration, defend it to the full extent that the Obama administration’s actions require. Which is to say, Congress needs to hear publicly from senior administration lawyers and officials who might be personally less-than-enthused about targeted killings of terrorists and not eager to endorse them publicly, or to do so only with hedged and narrow legal rationales from which they can later walk away.

Consider, for instance, the diffidence of Harold Koh, the legal adviser of the Department of State. In an informal public discussion with his predecessor, John Bellinger, aired on C-SPAN on February 17, he was asked about drones and targeted killings and declined to say that the practice was lawful. (Granted, it was in an unscripted setting, which cannot be taken as anyone’s last word and on which it would be unfair to place too much weight.) All he said was that if he concluded that it was unlawful, he would, if he thought it appropriate, resign his position. He added that he remained at his post. The statement falls far short of the defense one might hope for from such a high-ranking administration lawyer. More than a year into the new administration, that ought surely to strike the general counsels of the CIA, the Pentagon, the Director of National Intelligence, the NSC, and other agencies directly conducting these activities as somewhat less than reassuring.

### ER: A2 “Theory—ER Bad”

#### 2. Inter-branch politics are crucial in the context of war powers – it's the reason restrictions exist – makes the counterplan educational and necessary ground

Jenkins 10 (David – Assistant Professor of Law, University of Copenhagen, “Judicial Review Under a British War Powers Act”, Vanderbilt Journal of Transnational Law, May, 43 Vand. J. Transnat'l L. 611, lexis)

In this pragmatic way, the Constitution attempts to balance the efficiency of centralized, executive military command with heightened democratic accountability through legislative debate, scrutiny, and approval. n28 Therefore, despite the Constitution's formal division of war powers between the executive and the legislature, disputes over these powers in the U.S. are usually resolved politically rather than judicially. n29 This constitutional arrangement implicitly acknowledges that both political branches possess certain institutional qualities suited to war-making. n30 These include the dispatch, decisiveness, and discretion of the executive with the open deliberation of the legislature and localized political accountability of its members, which are virtues that the slow, case specific, and electorally isolated courts do not possess. n31 The open, politically contestable allocation of [\*618] war powers under the Constitution not only permits differing and perhaps conflicting interpretations of the legal demarcations of branch authority but also accommodates differing normative preferences for determining which values and which branches are best-suited for war-making. n32 Furthermore, this system adapts over time in response to inter-branch dynamics and shifting value judgments that are themselves politically contingent. Thus, the American war powers model is an intrinsically political - not legal - process for adjusting and managing the different institutional capabilities of the legislative and executive branches to substantiate and reconcile accountability and efficiency concerns. A deeper understanding of why this might be so, despite the judiciary's power to invalidate even primary legislation, can inform further discussions in the United Kingdom about the desirability and advisability of putting the Crown's ancient war prerogative on a statutory footing.

#### 3. Process key to education

Schuck 99 (Peter H., Professor, Yale Law School, and Visiting Professor, New York Law School, Spring (“Delegation and Democracy” – Cardozo Law Review) http://www.constitution.org/ad\_state/schuck.htm)

God and the devil are in the details of policymaking, as they are in most other important things—and the details are to be found at the agency level. This would remain true, moreover, even if the nondelegation doctrine were revived and statutes were written with somewhat greater specificity, for many of the most significant impacts on members of the public would still be indeterminate until the agency grappled with and defined them. Finally, the agency is often the site in which public participation is most effective. This is not only because the details of the regulatory impacts are hammered out there. It is also because the agency is where the public can best educate the government about the true nature of the problem that Congress has tried to address. Only the interested parties, reacting to specific agency proposals for rules or other actions, possess (or have the incentives to ac-quire) the information necessary to identify, explicate, quantify, and evaluate the real-world consequences of these and alternative proposals. Even when Congress can identify the first-order effects of the laws that it enacts, these direct impacts seldom exhaust the laws’ policy consequences. Indeed, first-order effects of policies usually are less significant than the aggregate of more remote effects that ripple through a complex, interrelated, opaque society. When policies fail, it is usually not because the congressional purpose was misunderstood. More commonly, they fail because Congress did not fully appreciate how the details of policy implementation would confound its purpose. Often, however, this knowledge can only be gained through active public participation in the policymaking process at the agency level where these implementation issues are most clearly focused and the stakes in their correct resolution are highest.

#### 4. Neg flex – we need to test from all angles – agent ground is vital to fairness, particularly on this topic – most neg lit is about how restrictions are put in place, not whether they should be there

Fisher 3 (Louis – Senior Specialist in Separation of Powers, Congressional Research Service, The Library of Congress. Ph.D., New School for Social Research, “A Constitutional Structure for Foreign Affairs”, 2003, 19 Ga. St. U.L. Rev. 1059, lexis)

It is conventional, and I suppose convenient, to divide scholars on the war power and foreign affairs into "pro-congressionalists" and "propresidentialists." Their writings may seem to demonstrate a sympathy for one branch over another. However, scholarship is shallow if it merely latches itself onto one branch of government while shooting holes in the other. Analysis of the war power and foreign affairs demands a higher standard: recognizing institutional weaknesses along with institutional strengths, appreciating that the democratic process requires deliberation and collective action, and promoting policies that can endure rather than attempting short-term, unilateral solutions that fail. Moreover, the important point is not which branch has the political power to prevail. If that were the standard, we would always side with autocratic and even totalitarian regimes, or perhaps, in the current United States, an elected monarch. More fundamental to the discussion are the principles and procedures that support and sustain constitutional government.

