# GSU R6

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### 1

#### Debt Ceiling will pass now—business lobby

Pollways, 9/19, (“Business groups tell House Republicans: No anti-Obamacare hostage-taking”, 9/19/2013, <http://pollways.bangordailynews.com/2013/09/19/national/business-groups-tell-house-republicans-no-anti-obamacare-hostage-taking/?ref=blogswidget>)

Business Republicans do not want a government shutdown. They do not want the full faith and credit of the United States to be undermined by a refusal to raise the debt limit. Threatening to shut down the government and to not increase the debt limit are the strategies chosen by Tea Party groups to try to stop funding of the Affordable Care Act. (By the way, a shutdown wouldn’t cut off the ACA’s revenue stream. Much like Social Security, nearly all of this funding commitment is now automatically set.) Now the U.S. Chamber of Commerce has joined the Wall St. Journal editorial page in opposing a shutdown and debt default. It’s fascinating to see how the Chamber of Commerce starts by telling its usual allies that they, you know, support capitalism. The Chamber’s open letter to House Republicans begins: The U.S. Chamber of Commerce, the world’s largest business federation representing the interests of more than three million businesses and organizations of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting and defending America’s free enterprise system, urges the House of Representatives to pass H.J. Res. 59, the “Continuing Appropriations Resolution, 2014,” to ensure the uninterrupted funding of the federal government into the next fiscal year at spending levels consistent with P.L. 112-25, the Budget Control Act of 2011. Making clear a shutdown and default would cause real economic harm, the letter states: It is not in the best interest of the U.S. business community or the American people to risk even a brief government shutdown that might trigger disruptive consequences or raise new policy uncertainties washing over the U.S. economy. Likewise, the U.S. Chamber respectfully urges the House of Representatives to raise the debt ceiling in a timely manner and thus eliminate any question of threat to the full faith and credit of the United States government. Also weighing in on this hostage-taking is the Business Roundtable, which describes itself as “an association of chief executive officers of leading U.S. companies with $7.4 trillion in annual revenues and more than 16 million employees.” According to a new study by the Business Roundtable: Fifty percent of responding CEOs indicated that the ongoing disagreement in Washington over the 2014 budget and the debt ceiling is having a negative impact on their plans for hiring additional employees over the next six months. Typically allied with Republicans and consistently giving most of their campaign donations to Republicans, business groups are saying, please, please don’t do this. Will House Republicans listen? And, if not, will these business groups decide they have to reconsider which politicians they support? Look for Republican party leaders, to the extent they exist anymore, to try to resolve this situation and heal this schism.

**Plan destroys Obama’s credibility – makes it impossible for him to get anything through Congress**

Seeking Alpha 9-10, 9-10-2013, “Syria Could Upend Debt Ceiling Fight,” http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability. I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four. **While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there**, which would be limited in nature. Rather, **investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over** spending and **the debt ceiling**. Currently, **the government** loses spending authority on September 30 while it **hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe**. Failure in the Syrian vote could change this**. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues.**  **Until now, consensus has been that the two sides would compromise** to fund the government at sequester levels while **passing a $1 trillion stand**

#### Political capital is finite and key --- the plan trades off

Moore, 9/10 --- Guardian's US finance and economics editor (Heidi, 9/10/2013, “Syria: the great distraction; Obama is focused on a conflict abroad, but the fight he should be gearing up for is with Congress on America's economic security,” [http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester)](http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester%29))

Before President Obama speaks to the nation about Syria tonight, take a look at what this fall will look like inside America. There are 49 million people in the country who suffered inadequate access to food in 2012, leaving the percentage of "food-insecure" Americans at about one-sixth of the US population. At the same time, Congress refused to pass food-stamp legislation this summer, pushing it off again and threatening draconian cuts. The country will crash into the debt ceiling in mid-October, which would be an economic disaster, especially with a government shutdown looming at the same time. These are deadlines that Congress already learned two years ago not to toy with, but memories appear to be preciously short. The Federal Reserve needs a new chief in three months, someone who will help the country confront its raging unemployment crisis that has left 12 million people without jobs. The president has promised to choose a warm body within the next three weeks, despite the fact that his top pick, Larry Summers, would likely spark an ugly confirmation battle – the "fight of the century," according to some – with a Congress already unwilling to do the President's bidding. Congress was supposed to pass a farm bill this summer, but declined to do so even though the task is already two years late. As a result, the country has no farm bill, leaving agricultural subsidies up in the air, farmers uncertain about what their financial picture looks like, and a potential food crisis on the horizon. The two main housing agencies, Fannie Mae and Freddie Mac, have been in limbo for four years and are desperately in need of reform that should start this fall, but there is scant attention to the problem. These are the problems going unattended by the Obama administration while his aides and cabinet members have been wasting the nation's time making the rounds on television and Capitol Hill stumping for a profoundly unpopular war. The fact that all this chest-beating was for naught, and an easy solution seems on the horizon, belies the single-minded intensity that the Obama White House brought to its insistence on bombing Syria. More than one wag has suggested, with the utmost reason, that if Obama had brought this kind of passion to domestic initiatives, the country would be in better condition right now. As it is, public policy is embarrassingly in shambles at home while the administration throws all of its resources and political capital behind a widely hated plan to get involved in a civil war overseas. The upshot for the president may be that it's easier to wage war with a foreign power than go head-to-head with the US Congress, even as America suffers from neglect. This is the paradox that President Obama is facing this fall, as he appears to turn his back on a number of crucial and urgent domestic initiatives in order to spend all of his meager political capital on striking Syria. Syria does present a significant humanitarian crisis, which has been true for the past two years that the Obama administration has completely ignored the atrocities of Bashar al-Assad. Two years is also roughly the same amount of time that key domestic initiatives have also gone ignored as Obama and Congress engage in petty battles for dominance and leave the country to run itself on a starvation diet imposed by sequestration cuts. Leon Panetta tells the story of how he tried to lobby against sequestration only to be told: Leon, you don't understand. The Congress is resigned to failure. Similarly, those on Wall Street, the Federal Reserve, those working at government agencies, and voters themselves have become all too practiced at ignoring the determined incompetence of those in Washington. Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor. It's fair to say that congressional Republicans, particularly in the House, have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time. The president is scheduled to speak six times this week, mostly about Syria. That includes evening news interviews, an address to the nation, and numerous other speeches. Behind the scenes, he is calling members of Congress to get them to fall into line. Secretary of State John Kerry is omnipresent, so ubiquitous on TV that it may be easier just to get him his own talk show called Syria Today. It would be a treat to see White House aides lobbying as aggressively – and on as many talk shows – for a better food stamp bill, an end to the debt-ceiling drama, or a solution to the senseless sequestration cuts, as it is on what is clearly a useless boondoggle in Syria. There's no reason to believe that Congress can have an all-consuming debate about Syria and then, somehow refreshed, return to a domestic agenda that has been as chaotic and urgent as any in recent memory. The President should have judged his options better. As it is, he should now judge his actions better.