**Constraint**

Transparency creates an incentive to constrain drone strikes

Gregory McNeal, Pepperdine University Professor, 3/15/13, Presidential Politics, International Affairs and (a bit on) Pakistani Sovereignty, www.lawfareblog.com/2013/03/presidential-politics-international-affairs-and-a-bit-on-pakistani-sovereignty/

Despite this lack of interest, some evidence exists to suggest that presidents do care about how their activities may be viewed by the public. As Baker has noted, during the bombing campaign in Kosovo, the possibility of civilian casualties from any given airstrike was seen as both a legal and political constraint. Due to this fact, some individual target decisions were deemed to have strategic policy implications that only the president could resolve (and we see similar presidential approvals for certain strikes in current operations). Moreover, even in the absence of effective judicial constraints, and even without evidence of public concern over matters of foreign policy, the president is still constrained by politics and public opinion. As Posner and Vermeule state, the president needs “both popularity, in order to obtain political support for his policies, and credibility, in order to persuade others that his factual and causal assertions are true and his intentions are benevolent.”

As was described in prior posts, the President is oftentimes directly involved in targeting decisions. This is due in part to globalized communications and also because as precision has increased, so too has the expectation (unrealistic as it is) that civilian casualties will be low or nonexistent. Given these expectations, presidents have oftentimes felt compelled to involve themselves to a greater degree in targeting decisions. This involvement brings with it enhanced political accountability. It allows for greater public awareness of kinetic operations and creates direct responsibility for results tied to the commander in chief’s immediate involvement in the decision-making process. Successes and failures are imputed (or at least can be imputed) directly to the president.

Presidential decision-making brings to light public recognition that the military and intelligence community are implementing rather than making policy. Moreover, when the president chooses to nominate people to assist him in making targeted killing decisions, the nomination process provides a mechanism of political accountability over the executive branch. This was aptly demonstrated by President Obama’s nomination of John Brennan to head the CIA. Given Brennan’s outsized role as an adviser to the president in the supervision of targeted killings, his nomination provided an opportunity to hold the president politically accountable by allowing senators to openly question him about the targeted killing process, and by allowing interest groups and other commentators to suggest questions that should be asked of him. Of course, secrecy can stifle some aspects of political accountability, but secrecy also has costs. Presidents require public support for their actions, and if the public does not trust him, that lack of trust may undermine other items on the administration’s agenda.

INTERNATIONAL POLITICAL CONSTRAINTS

Other political constraints from outside the U.S. may also impose costs on the conduct of targeted killings and those costs may serve as a form of accountability. For example, in current operations, targeted killings that affect foreign governments (as in domestic public opinion in Pakistan) or alliances (as in the case of UK support to targeting) all have associated with them higher political costs. Other international political constraints can impose accountability on the targeting process. For example, if Pakistan wanted to credibly protest the U.S. conduct of targeted killings, they could do so through formal mechanisms such as complaining at the UN General Assembly, petitioning the UN Security Council to have the matter of strikes in their country added to the Security Council’s agenda, or they could lodge a formal complaint with the UN Human Rights Committee. (UPDATE: In Emmerson’s letter he notes that the Pakistani government says they have at least made “public statements” regarding their lack of consent and their calls for “an immediate end to the use of drones by any other State on the territory of Pakistan.”). Pakistan could also expel U.S. personnel from their country, reject U.S. foreign aid, cut off diplomatic relations, and even threaten to shoot down U.S. aircraft. Despite apoplectic headlines, ledes and press releases, the fact that Pakistan has not pursued these means of international political accountability says a lot about the credibility of the sovereignty complaint.

Another international political mechanism can be seen in the form of overflight rights. As Zenko notes, sovereign states can constrain U.S. intelligence and military activities; “[t]hough not sexy and little reported, deploying CIA drones or special operations forces requires constant behind-the-scenes diplomacy: with very rare exceptions—like the Bin Laden raid—the U.S. military follows the rules of the world’s other 194 sovereign, independent states.” Other international political checks can be seen in the conduct of military operations. For example, during the 1991 Gulf War, the U.S. lawfully targeted Iraqi troops as they fled on what became known as the “highway of death.” The images of destruction broadcast on the news caused a rift in the coalition. Rather than lose coalition partners, the U.S. chose to stop engaging fleeing Iraqi troops, even though those troops were lawful targets. The U.S. government has similarly noted the importance of international public opinion, even highlighting its importance in its own military manuals. For example, the Army’s Civilian Casualty Mitigation manual states civilian casualties may “lead to ill will among the host-nation population and political pressure that can limit freedom of action of military forces. If Army units fail to protect civilians, for whatever reason, the legitimacy of U.S. operations is likely to be questioned by the host nation and other partners.”(See more here).

Critics of targeted killings tend to favor judicial mechanisms of accountability, believing that such externally imposed measures are the only effective mechanism of control over executive action. However, judicial accountability is not the only mechanism of control over targeted killings — political accountability can, under the right circumstances, serve as an effective mechanism of control. In the paper I also discuss bureaucratic and professional accountability, two of the less visible mechanisms of control in the targeted killing process. My next post will discuss reform recommendations that can enhance accountability for targeted killings.w

### CP Solves---CMR

#### Publicizing target procedures is the most effective way to resolve the perception of targeted killing as violating human rights and CMR

Cheri Kramer 11, J.D., Santa Clara University School of Law, 1/1/11, “The Legality of Targeted Drone Attacks as U.S. Policy,” Santa Clara Journal of International Law, http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1105&context=scujil

Some advocates in the field of human rights assert that targeted killing denies individuals due process. 134 However, due process does not require that each target be given the opportunity to defend him or herself before a legitimate judicial authority before being eliminated: "[A] state that is engaged in an armed conflict or in legitimate self-defense is not required to provide targets with legal process before the state may use lethal force."135¶ Still, in non-international armed conflicts such as the situation in Afghanistan, a target is not lawful until it has qualified as such under either CCF or DPH.136 Without public disclosure of the procedures for enforcing compliance with applicable law, it is impossible to determine whether or not the government is adhering to the requirements of law. Making public the procedures for target selection may be the most effective means to confront the human right challenges to targeted killing. In particular, if the U.S. wants to keep the higher moral ground, it should afford the public the process of clear, systematic target selection procedures to minimize the risk of targeting an unlawful target (i.e., a civilian), and thereby invoking guilt for a war crime under the Rome Statute.13 7

### ER Solv: A2 “Rollback—Future Prez”

#### No rollback- inertia, desire to keep congress from interfering

**Brecher, 2012**. (Aaron, Cyberattacks and the Covert Action Statute: Toward a Domestic Legal Framework for Offensive Cyberoperations, 111 Michigan Law Review, No 3, p 423, L/N)

The executive might also issue the proposed order, even though it would limit her freedom in some ways, because of the possible benefits of constraining future administrations or preempting legislative intervention. [n149](http://www.lexisnexis.com.ezp1.lib.umn.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1374611534093&returnToKey=20_T17845089181&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.59498.56057527503#n149) For example, in this context, an administration may choose to follow the finding and reporting requirements in order to convince Congress that legislative intervention is unnecessary for proper oversight. This is acceptable if the covert action regime is in fact adequate on its own. Moreover, if greater statutory control over cyberattacks is needed, the information shared with Congress may give Congress the tools and knowledge of the issue necessary to craft related legislation. [n150](http://www.lexisnexis.com.ezp1.lib.umn.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1374611534093&returnToKey=20_T17845089181&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.59498.56057527503#n150) Additionally, while executive orders are hardly binding, the inertia following adoption of an order may help constrain future administrations, which may be more or less trustworthy than the current one. Creating a presumption through an executive order also establishes a stable legal framework for cyberattacks that allows law to follow policy in this new field, and permits decisionmakers to learn more about the nature of cyberoperations before passing detailed statutes that may result in unintended consequences.

Executive orders are permanent

Duncan, Associate Professor of Law at Florida A&M, Winter 2010

(John C., “A Critical Consideration of Executive Orders,” 35 Vt. L. Rev. 333, Lexis)

The trajectory of the evolution of the executive power in the United States, as seen through the prism of the growing edifice of executive orders have become increasingly formal and permanent. The evolution of executive power in the United States has shifted executive orders from mere legislative interpretation to ancillary legislation. **Executive orders continue to influence subsequent presidents**. The elaboration of executive order promulgation, as an autopoietic process was necessary to the very existence of presidential power. That is, the mechanisms for formalizing executive orders have always existed in the executive power in a government whose legitimacy lives in written pronouncements treated as delicate, sacred, and worth protecting at all cost. **Part of this formalization is** a consequence of **the reverence for precedent**. Thus, **prior presidents influence future presidents**, less because future presidents wish to mimic their predecessors, but more **because future presidents act within an edifice their predecessors have already erected**. Thus, the growth and elaboration of an ever more robust structure of executive orders resembles an autopoietic process. n561

Risk of Congressional restrictions underlies the CP

Nathan Alexander Sales, Assistant Professor of Law, George Mason University School of Law, 8/29/2012, Self-Restraint and National Security, http://jnslp.com/2012/08/29/self-restraint-and-national-security/

Bureaucrats will have an incentive not to push the boundaries of their powers for another reason – the risk that aggressive conduct will provoke Congress to restrict their delegated authorities or otherwise subject them to stricter limits. One account of Congress’s decision to delegate legislative power to administrative agencies emphasizes expertise and information asymmetries. Bureaucrats, the theory goes, have more information than their legislator principals about the conditions that prevail in the regulated field and the outcomes that are likely to result from various policy choices. Knowing this, Congress establishes a “discretionary window” in which the agency is given authority to act. Stephenson, supra note 18, at 288. The scope of delegated power thus ordinarily will be broader than the scope of exercised power. But if bureaucrats push to the limit, they run the risk of alienating their legislator principals. Bureaucrats therefore will tend to stay their own hands to dissuade Congress from narrowing the range of options available to them. Posner & Vermeule, supra note 3, at 901; Stephenson, supra note 18, at 301.

**Political barriers check – new, stronger constituencies**

**Branum 2**

[Tara L, Associate, Fulbright & Jaworski L.L.P, “President or King? The Use and Abuse of Executive Orders in Modern Day America” Journal of Legislation]

Congressmen and private citizens besiege the President with demands  [\*58]  that action be taken on various issues. [n273](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n273) To make matters worse, once a president has signed an executive order, he often makes it impossible for a subsequent administration to undo his action without enduring the political fallout of such a reversal. For instance, President Clinton issued a slew of executive orders on environmental issues in the weeks before he left office. [n274](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n274) Many werecontroversial **and the need** for the policies he instituted was **debatable**. [n275](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n275) Nevertheless, President Bush found himself unable to reverse the orders without invoking the ire of environmentalists across the country. [n276](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n276) A **policy became law by the action of one man without the healthy debate and discussion in Congress intended by the Framers**. Subsequent presidents undo this policy and send the matter to Congress for such debate only at their own peril. This is not the way it is supposed to be.

### Durable Fiat / AT: Rollback

#### CP constrains future Presidents – it creates a legal framework

Brecher, JD University of Michigan, December 2012

(Aaron, Cyberattacks and the Covert Action Statute, 111 Mich. L. Rev. 423, Lexis)

The executive might also issue the proposed order, even though it would limit her freedom in some ways, because of the possible benefits of **constraining future administrations** or preempting legislative intervention. n149 For example, in this context, an administration may choose to follow the finding and reporting requirements in order to convince Congress that legislative intervention is unnecessary for proper oversight. This is acceptable if the covert action regime is in fact adequate on its own. Moreover, if greater statutory control over cyberattacks is needed, the information shared with Congress may give Congress the tools and knowledge of the issue necessary to craft related legislation. n150 Additionally, while executive orders are hardly binding, **the inertia following adoption of an order may help constrain future administrations**, which may be more or less trustworthy than the current one. **Creating a presumption through an executive order** also **establishes a stable legal framework** for cyberattacks that allows law to follow policy in this new field, and permits decisionmakers to learn more about the nature of cyberoperations before passing detailed statutes that may result in unintended consequences.