#### This will destroy the U.S. and global economy

Davidson, 9/10 (Adam - co-founder of NPR’s “Planet Money” 9/10/2013, “Our Debt to Society,” <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=0)>)

This is the definition of a deficit, and it illustrates why the government needs to borrow money almost every day to pay its bills. Of course, all that daily borrowing adds up, and we are rapidly approaching what is called the X-Date — the day, somewhere in the next six weeks, when the government, by law, cannot borrow another penny. Congress has imposed a strict limit on how much debt the federal government can accumulate, but for nearly 90 years, it has raised the ceiling well before it was reached. But since a large number of Tea Party-aligned Republicans entered the House of Representatives, in 2011, raising that debt ceiling has become a matter of fierce debate. This summer, House Republicans have promised, in Speaker John Boehner’s words, “a whale of a fight” before they raise the debt ceiling — if they even raise it at all. If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history. Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency. Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years. Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar. While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy. The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

**Nuclear war.**

Cesare Merlini 11, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs (IAI) in Rome. He served as IAI president from 1979 to 2001. Until 2009, he also occupied the position of executive vice chairman of the Council for the United States and Italy, which he co-founded in 1983. His areas of expertise include transatlantic relations, European integration and nuclear non-proliferation, with particular focus on nuclear science and technology. A Post-Secular World? Survival, 53:2, 117 – 130

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism.

### 2

#### The AFF posits a world in which individuals have no responsibility – this fails to understand the way that the individual shapes war and everyday violence

**Kappeler 95**(Susanne, Associate Professor at Al-Akhawayn University, The Will to Violence: The politics of personal behavior, Pg.10-11)

Yet **our insight that** indeed **we are not responsible for the decisions of a** Serbian **general or a** Croatian **president tends to mislead us into thinking that** therefore **we have no responsibility** at all, not even **for forming our own judgme**nt, and thus into underrating the responsibility we do have within our own sphere of action. In particular, it seems to absolve us from having to try to s**ee any relation between our own actions and those events**, or to recognize the connections between those political decisions and our own personal decisions. It not only shows that we participate in what Beck calls ‘organized irresponsibility’, upholding the apparent lack of connection between bureaucratically, institutionally, nationally, and also individually organized separate competences. It also proves the phenomenal and unquestioned al**liance of our personal thinking with the thinking of** the major **power mongers**. For **we**tend to **think that we cannot ‘do’ anything,** say**, about a war,** because we deem ourselves to be in the wrong situation **because we are not where the major decisions are made.**Which is why **many of those not yet entirely disillusioned with politics** tend to **engage in** a form of mental deputy politics, in the style of ‘what would I do if I were the general, the prime minister, the president, the foreign minister or the minister of defense?’ Since **we** seem to **regard their mega spheres of action as the only worthwhile and truly effective ones, and since our political analyses** tend to **dwell there first of all**, any **question of what I would do if I were indeed myself tends to peter out in the comparative insignificance of having what is perceived as ‘virtually no possibilities’**: what I could do seems petty and futile. For my own action I obviously desire the range of action of a general, a prime minister, or a General Secretary of the UN – finding expression in ever more prevalent formulations like ‘I want to stop this war’, ‘I want military intervention’, ‘I want to stop this backlash’, or ‘I want a moral revolution. ‘We are this war’, however, even if we do not command the troops or participate in co-called peace talks, namely as Drakulic says, in our non-comprehension’: our willed refusal to feel responsible for our own thinking and for working out our own understanding, preferring innocently to drift along the ideological current of prefabricated arguments or less than innocently taking advantage of the advantages these offer. And we ‘are’ the war in our ‘unconscious cruelty towards you’, our tolerance of the ‘fact that you have a yellow form for refugees and I don’t’- our readiness, in other words, to build identities, one for ourselves and one for refugees, one of our own and one for the ‘others.’ **We share in the responsibility for this war and its violence in the way we let them grow inside us, that** is, in the way **we shape ‘**our feelings, **our relationships, our values’ according to the structures and the values of war and violence.**