#### Epirics prove

Jensen, JD Drake University, Summer 2012

(Jase, FIRST AMERICANS AND THE FEDERAL GOVERNMENT, 17 Drake J. Agric. L. 473, Lexis)

At the historic 1994 meeting with the tribes, President Clinton signed a Presidential memorandum which provided executive departments and agencies with principles to guide interaction with and policy concerning Indian tribes. n83 President Clinton sought to ensure that the government recognizes that it operates on a government-to-government relationship with the federally recognized tribes. n84 Agencies were to consult with tribes prior to taking action which would affect them, consider tribal impact regarding current programs and policies, and remove barriers to communication. n85

Toward the end of Clinton's second term he issued an executive order which provided the executive branch with more detailed directions on how to implement the broader policy of government-to-government tribal consultation set forth in the 1994 memorandum. n86 **The order had a stronger binding effect on future administrations**. President Clinton signed Executive Order 13175 on November 6, 2000, and the order went into effect on January 5, 2001. n87 The order was binding upon all executive departments and executive agencies and all independent agencies were encouraged to comply with the order on a voluntary basis. n88 Each agency was required to designate an official which is to head the crea [\*486] tion of a tribal consultation plan, prepare progress reports, and ensure compliance with Executive Order 13175. n89

### TK Restrix Hurt Obama: Title 10—1NC

#### Plan sparks a huge fight—turf battles

Carlo Munoz, “Turf Battle Builds Quietly in Congress Over Control of Armed Drone Program,” THE HILL, 4—9—13, http://thehill.com/homenews/administration/292501-turf-battle-builds-quietly-over-control-of-armed-drone-program

A turf war is quietly building between congressional defense and intelligence committees over who will oversee the Obama administration’s controversial armed drone program.

Lawmakers are scrambling to make their case for or against a White House proposal that would hand control of the drones to the Pentagon.

Gordon Adams, a senior defense analyst at the Stimson Center, called the looming battle a “turf fight in the [disguise] of a policy debate.”

The Pentagon and CIA operate their own armed drone programs, which are both geared toward eliminating senior al Qaeda leaders and other high-level terror targets around the world. Under the Obama administration’s proposal, the CIA would continue to supply intelligence on possible targets, but actual control over the drone strikes would fall to the Pentagon.

Senate Intelligence Committee Chairwoman Dianne Feinstein (D-Calif.) publicly questioned whether the Defense Department (DOD) would be able to shoulder the program alone.

“We’ve watched the intelligence aspect of the drone program, how they function, the quality of the intelligence, watching the agency exercise patience and discretion,” Feinstein told reporters in March. “The military [armed drone] program has not done that nearly as well.”

Sen. John McCain and other defense lawmakers say the drone program would be better off being run by the Pentagon.

“It’s not the job of the Central Intelligence Agency. ... It’s the military’s job,” the Arizona Republican said in March.

The fight is a typical battle over who on Capitol Hill will retain power over the program, according to several analysts, who described it as predictable.

**“There is** always going to be a turf battle**” when dealing with congressional oversight**, said Lawrence Korb, a former DOD official and defense analyst at the liberal-leaning Center for American Progress.

But that battle could become particularly heated, given the high-profile nature of the drone program, which since the Sept. 11, 2001, attacks has become a huge factor in shaping counterterrorism policy, given its success, Korb said.

### ER NB: Politics 2NC

#### CP is executive action—obviously avoids Congressional fights

Fine 12

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We also should expect presidents to prioritize and be strategic in the types of executive orders that they create to maneuver around a hostile Congress. There are a variety of reasons that can drive a president’s decision. For example, presidents can use an executive order to move the status quo of a policy issue to a position that is closer to their ideal point. By doing so, presidents are able to pressure Congress to respond, perhaps by passing a new law that represents a compromise between the preferences of the president and Congress. Forcing Congress’s hand to enact legislation might be a preferred option for the president, if he perceives Congress to be unable or unwilling to pass meaningful legislation in the ﬁrst place. While it is possible that such unilateral actions might spur Congress to pass a law to modify or reverse a president’s order, such responses by Congress are rare (Howell 2003, 113-117; Warber 2006, 119). Enacting a major policy executive order allows the president to move the equilibrium toward his preferred outcome without having to spend time lining up votes or forming coalitions with legislators. As a result, and since reversal from Congress is unlikely, presidents have a greater incentive to issue major policy orders to overcome legislative hurdles.

#### The CP triggers Congressional follow-on and avoids confrontation

Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, 12/3/12, Obama's Moment, www.foreignpolicy.com/articles/2012/12/03/obamas\_moment

In foreign affairs, the central challenge now facing President Barack Obama is how to regain some of the ground lost in recent years in shaping U.S. national security policy. Historically and politically, in America's system of separation of powers, it is the president who has the greatest leeway for decisive action in foreign affairs. He is viewed by the country as responsible for Americans' safety in an increasingly turbulent world. He is seen as the ultimate definer of the goals that the United States should pursue through its diplomacy, economic leverage, and, if need be, military compulsion. And the world at large sees him -for better or for worse -as the authentic voice of America.

To be sure, he is not a dictator. Congress has a voice. So does the public. And so do vested interests and foreign-policy lobbies. The congressional role in declaring war is especially important not when the United States is the victim of an attack, but when the United States is planning to wage war abroad. Because America is a democracy, public support for presidential foreign-policy decisions is essential. But no one in the government or outside it can match the president's authoritative voice when he speaks and then decisively acts for America.

This is true even in the face of determined opposition. Even when some lobbies succeed in gaining congressional support for their particular foreign clients in defiance of the president, for instance, many congressional signatories still quietly convey to the White House their readiness to support the president if he stands firm for "the national interest." And a president who is willing to do so publicly, while skillfully cultivating friends and allies on Capitol Hill, can then establish such intimidating credibility that it is politically unwise to confront him. This is exactly what Obama needs to do now.

#### The counterplan maintains the benefits of the unitary executive while deterring excessive presidential adventurism

Neal Katyal 6, prof, Georgetown law, Internal Separation of Powers: Checking Today's Most Dangerous Branch from Within, 115 Yale L.J. 2314

This Essay's proposed reforms reflect a more textured conception of the presidency than either the unitary executivists or their critics espouse. In contrast to the unitary executivists, I believe that the simple fact that the President should be in control of the executive branch does not answer the question of how institutions should be structured to encourage the most robust flow of advice to the President. Nor does that fact weigh against modest internal checks that, while subject to presidential override, could constrain presidential adventurism on a day-to-day basis. And in contrast to the doubters of the unitary executive, I believe a unitary executive serves important values, particularly in times of crisis. Speed and dispatch are often virtues to be celebrated.¶ Instead of doing away with the unitary executive, this Essay proposes designs that force internal checks but permit temporary departures when the need is great. Of course, the risk of incorporating a presidential override is that its great formal power will eclipse everything else, leading agency officials to fear that the President will overrule or fire them. But just as a filibuster does not tremendously constrain presidential action, modest internal checks, buoyed by reporting requirements, can create sufficient deterrent costs.¶ [\*2319] Let me offer a brief word about what this Essay does not attempt. It does not propose a far-reaching internal checking system on all presidential power, domestic and foreign. Instead, this Essay takes a case study, the war on terror, and uses the collapse of external checks and balances to demonstrate the need for internal ones. In this arena, public accountability is low - not only because decisions are made in secret, but also because they routinely impact only people who cannot vote (such as detainees). In addition to these process defects, decisions in this area often have subtle long-term consequences that short-term executivists may not fully appreciate. n9

### Solvency

#### DOD shift inevitable, but a fast transition crushes the entire drone program

¶ Posted By Gordon Lubold Former senior advisor at the United States Institute of Peace in Washington, National Security Reporter for FP, and, Shane Harris Senior Writer for Foreign Policy 11-5 Tuesday, November 5, 2013 - 6:32 PM”Exclusive: The CIA, Not The Pentagon, Will Keep Running Obama's Drone War” http://killerapps.foreignpolicy.com/posts/2013/11/05/cia\_pentagon\_drone\_war\_control

In May, the White House leaked word that it would start shifting drone operations from the shadows of the CIA to the relative sunlight of the Defense Department in an effort to be more transparent about the controversial targeted killing program. But six months later, the so-called migration of those operations has stalled, and it is now unlikely to happen anytime soon, Foreign Policy has learned.¶ The anonymous series of announcements coincided with remarks President Obama made on counterterrorism policy at National Defense University in which he called for "transparency and debate on this issue." A classified Presidential Policy Guidance on the matter, issued at the same time, caught some in government by surprise, triggering a scramble at the Pentagon and at CIA to achieve a White House objective. The transfer was never expected to happen overnight. But it is now clear the complexity of the issue, the distinct operational and cultural differences between the Pentagon and CIA and the bureaucratic politics of it all has forced officials on all sides to recognize transferring drone operations from the Agency to the Defense Department represents, for now, an unattainable goal.¶ "The physics of making this happen quickly are remarkably difficult," one U.S. official told FP. "The goal remains the same, but the reality has set in." ¶ Another U.S. official emphasized that the transfer is still continuing. "This is the policy, and we're moving toward that policy, but it will take some time," the official said. "The notion that there has been some sort of policy reversal is just not accurate. I think from the moment the policy was announced it was clear it was not something that would occur overnight or immediately."¶ The official noted that all involved are mindful not to disrupt the drone program just for the sake of completing the transfer from the CIA to the military. "While we work jointly towards this transition, we also want to ensure that we maintain capabilities."¶ Officials at the CIA and the Defense Department are loathe to try and fix a program that they don't think is broken, even if it has become a political liability for Obama, who has faced constant pressure from human rights activists, his political base, and a growing chorus of libertarian Republicans to scale back the program and subject it to greater public scrutiny. But the pitfalls of transferring operations reside in more practical concerns. The U.S. official said that while the platforms and the capabilities are common to either the Agency or the Pentagon, there remain distinctly different approaches to "finding, fixing and finishing" terrorist targets. The two organizations also use different approaches to producing the "intelligence feeds" upon which drone operations rely. Perhaps more importantly, after years of conducting drone strikes, the CIA has developed an expertise and a taste for them. The DOD's appetite to take over that mission may not run very deep.¶ The military operates its own drones, of course, and has launched hundreds of lethal strikes in Iraq and Afghanistan. But the CIA is more "agile," another former official said, and has a longer track record of being able to sending drones into places where U.S. combat forces cannot go.¶ "The agency can do it much more efficiently and at lower cost than the military can," said one former intelligence official. Another former official with extensive experience in intelligence and military operations said it takes the military longer to deploy drones -- in part because the military uses a larger support staff to operate the aircraft.

Obama is committed to transitioning drones to the DOD now away from the CIA—the plan messes up the calibrated process and turns the case.

Klaidman 13 (Daniel, The Daily Beast, “Exclusive: No More Drones for CIA”, Mar 19, 2013, http://www.thedailybeast.com/articles/2013/03/19/exclusive-no-more-drones-for-cia.html, ZBurdette)