**we are the violence. Individuals are the impetus for exploitation and racism, and only this theory explains the truth behind violence**

**Kappeler 95** (Susanne, Associate Professor at Al-Akhawayn University, The Will to Violence: The politics of personal behavior, Pg.9)

**war does not suddenly break out in a peaceful society**; sexual violence is not the disturbance of otherwise equal gender relations. Racist attacks do not shoot like lightning out of a non-racist sky, and the sexual exploitation of children is no solitary problem in a world otherwise just to children. **The violence of our** most commonsense **everyday thinking, and especially our personal will to violence, constitute the conceptual preparation, the ideological armament and the intellectual mobilization which make the ;outbreak’ of war, of sexual violence, of racist attacks, of murder and destruction possible at all.**  ‘We are the war’, writes SlavenkaDrakulic at the end of her existential analysis at the end of her existential analysis of the question, ‘what is war?’: I do not know what war is, I want to tell [my friend], but I see it everywhere. It is in the blood-soaked street in Sarajevo, after 20 people have been killed while they queued for bread. But it is also in your non-comprehension, in my unconscious cruelty towards you, in the fact that you have a yellow form [for refugees] and I don’t, in the way in which it grows inside ourselves and changes our feelings, relationships, values – in short: us. We are the war…and I am afraid that we cannot hold anyone else responsible. We make this war possible, we permit it to happen. ‘**We are the war’- and we also ‘are’ the** sexual violence, the racist violence, the **exploitation and the will to violence in all its manifestations in a society in co-called ‘peacetime’, for we make them possible and we permit them to happen.**

#### The Alternative is to reject the affirmatives representations and reconcieve of violence as an issue of personal choice made by individuals.

**Kappeler 95**(Susanne, Associate Professor at Al-Akhawayn University, The Will to Violence: The politics of personal behavior, Pg.5-6)

**A politics aiming at a change in people’s behavior would require** political work that is very much more cumbersome and very much less promising of success than is the use of state power and social control. It would require political consciousness-raising- politicizing the way we think- which cannot be imposed on others by force or compulsory educational measures. It would require **a view of people which takes seriously and reckons with their will, both their will to violence or their will to change.** To take seriously the will of othershoweverwould mean recognizing one’s own, and putting people’s will, including our own, at the centre of political reflection**.** A **political analysis of violence needs to recognize** this will, **the personal decision in favor of violence**- not just to describe acts of violence, or the conditions which enable them to take place, but **also to capture the moment of decision which is the real impetus for violent action**. For **without this decision there will be no violent act,** not even in circumstances which potentially permit it. **It is the decision to violate, not just the act itself, which make a person a perpetrator of violence-just as it is the decision not to do so which makes people not act violently and not abuse their power in a situation which would nevertheless permit it. This moment of decision**, therefore, **is** also **the locus of potential resistance to violence. To understand the structures of thinking and the criteria by which such decisions are reached, but above all to regard this decision as an act of choice, seems** to me **a necessary precondition for any political struggle against violence**and for a non-violent society. My focus then, is on the decision to violate- not just in circumstances where violence is conspicuous by its damage, but in every situation where the choice to violate presents itself. This means a change from the accustomed perspective on violence to the context where decisions for actions are being made, as it were “before” their consequence become apparent, and which we may not recognize as contexts of violence. Our political analysis of sexual or racist violence have necessarily concentrated on situations where the power disequilibrium between perpetrator and victim is extreme, where, in particular, it is supported by social power structures such as male and/or white supremacy, so that not only is the violence unlikely to receive sanctions, but on the contrary, the perpetrator will find support rather than the victim. Violence, however, is a possibility wherever there is freedom of action, however limited. Such violence may ‘look different’, not least because the possibilities or resistance may also be greater in situations where there is relative freedom of action also on the part of the other agent, that is, the violator’s envisaged victim.

### 3

#### The President of the United States should enter into prior consultation with the United States Congress before initiating offensive use of military force

#### That solves but avoids micromanagement

Hamilton 1993 [Director of the Woodrow Wilson International Center for scholars and former Congressperson, Lee, “President, Congress Need Dialogue,” The Christian Science Monitor, January 21st 1993, Accessed 7-12-05, p. lexis]

Consultation is the key to the president's relations with Congress. It has often been too little, too late. It has often meant notification of an action taken or about to be taken. Consultation over the last 12 years has rarely meant a genuine dialogue of seeking the views of Congress prior to the president making a decision or taking an action. Inadequate consultation frustrates members of Congress because it reduces their opportunity to influence policymaking It can lead to unnecessary conflict, additional congressional foreign-policy initiatives at variance with the executive branch, and attempts by the Congress to micro-manage programs and control policy implementation. The Clinton administration has a unique opportunity to change this record and to lay the groundwork for more effective relations between Congress and the executive. Consultation requires that Congress be given a legitimate opportunity to participate in the making of policy. It should start early, be bipartisan, and always include the congressional leadership It should not be left to one or two individuals. The 535 members of the Congress cannot be reached by a handful of administration lobbyists. When meeting with members, a distinction should be made at the start as to whether the meeting is one in which members are to be informed or consulted.

### 4

**Lack of cyber ban means presidential shift**

**Dycus 10**

[Stephen, Professor, Vermont Law School. JOURNAL OF NATIONAL SECURITY LAW &POLICY 4.155.

<http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf> ETB]

**If Congress now fails to enact guidelines for cyber warfare, it might** ¶ **be perceived as inviting “measures on independent presidential** ¶ **responsibility.**”21 Chief Justice **Marshall suggested in Little v. Barreme that** ¶ **if Congress had remained silent, the President might have been free to** ¶ **conduct the Quasi-War with France as he saw fi**t.22 But **the national interest** ¶ **in electronic warfare**, just as in that early maritime conflict, **is so great that** ¶the planning and conduct of such a war should not be left entirely to the ¶ Executive. And because a cyber war might be fought under circumstances ¶ that make it impossible for Congress to play a meaningful contemporaneous ¶ role, Congress ought to get out in front of events now in order to be able to ¶ participate **in the formulation of national policy.**

#### Ensures a cyber arms race

Xu 2013 (Xu Longdi, PhD and Associate Research Fellow at the China Institute of International Studies in Beijing, April 10, 2013, “Obama Intensifies Cybersecurity Measures,” China Institute for International Studies, http://www.ciis.org.cn/english/2013-04/10/content\_5864549.htm)

Intense moves by the U.S. are the newest in its assiduous efforts to strengthen its cyber security and can be explained by several reasons. First of all, in recent years, the number of cyber attacks, including those against the United States, has been increasing, thus alerting the entire world, particularly Americans who maintain that their cyber assets are owned and managed largely by the private sector. This seems to provide an objective ground for the U.S. to take proactive and preemptive measures to enhance and build its cyber security.¶ Second, as a result of its lead in ICT, the United States is more dependent on the Internet than other states, which also means being more vulnerable to cyber attacks. Therefore, the U.S. attempts to use its technological superiority to deter potential cyber attackers by making public its intention of launching preemptive cyber strikes. Of course, this will not necessarily be a deterrent or yield desirable results. On the contrary, it might launch a cyber arms race and exacerbate cybersecurity concerns, which is not conducive to maintaining cyber stability and peace.¶ Third, since its first secret talks on cyber war with Russia in Moscow in 1996, the United States has always been opposed to cyber arms control or signing any international treaty on cyberspace. In recent years, the U.S. has endeavored to intensify its cyber security, not only through further building its cyber capabilities, but also through domestic and international cyber legislation, such as the Cybersecurity Act of 2010 and the International Cybercrime Reporting and Cooperation Act (2010). After the failure of the 2012 U.S. Cybersecurity Act, both Democrats and Republicans have continued their efforts to pass cyber legislation in 2013. Moreover, last September, Harold Hongju Koh, legal adviser to the Department of State, clarified the U.S. position that existing international law is applicable to cyberspace. By way of constructing new rules for cyberspace, including rules for cyber warfare, the U.S. could offer a legal ground for its preemptive cyber strikes against others, thus increasing the legitimacy of its provocative cyber activities. However, it is doubtful whether it could achieve this much-needed legitimacy for preemption.

#### Triggers your wars

Clarke 2009 (Richard Clarke, special adviser to the president for cybersecurity in the George W. Bush administration and chairman of Good Harbor Consulting, November/December 2009, “War from Cyberspace,” The National Interest, http://web.clas.ufl.edu/users/zselden/coursereading2011/Clarkecyber.pdf)

As in the 1960s, the speed of war is rapidly accelerating. Then, long-range ¶ ¶ missiles could launch from the prairie of ¶ ¶ Wyoming and hit Moscow in only thirtyfive minutes. Strikes in cyber war move at ¶ ¶ a rate approaching the speed of light. And ¶ ¶ this speed favors a strategy of preemption, which means the chances that people can become trigger-happy are high. This, in ¶ ¶ turn, makes cyber war all the more likely. ¶ ¶ If a cyber-war commander does not attack quickly, his network may be destroyed first. If a commander does not preempt an enemy, he may find that the target nation has suddenly raised new defenses or even disconnected from the worldwide Internet. ¶ ¶ There seems to be a premium in cyber war ¶ ¶ to making the first move.¶ ¶ And much as in the nuclear era, there is a real risk of escalation with cyber war. ¶ ¶ Nuclear war was generally believed to be ¶ ¶ something that might quickly grow out of ¶ ¶ conventional combat, perhaps initiated with ¶ ¶ tanks firing at each other in a divided Berlin. The speed of new technologies created ¶ ¶ enormous risks for crisis instability and miscalculation. Today, the risks of miscalculation are even higher, enhancing the chances that what begins as a battle of computer programs ends in a shooting war. Cyber ¶ ¶ war, with its low risks to the cyber warriors, ¶ ¶ may be seen by a decision maker as a way ¶ ¶ of sending a signal, making a point without ¶ ¶ actually shooting. An attacker would likely ¶ ¶ think of a cyber offensive that knocked out ¶ ¶ an electric-power grid and even destroyed ¶ ¶ some of the grid’s key components (keeping ¶ ¶ the system down for weeks), as a somewhat ¶ ¶ antiseptic move; a way to keep tensions ¶ ¶ as low as possible. But for the millions of people thrown into the dark and perhaps ¶ ¶ the cold, unable to get food, without access ¶ ¶ to cash and dealing with social disorder, ¶ ¶ it would be in many ways the same as if bombs had been dropped on their cities. Thus, the nation attacked might well respond with “kinetic activity.”