At a time when controversy over the Obama administration’s drone program seems to be cresting, the CIA is close to taking a major step toward getting out of the targeted killing business. Three senior U.S. officials tell The Daily Beast that the White House is poised to sign off on a plan to shift the CIA’s lethal targeting program to the Defense Department. The move could potentially toughen the criteria for drone strikes, strengthen the program’s accountability, and increase transparency. Currently, the government maintains parallel drone programs, one housed in the CIA and the other run by the Department of Defense. The proposed plan would unify the command and control structure of targeted killings and create a uniform set of rules and procedures. The CIA would maintain a role, but the military would have operational control over targeting. Lethal missions would take place under Title 10 of the U.S. Code, which governs military operations, rather than Title 50, which sets out the legal authorities for intelligence activities and covert operations. “This is a big deal,” says one senior administration official who has been briefed on the plan. “It would be a pretty strong statement.” Officials anticipate a phased-in transition in which the CIA’s drone operations would be gradually shifted over to the military, a process that could take as little as a year. Others say it might take longer but would occur during President Obama’s second term. “You can’t just flip a switch, but it’s on a reasonably fast track,” says one U.S. official. During that time, CIA and DOD operators would begin to work more closely together to ensure a smooth hand-off. The CIA would remain involved in lethal targeting, at least on the intelligence side, but would not actually control the unmanned aerial vehicles. Officials told The Daily Beast that a potential downside of the agency’s relinquishing control of the program was the loss of a decade of expertise that the CIA has developed since it has been prosecuting its war in Pakistan and beyond. At least for a period of transition, CIA operators would likely work alongside their military counterparts to target suspected terrorists. The policy shift is part of a larger White House initiative known internally as “institutionalization,” an effort to set clear standards and procedures for lethal operations. More than a year in the works, the interagency process has been driven and led by John Brennan, who until he became CIA director earlier this month was Obama’s chief counterterrorism adviser. Brennan, who has presided over the administration’s drone program from almost day one of Obama’s presidency, has grown uncomfortable with the ad hoc and sometimes shifting rules that have governed it. Moreover, Brennan has publicly stated that he would like to see the CIA move away from the kinds of paramilitary operations it began after the September 11 attacks, and return to its more traditional role of gathering and analyzing intelligence. Lately, Obama has signaled his own desire to place the drone program on a firmer legal footing, as well as to make it more transparent. He obliquely alluded to the classified program during his State of the Union address in January. “In the months ahead,” he declared, “I will continue to work with Congress to ensure that not only our targeting, detention, and prosecution of terrorists remain consistent with our laws and systems of checks and balances, but that our efforts are even more transparent to the American people and to the world.” Shortly after taking office, Obama dramatically ramped up the drone program, in part because the government’s targeting intelligence on the ground had vastly improved and because the precision technology was very much in line with the new commander in chief’s “light footprint” approach to dealing with terrorism. As the al Qaeda threat has metastasized, U.S. drone operations have spread to more remote, unconventional battlefields in places like Yemen and Somalia. With more strikes, there have been more alleged civilian casualties. Adding to the mounting pressure for the administration to provide a legal and ethical rationale for its targeting polices was the killing of Anwar al-Awlaki, a senior commander of al Qaeda’s Yemen affiliate, who also happened to be a U.S. citizen. (Two weeks later, his 16-year-old son was killed in a drone strike, which U.S. officials have called an accident.) The recent nomination of Brennan to head the CIA became a kind of proxy battle over targeted killings and the administration’s reluctance to be more forthcoming about the covert program. At issue were a series of secret Justice Department legal opinions on targeted killing that the administration had refused to make public or turn over to Congress. It looks like the White House may now be preparing to launch a campaign to counter the growing perception—with elites if not the majority of the public—that Obama is running a secretive and legally dubious killing machine. For weeks, though the White House has not confirmed it, administration officials have been whispering about the possibility that Obama would make a major speech about counterterrorism policy, including efforts to institutionalize—but also reform—the kinds of lethal operations that have been a hallmark of his war on terrorism. With an eye on posterity, Obama may feel the time has come to demonstrate publicly that his policies, for all of the criticism, have stayed within the law and American values. “Barack Obama has got to be concerned about his legacy,” says one former adviser. “He doesn’t want drones to become his Guantánamo.” But for the president to step out publicly on the highly sensitive subject of targeted killings, he’s going to have to do more than simply give an eloquent speech. An initiative like shifting the CIA program to the military, as well as other aspects of the institutionalization plan, may be just what he needs.

And solves drone sustainability

Matthew Waxman, 3/20/13, Going Clear, www.foreignpolicy.com/articles/2013/03/20/going\_clear

So, moving operations to the Pentagon may modestly improve transparency and compliance with the law but -ironically for drone critics -it may also entrench targeted-killing policy for the long term. For one thing, the U.S. government will now be better able to defend publicly its practices at home and abroad. The CIA is institutionally oriented toward extreme secrecy rather than public relations, and the covert status of CIA strikes makes it difficult for officials to explain and justify them. The more secretive the U.S. government is about its targeting policies, the less effectively it can participate in the broader debates about the law, ethics, and strategy of counterterrorism. Many of the criticisms of drones and targeting are fundamentally about whether it's appropriate to treat the fight against al Qaeda and its allies as a war -with all the legal authorities that flow from that, like the powers to detain and kill. The U.S. government can better defend its position without having to maintain plausible deniability of its most controversial program and without the negative image (whether justified or not) that many audiences associate with the CIA. Under a military-only policy, the United States would also be better positioned to correct lingering misperceptions about targeted killings and to take remedial action when it makes a mistake. Moreover, clearer legal limits and the perception of stricter oversight will make drone policy more legitimate in the public's eyes. Polling shows that Americans support military drone strikes more strongly than CIA ones, so this move will likely strengthen political backing for continued strikes.

Consider the case of Guantanamo: The shuttering of black sites, as well as the Supreme Court's decisions that detainees there can challenge their detention in federal court and that all detainees are protected by the Geneva Convention, have muted criticism of the underlying practice of detention without trial. Here, too, the proposed reforms would put the remaining policy on stronger footing. It's difficult to assess fully the pros and cons of getting the CIA out of the lethal targeting business because the government has not explained why it has been using the CIA for some operations and not others. As to efficacy -how the advantages of targeted strikes match up against the costs -strategy should dictate which agency should be responsible, not the other way around. That said, the result of shifting control to the Pentagon will likely be a more sustainable, if perhaps more restrained and formalized, long-term policy of targeted killing.