**Takes out SOP**

**Lorber 13**

[Eric, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University

Department of Political Science. Journal Of Constitutional Law 15.3 <https://www.law.upenn.edu/live/files/1773-lorber15upajconstl9612013>. ETB]

Yet addressing these questions is increasingly important for two reasons. ¶ First, **as states such as China, Israel, Russia, and the U**nited **S**tates **use these ¶ weapons now and likely will do so more in future conflicts, determining the ¶ domestic legal strictures governing their use would provide policymakers ¶ and military planners a better sense of how to operate in cyberspace**.12¶ Second**, the possible employment of these tools adds yet another wrinkle to ¶ the battle between the executive and legislative branches over war-making ¶ authority**.13 In particular, **if neither the War Powers Resolution nor the ¶ Intelligence Authorization Act governs OCOs, the executive may be allowed ¶ to employ U.S. military power in a manner largely unchecked by ¶ congressional authority**.**14 As a result, the employment of these tools i**mplicates—and perhaps **problematically shifts—the balance between the ¶ executive’s commander-in-chief power15 and Congress’s war-making ¶ authority**.16

### Warfighting

#### ONE, Presidents will always circumvent congress for war powers

Matthew Evangelista, Professor, Department of Government, Cornell, PEACE STUDIES: CRITICAL CONCEPTS IN POLITICAL SCIENCE, 2005, p. 161.

American Presidents have often circumvented or ignored checks and balances, thereby speeding up the war decision process. The United States has taken military action abroad more than 200 times during its history, but only five of these actions were wars declared by congress, and most were authorized unilaterally by the president (Rourke 1993, 11). Circumventing the democratic process has taken several forms. Some presidents have simply claimed that matters of national security are more important than observing the constitution. Jefferson was the first to assert that obeying the constitution. Jefferson was the first to assert that obeying the constitution was the mark of a good president, but that “the law of necessity, of self preservation, of saving our country when in danger, are of the higher obligation” (75). Another common tactic has been to redefine the action as anything but a war, thereby obviating the need for consultation or debate. Washington added hot pursuit and preemption to the president’s prerogatives, Jackson popularized reprisals, and Wilson unilaterally authorized interventions, most notably in Russia after World War 1. Alternatively, presidents have used their powers to put troops in harm’s way in order to precipitate wider conflicts. Both Polk’s actions prior to the Mexican American War and Roosevelt’s tactics prior to America’s official entry have often simply ignored congress. Truman ordered forces into Korea without even asking congress for retroactive support, and at the height of the “Imperial Presidency,” Nixon rejected the need for congressional authority when he invaded Cambodia. While efforts have been made to ensure that choices for war and peace are subject to open debate – notably with the passage of the War Powers Resolution (1972)—Checks and balances have generally failed to operate and there have been frequent violations of the spirit if not the letter of the Resolution (Rourke 1993, 119-38). The Gulf War provides a recent example. Bush administration officials decided to launch Operation Desert Shield without consulting Congress and repeatedly put off a congressional vote fearing that it might go against them. The decision for Desert Storm was also made unilaterally. Bush argued that he did not need a congressional resolution and was determined to avoid asking for authorization lest this imply that the executive did not have the final say on matters of war. His reaction to Congress’s authorization of the use of force is instructive: “In truth, even had congress not passed the resolution I would have acted and ordered our troops into combat. I know it would have caused an outcry, but it was the right thing to do. I was comfortable in my own mind that I had constitutional authority. It had to be done” (Bush and Scowcroft 1998, 446) In sum, the slow mobilization mechanism does not appear to function as claimed. Democratic leaders frequently decide that protecting what they deem to be the national interest requires swift and decisive action. When they believe such situations have arisen they have been able and willing simply to bypass the democratic imperative of open debate and consensus decision making.

#### TWO, Especially true for Obama - Presidents will bypass congress

George Will, “A Bipartisan Abdication,” WASHINGTON POST, 3—27—13, http://articles.washingtonpost.com/2013-03-27/opinions/38068588\_1\_jim-webb-president-obama-congress

 “President Obama has arguably established the authority of the president to intervene militarily virtually anywhere without the consent or the approval of Congress, at his own discretion and for as long as he wishes.”  — Jim Webb As America tiptoes toward a fourth intervention in an opaque and uncontrollable conflict — now Syria, after Iraq, Afghanistan and Libya — Webb’s words require two minor modifications: Obama has demonstrated a power, not an authority; only the Constitution authorizes. And as Webb understands, Obama has been able to do so only because Congress, over many years, has become too supine to wield its constitutional powers. Webb, a Virginia Democrat who declined to seek a second Senate term, vents his dismay in the essay “Congressional Abdication” (in The National Interest), a trenchant indictment of the irrelevance of an institution to which the Constitution gives “certain powers over the structure and use of the military.” The president, Webb says, is commander in chief but only in “executing policies shepherded within the boundaries of legislative powers.” Those powers have, however, atrophied from a disuse amounting to institutional malfeasance as Congress has forfeited its role in national-security policymaking. Webb, who was a Marine infantry officer in Vietnam and Navy secretary for Ronald Reagan, remembers when Congress was “fiercely protective of its powers.” Webb vigorously opposed the invasion of Iraq before he entered the Senate, which he departed disgusted by Congress’ self-made irrelevance. In December 2008, in its final hours, George W. Bush’s administration signed with Iraq a Strategic Framework Agreement that was, Webb says, “not quite a treaty” requiring two-thirds Senate approval, but neither was it merely implementing current policy and law. It outlined the U.S. role in defending Iraq from internal and external threats, in promoting reconciliation and combating terrorist groups. For more than a year the SFA was negotiated and finalized, but there was no meaningful consultation with Congress, no congressional debate on its merits and none sought by congressional leaders. In contrast to Congress’ passivity regarding policy toward “an unstable regime in an unstable region,” Iraq’s parliament voted on the SFA — twice. In May 2012, Obama visited Afghanistan to sign “a legally binding executive agreement” concerning the structure of future U.S.-Afghan relations, U.S. commitments to Afghan security and an anticipated U.S. presence beyond 2014. The agreement calls Afghanistan a “Major Non-NATO Ally.” Congress was not formally consulted about this, but Afghanistan’s parliament voted on it. Noting that in foreign as well as domestic policy Obama is “acutely fond of executive orders designed to circumvent the legislative process,” Webb recalls that in 2009 the administration said it would return from the United Nations’ Copenhagen conference on climate change with a “binding” commitment for an emission-reduction program. So Webb wrote to remind the president that “only specific legislation agreed upon in the Congress, or a treaty ratified by the Senate, could actually create such a commitment.” Webb notes that presidents now act as though they have become de facto prime ministers, unconstrained by the separation of powers. This transformation was dramatized in the Libya intervention: “Was our country under attack, or under the threat of imminent attack? No. ... Were we invoking the inherent right of self-defense as outlined in the U.N. Charter? No. Were we called upon by treaty commitments to come to the aid of an ally? No. Were we responding in kind to an attack on our forces elsewhere, as we did in the 1986 raids in Libya after American soldiers had been killed in a Berlin disco? No. Were we rescuing Americans in distress, as we did in Grenada in 1983? No.” Instead, “we took military action against a regime that we continued to recognize diplomatically, on behalf of disparate groups of opposing forces whose only real point of agreement was that they wished to rid Libya of (Moammar) Gaddafi. This was not even a civil war” because there was “no cohesive opposition facing a regime.” The result? “Rampant lawlessness” perhaps related to the murder of the U.S. ambassador and three other Americans, and “the regionwide dispersion of thousands of weapons from Gaddafi’s armories.” The question, Webb says, is whether in “a world filled with cruelty,” presidents should be allowed to “pick and choose when and where to use military force” by merely citing the “undefinable rubric of ‘humanitarian intervention.’” Imperial presidents and invertebrate legislators of both parties have produced what Webb correctly calls “a breakdown of our constitutional process.” Syria may be the next such bipartisan episode.

#### 3. Political constraints check

Eric Posner, Professor of Law, The University of Chicago Law School, and Adrian Vermeule, Professor of Law, Harvard Law School, March 2011, The Executive Unbound, p. 176-7

So far we have attempted to show that the administrative state relaxes legal constraints on the executive, but generates political constraints in the form of public opinion. In this chapter we fit this picture together with the fear of unbridled executive power that is such a prominent strand in liberal legalism. We suggest that liberal legalists overlook the importance of de facto constraints arising from politics, and thus equate a legally unconstrained executive with one that is unconstrained tout court. The horror of dictatorship that results from this fallacy and that animates liberal legalism is what we call "tyrannophobia." Tyranny looms large in the American political imagination. For the framers of the Constitution, Caesar, Cromwell, James II, and George III were antimodels; for the current generation, Hitler takes pride of place, followed by Stalin, Mao, and a horde of tyrants both historical and literary. Students read 1984 and Animal Farm and relax by watching Chancellor Palpatine seize imperial power in Star Wars. Unsurprisingly, comparisons between sitting presidents and the tyrants of history and fiction are a trope of political discourse. Liberals and libertarians routinely compared George W. Bush to Hitler, George III, and Caesar. Today, Barack Obama receives the same treatment, albeit in less respectable media of opinion. All major presidents are called a "dictator" or said to have "dictatorial powers" from time to time.' Yet the United States has never had a Caesar or a Cromwell, or even come close to having one, and rational actors should update their risk estimates in the light of experience, reducing them if the risk repeatedly fails to materialize. By now, 235 years after independence, these risk estimates should be close to zero. Why then does the fear of dictatorship—tyrannophobia—persist so strongly in American political culture? Is the fear justified, or irrational? Does tyrannophobia itself affect the risk of dictatorship? If so, does it reduce the risk or increase it?

#### 4. Multiple checks prevent Executive overreach --- their impact is a myth

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

#### 5. Reject their hyperbolic claims --- tyranny never materializes

John Yoo 9, 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, “Crisis and Command,” Book, p. x-xi

This book is also written out of respect for Congress as well as the President. I have had the honor to serve as general counsel of the Senate Judiciary Committee under the chairmanship of Senator Orrin G. Hatch of Utah, a good and decent man as well as a strward of the Senate. I have the greatest respect for the awesome powers of Congress and the ways in which Congress and the broader political system can check any Chief Executive. It was Congress that forced the resignation of Richard Nixon through hearings, political pressure, spending constraints, and ultimately, the threat of impeachment. Today’s critics of the Presidency underestimate the power of politics to corral any branch of government that goes too far. They give too much credit to appeals to abstract notions of constitutional balance to restrain a truly out-of-control President, or misread active responses to unprecedented challenges as challenges to the Constitution. The hyperbole in such rhetoric is manifest in overwrought yet commonplace invocations of “treason” or “tramplings” of the Constitution. Has the Constitution indeed been trampled on? History provides us with a guide.¶ Certainly, the fear that a President might abuse power for personal gain or to maintain his or her position has haunted America from her birth. Executive power, as the Founding Fathers well knew, always carries the possibility of dictatorship. In their own day, the great Presidents were all accused of wielding power tyrannically. Yet, they were not dictators. They used their executive powers to the benefit of the nation. Once the emergency subsided, presidential power receded and often went into remission under long periods of congressional leadership. When chief executives misused their powers, the political system blocked or eventually ejected the President. No dictator has ever ruled in the United States, yet critics of contemporary presidential power wish to work radical change in current practice out of fear of impending dictatorship.