## 2NR

#### their defensive arguments aren’t true—democracies make a lot of commitments but don’t follow through

Democracy, climate change and global governance David **Held &** Angus Fane **Hervey 9** Policy Network. David Held is Graham Wallas Professor of Political Science and Co-Director of LSE Global Governance at the London School of Economics. Angus Fane Hervey is a Doctoral Student and Ralph Miliband Scholar in the Department of Government at the London School of Economics.

On balance, while evidence on the link between political institutions and environmental sustainability does seem to suggest that democracies are preferable to authoritarian regimes, we might expect the effect to be far greater than it actually is. Why is this the case? Part of the reason might be attributed to the different types of transmission mechanisms that translate policy commitment into policy outcomes. Battig & Bernauer (2009), for example, find that while the effect of democracy on political commitment to climate change is positive, the effect on policy outcomes, measured in terms of emissions and trends, is ambiguous. They observe that the causal chain from environmental risks to public perceptions of such risks, to public demand for risk mitigation, and to policy output is shorter than the one leading from risk via policy output to policy outcome. Because of that, outcomes are influenced by a range of other factors, such as the properties of the resource in question, mitigation costs, and the efficiency of implementing agencies. Politicians might easily declare a set of public policy commitments to climate change mitigation, but the outcome of such efforts is affected by factors that are often outside of their control. The result is that policymakers respond quite well to public demands for more environmental protection, but tend to discount implementation problems, hoping that voters will not be able to identify these within a short enough time period to use their votes as a punishment for any failure to deliver.

#### democracy doesn’t solve environment—collective action, mobilization, disorganization, human nature

Mark **Beeson** 8 April 20**10**, Department of Political Science and International Relations, University of WesternAustralia, Perth, “The coming of environmental authoritarianism” http://www.academia.edu/539179/The\_coming\_of\_environmental\_authoritarianism

Even in ‘developed’ industrial democracies with long traditions of politicalpluralism and arguably more eﬀective civil societies, it has long been recognisedthat the exercise of eﬀective ‘green’ agency is highly problematic and faces fundamental problems of mobilisation, organisation and collective action.The – perhaps understandable – suspicion of traditional politics, hierarchy and political authority has often rendered green parties politically ineﬀective (Goodin 1992). Even if we recognise the changes that have taken place in thesocial structures and even consciousness of many Western societies (Carter2007), the reality on the ground in much of Southeast Asia and China is very diﬀerent. Quotidian reality becomes especially important when we consider thepotential eﬃcacy of deliberative democracy, which some see as a way of resolving political conﬂicts over the environment.Although deliberative democracy has been described as ‘the currentlyhegemonic approach to democracy within environmental thinking’ (Arias-Maldonado 2007, p. 245), it has little obvious relevance to the situation in EastAsia. While there is much that is admirable about the central precepts of deliberative democracy (see Bohman 1998), its underlying assumptions about the circumstances in which political activity actually occur are strikingly atodds with the lived reality outside North America and Western Europe. Thismerits emphasis because for some writers rational, informed discourse iscentral to sustainable environmental management and the resolution of thecompeting interests that inevitably surround it (Hamilton and Wills-Toker2006). And yet, as the very limited number of studies that actually examineenvironmental politics under authoritarian rule demonstrate, the reality is verydiﬀerent and the prospects for the development of progressive politics are very limited (Doyle and Simpson 2006). Even if we assume that political circumstances do actually allow for a politically unconstrained and informed discussion of complex issues, as Arias-Maldonado (2007, p. 248) points out,‘the belief that citizens in a deliberative context will spontaneously acquire ecological enlightenment, and will push for greener decisions, relies too muchon an optimistic, naive view of human nature, so frequently found in utopian political movements’.

#### the transition causes massive environmental destruction

Environ Resource Econ (2011) 48:59–70 DOI 10.1007/s10640-010-9397-y Does Democracy Lead to a Better Environment? Deforestation and the Democratic Transition Peak Meilanie **Buitenzorgy and Mol 11** · Arthur P. J. Mol Accepted: 1 August 2010 / Published online: 2 September 2010 © Springer Science+Business Media B.V. 2010 M. Buitenzorgy (B) Department of Resources and Environmental Economics, Faculty of Economics and Management, Bogor Agricultural University (IPB), Bogor 16680, Indonesia e-mail: meilanie.buitenzorgy@ipb.ac.id; meilaniebuitenzorgy@yahoo.com A.P. J. Mol Environmental Policy Group, Department of Social Sciences, Wageningen University, 6706 KN Wageningen, The Netherlands p. 66-69 Springer

As a contribution to the current research on democracy and environment, this study posits three important findings. First, this study provides evidence of an EKC relationship between deforestation and democracy. The EKC relationship between deforestation and democracy suggests that in earlier stages of democracy, deforestation rates increase as countries move toward higher levels of democracy. However, after reaching a certain level of democracy, more democracy leads to a lower rate of deforestation. Second, this study provides empirical evidence suggesting that deforestation rates would be relatively low under autocracy or mature democracy, and deforestation rates are higher under semi-democracies or transitional countries: the democratic transition peak. Those two results imply that strengthening democratic institutions for transition countries and semi-democracies is favorable for forest protection and reforestation. Third, this study also suggests that democracy is more significant than income as a determinant of deforestation. This result implies that, for future research on underlying causes of deforestation, one should also consider political development rather than only focus to economic development to explain the dynamics of deforestation. Why do countries in democratic transition experience the worst rate of deforestation, even worse than non-democratic countries? It seems that the specific situation of a weakening state with a still immature civil society comes together in states in democratic transition. Environmental regulations become unenforceable, while no counter-veiling power has been developed sufficiently strong to balance a weakened state (Andersen 2002; Weidner 2002). In non-democracies the state is often much stronger, while the civil society sector is much weaker developed. As argued by Neumayer (2002), the “strong” state can effectively function and easily control and constrain its “weak” citizens and companies from engaging in any environmentally damaging activities. At the other end, when countries in democratic transition move toward mature democracies, an active civil society develops countervailing power through transparency, the media, associations and NGOs, and accountability mechanisms. This research provides evidence for the powerfulness of democracy (compared to income) in explaining deforestation. This balances too economic determinism explanations and shows that governance regimes matter. But the two are of course not independent, as we found in 123 Does Democracy Lead to a Better Environment? 69 our analysis. And many authors have investigated the relationship between democracy, and income and other economic parameters, with varying outcomes (cf. Acemoglu et al. 2008; Doucouliagos and Uluba¸so˘glu 2008). Especially for environmental indicators and time series where an economic EKC falls together with a democracy EKC, our model will be strong. But from the literature we know that economic-environment EKCs are in numerous cases not found, or even a contrasting U shaped model is likely. Hence, it would be worthwhile to also test the democracy-environment EKC and the democratic transition peak model for more time intervals and more environmental indicators. Then we know how robust this democratic transition peak model really is.