#### 6. Structural factors prevent Executive overreach without constraining flexibility

Eric Posner 7, the Kirkland and Ellis Professor of Law @ U-Chicago, and Adrian Vermeule, the John H. Watson, Jr. Professor of Law @ Harvard, Jan 4, “Terror in the Balance: Security, Liberty, and the Courts,” Book, p. 53

\*gender modified

Four points are critical, and they suggest that the concern is either greatly overblown or does not support civil libertarian prescriptions, or both: presidential or executive preferences need not systematically favor increased executive power during emergencies; political constraints will rule out abuses that the politically engaged public does not favor; even if increased executive power in emergencies creates abuses, the security gains may be greater still; and in any event civil libertarian judicial review is a feeble bulwark against a truly imperial executive. ¶ First, the executive-despotism concern supposes that executive officials desire, above all, to maximize their power. As Daryl Levinson has emphasized, both for officials generally and for executive officials in particular, it is hardly obvious that this is so, at least in any systematic way. Lower—level executive officials and administrative agencies have many other possible goals or maximands, including the desire to enjoy leisure or to advance programmatic or ideological goals—goals which will usually be orthogonal to the tradeoff between security and liberty and which might even include the protection of civil liberties. The same is true for presidents: some have been power maximizers; some have not. Moreover, even with respect to power-maximizing presidents, critics fail to distinguish the [person] man from the office. Presidents as individuals do not internalize all of the gains from expanding the power of the presidency as an institution, because those gains are shared with future presidents and senior executive officials. Conversely, presidents as individuals do not fully internalize harms to the institution and may thus acquiesce its limitations on executive power for partisan or personal advantage. The latter point may be more pronounced in emergencies than in normal times, because emergencies shorten the relevant time horizon: policymaking for the short run looms larger than in normal times. (We bracket for now the question of whether this is bad, an issue taken up in chapter 2.) Emergencies thus increase the divergence between the utility of individual officeholders and the institutional power of their offices, which extends into the remote future, beyond the horizon of the emergency.¶ Second, whatever the intrinsic preferences of presidents and executive officials, politics sharply constrains their opportunities for aggrandizement, especially in times of emergency. The president is elected from a national constituency (ignoring the low probability that the Electoral College will make a difference). A first—term president who seeks reelection to a second term, or even a second—term president who seeks to leave a legacy, will try to appeal to the median voter, or at least to some politically engaged constituency that is unlikely to be extremist in either direction. If the national median or the political center favors increased executive authority during emergencies, them the president will push the bounds of his power, but if it does not, then he will not: there is no general reason to think that national politics will always push executive authority as far as possible, even during emergencies.¶ Of course, during emergencies, the public will often favor increased executive power, and this may be fully sensible, given the executive’s relative decisiveness, secrecy, centralization, and other advantages over Congress and other institutions. Note, in this connection, the important finding that political constraints on the executive are associated with increased terrorism; shackling the executive has real security costs. The critics of executive power typically assume that executive power not only expands during emergencies, but expands too far. However, the critics supply no general reason to think this is so; they systematically conflate increases in executive power with “aggrandizement,” a normatively loaded concept which connotes an unjustified increase. We return to this point shortly. Here, the point is just that the expansion of presidential power during emergencies may reflect nothing more than the demands of the politically effective public, rather than intrinsic opportunism.¶ The political constraints on the executive branch and the president are partisan as well as institutional. The president is the leader of a political party but is also beholden to it. The party constrains the president in various ways, and it is not necessarily in the interest of a single party to enhance the power of the executive during emergencies. For one thing, the president’s party may not win the next presidential election; for another, his party may have many other bases of power, including Congress, the judiciary, and local institutions. Expanding the president’s personal or institutional power need not be in the interest of partisan politicians who govern behind the scenes. Opposition parties, of course, have powerful incentives to criticize the expansion of presidential power during emergencies, portraying small adjustments to the legal rules as omens of a putsch. In emergencies, partisan criticism can make the political constraints on presidents even tighter than during normal times, a point we emphasize in chapter 5. Governmental decisionmaking is often more visible during emergencies than during normal times; emergency policymaking is more centralized, even within the executive branch, and more closely associated with the president; the resulting polices often present a larger target for political attack. ¶ Third, the critics of executive power in emergencies are usually unclear about their normative premises. Suppose that executive power increases during emergencies and that this results in abuses. In terms of the tradeoff thesis, however, such abuses are just a cost to be measured against the benefits of increased security, given the finding, reported above, that a constrained executive is associated with higher levels terrorism. If the gains on the security margin exceed the costs, then the expansion of executive power improves social welfare overall, and no special opprobrium should attach to the executive’s behavior, although it would be nice to also prevent the abuses if possible. The critics treat executive abuses of civil liberties as something to be minimized, down to zero. But this is quixotic, and even if it were feasible, it would not be desirable. Some rate of abuse is inevitable once an executive branch is created, and an increase in abuses is inevitable when executive discretion expands during emergencies but both shifts may be worth it; the critics fail to account for the gains side of the ledger. Granting the executive extensive powers during emergencies has many benefits, about which the critics are often silent.¶ Concerns about increasing executive power often rest on an implicit status quo bias, or naturalistic fallacy. The assumption is that the scope or level of executive power before the emergency was optimal. But this need not be so, and there is no general reason to think it will be so; consider the finding that the 7/7 attacks in London went unprevented because the United Kingdom’s intelligence services, who knew something about the plotters, had too few resources to investigate them adequately. Emergencies may release the polity from a sclerotic equilibrium in which executive power was too feeble to meet new challenges, as we illustrate in Chapter 4. One interpretation of history is that emergencies allow presidents to obtain powers that are necessary to cope with new problems. Our original constitutional structure, with a relatively weak presidency, reflects the concerns of the eighteenth century and is not well adapted to current conditions.¶ Finally, to the extent that the critics of executive power envision judicial review as the solution, they are whistling in the wind, especially during times of emergency. The critics envision an imperial executive, who is either backed by a sustained national majority or else has slipped the political leash, and who enjoys so much agency slack as to be heedless of the public’s preferences. Its either case, it is not obvious what the critics suppose the judges will or can do about it. As we will recount in more detail in later chapters, the judges proved largely powerless to stem the tide of the New Deal, in conditions of economic emergency, or to stop Japanese internment during World War II, or to block aggressive punishment and harassment of communists during the Cold War. What is more, many of the judges had no desire to block these programs. Judges are people too and share in national political sentiments: they are also part of the political elite and will rally ‘round the flag in times of emergency just as much as others do.¶ Critics of executive power implicitly appeal to a slippery—slope argument: once executive power is increased to meet an emergency in a manner that is necessary and reasonable, it will unavoidably expand beyond what is necessary and reasonable. As we emphasize in chapters 4 and 5, the problem with this argument is that there is no evidence for it and no mechanism that generates such a slope. The critics focus obsessively on pathological polities like Weimar, ignoring that current well-functioning liberal democracies do not present the same conditions that led to dictatorship in 1933. More recent work in comparative politics suggests that grants of emergency powers or of decree authority to executives do no systematically end in dictatorship.