#### authoritarianism solves environment

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The East Asian region generally and Southeast Asia in particular have longbeen associated with authoritarian rule. It is argued that the intensiﬁcationof a range of environmental problems means that authoritarian rule islikely to become even more commonplace there in the future. Countrieswith limited state capacity will struggle to deal with the consequences of population expansion, economic development and the environmentaldegradation with which they are associated. A resurgence of authoritarianrule is made even more likely by China’s ‘successful’ developmentalexample and the extent of the region’s existing environmental problems.The dispiriting reality may be that authoritarian regimes – unattractive asthey may be – may even prove more capable of responding to the complexpolitical and environmental pressures in the region than some of its democracies. Introduction The environment has become the deﬁning public policy issue of the era. Notonly will political responses to environmental challenges determine the healthof the planet, but continuing environmental degradation may also aﬀect political systems. This interaction is likely to be especially acute in parts of theworld where environmental problems are most pressing and the state’s ability to respond to such challenges is weakest. One possible consequence of environmental degradation is the development or consolidation of authoritar-ian rule as political elites come to privilege regime maintenance and internalstability over political liberalisation. Even eﬀorts to mitigate the impact of, orrespond to, environmental change may involve a decrease in individual liberty as governments seek to transform environmentally destructive behaviour. As a result, ‘environmental authoritarianism’ may become an increasingly common response to the destructive impacts of climate change in an age of diminishedexpectations.Long before the recent global economic crisis inﬂicted such a blow onAnglo-American forms of economic organisation, it was apparent that therewere other models of economic development and other modes of politicalorganisation that had admirers around the world. The rise of illiberal forms of capitalism and an apparent ‘democratic recession’ serve as a powerful remin-ders that there was nothing inevitable about the triumph of ‘Western’ politicaland economic practices or values (Zakaria 2003, Diamond 2008).

#### authoritarianism solves environment--china proves—leads to extinction

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Concluding remarks While evidence about the implications of environmental degradation and evenglobal warming are increasingly uncontroversial, their possible politicalconsequences are more contentious. Although some of the preceding analysisis necessarily speculative and inferential, the experiences of China andSoutheast Asia highlight issues of unambiguously global signiﬁcance. Thecentral question that emerges from this discussion is whether democracy canbe sustained in the region – or anywhere else for that matter – given theunprecedented and unforgiving nature of the challenges we collectively face.Indeed, such is the urgency of the environmental crisis that some have argued – alarmingly persuasively – that ‘humanity will have to trade its liberty to live asit wishes in favour of a system where survival is paramount’ (Shearman andSmith 2007, p. 4). In such circumstances, forms of ‘good’ authoritarianism, inwhich environmentally unsustainable forms of behaviour are simply forbidden,may become not only justiﬁable, but essential for the survival of humanity inanything approaching a civilised form.Such ideas are diﬃcult to accept, especially for societies steeped in traditionsof liberalism, individualism, freedom of choice and personal advancement. TheUS is, of course, such a country, where an entire national consciousness andway of life is predicated upon liberal values – values which some considerprofoundly inimical to environmental sustainability (Ophuls 1997). It is also thecountry that has done most to contribute to global environmental problems likeclimate change, but which has until now seemed incapable of addressing thempolitically (Stephens 2007). In China, by contrast, an authoritarian regime has arguably done more to mitigate environmental problems than any other government on earth: without the one-child policy instigated in the 1970s, it isestimated that there would already be another 400 million Chinese (Dickie2008) and China’s environmental problems (and everyone else’s) would be thatmuch worse. Luckily for the world’s non-Chinese population, China does notenjoy the same living standards as the US, and it is impossible to imagine thatthe vast majority of its citizens ever will. There are, it seems, fundamental,implacable constraints on the carrying capacity of the planet (Cohen 1995). Thereal tragedy about China’s development is not the failure to democratiserapidly, but that at the very moment that human beings seem to have ﬁgured outhow to generate economic development on a massive scale, it is becomingapparent that it cannot be sustained, at least not by 6 billion people livingWestern lifestyles, and certainly not by the 9–12 billion or so that some thinkwill mark the extent of human expansion. 6 Yet in China the state seems relatively strong and – thus far, at least – incontrol. The persistence, if not the intensiﬁcation, of authoritarian rule in theface of environmental decline and reduced expectations about the course of economic development seems an all too likely outcome as a consequence. InSoutheast Asia, the picture is more mixed. Thailand has already succumbed tothe temptations of military intervention and a return to non-democratic, authoritarian rule, but Indonesia’s democracy has shown surprising resilienceso far. Whether its ﬂedgling democracy will be able to cope with the inevitablechallenges that economic fragility, demographic pressures and environmentaldecline will bring is a moot point. Despite being hammered by the currenteconomic crisis (Bradsher 2009), Indonesia at least seems better placed than thePhilippines: here even an ‘eﬀective’ authoritarian regime that is capable of simply maintaining order may be beyond the capability of local elites (Beesonand Bellamy 2008). The somewhat depressing reality may be that there are evenworse possibilities than an all too likely return to authoritarianism in the region.