### Intervention

#### Prez flexibility solves alliances, heg, indo-pak/china war- extinction

Ben Coes 11, a former speechwriter in the George H.W. Bush administration, managed Mitt Romney’s successful campaign for Massachusetts Governor in 2002. His latest book, Coup D’Etat, has just been released. “The disease of a weak president” Read more: http://dailycaller.com/2011/09/30/the-disease-of-a-weak-president/#ixzz2cqY7Y7e0

Unfortunately, President Obama’s weakness in his response to Israel and Iran is a cause for real concern, not only for our Israeli allies, but for other American allies as well. A weak U.S. president emboldens our enemies. A good example of this is what happened the last time we had a weak president, namely Jimmy Carter. The disease of a weak president usually begins with the Achilles’ heel all politicians are born with — the desire to be popular. It leads to pandering to different audiences, people and countries and creates a sloppy, incoherent set of policies. Ironically, it ultimately results in that very politician losing the trust and respect of friends and foes alike. In the case of Israel, those of us who are strong supporters can at least take comfort in the knowledge that Tel Aviv will do whatever is necessary to protect itself from potential threats from its unfriendly neighbors. While it would be preferable for the Israelis to be able to count on the United States, in both word and deed, the fact is right now they stand alone. Obama and his foreign policy team have undercut the Israelis in a multitude of ways. Despite this, I wouldn’t bet against the soldiers of Shin Bet, Shayetet 13 and the Israeli Defense Forces. But Obama’s weakness could — in other places — have implications far, far worse than anything that might ultimately occur in Israel. The triangular plot of land that connects Pakistan, India and China is held together with much more fragility and is built upon a truly foreboding foundation of religious hatreds, radicalism, resource envy and nuclear weapons. If you can only worry about preventing one foreign policy disaster, worry about this one. Here are a few unsettling facts to think about: First, Pakistan and India have fought three wars since the British de-colonized and left the region in 1947. All three wars occurred before the two countries had nuclear weapons. Both countries now possess hundreds of nuclear weapons, enough to wipe each other off the map many times over. Second, Pakistan is 97% Muslim. It is a question of when — not if — Pakistan elects a radical Islamist in the mold of Ayatollah Khomeini as its president. Make no mistake, it will happen, and when it does the world will have a far greater concern than Ali Khamenei or Mahmoud Ahmadinejad and a single nuclear device. Third, China sits at the northern border of both India and Pakistan. China is strategically aligned with Pakistan. Most concerning, China covets India’s natural resources. Over the years, it has slowly inched its way into the northern tier of India-controlled Kashmir Territory, appropriating land and resources and drawing little notice from the outside world. In my book, Coup D’Etat, I consider this tinderbox of colliding forces in Pakistan, India and China as a thriller writer. But thriller writers have the luxury of solving problems by imagining solutions on the page. In my book, when Pakistan elects a radical Islamist who then starts a war with India and introduces nuclear weapons to the theater, America steps in and removes the Pakistani leader through a coup d’état. I wish it was that simple. The more complicated and difficult truth is that we, as Americans, must take sides. We must be willing to be unpopular in certain places. Most important, we must be ready and willing to threaten our military might on behalf of our allies. And our allies are Israel and India. There are many threats out there — Islamic radicalism, Chinese technology espionage, global debt and half a dozen other things that smarter people than me are no doubt worrying about. But the single greatest threat to America is none of these. The single greatest threat facing America and our allies is a weak U.S. president. It doesn’t have to be this way. President Obama could — if he chose — develop a backbone [strength] and lead. Alternatively, America could elect a new president. It has to be one or the other. The status quo is simply not an option.

#### 2. We wont start wars just because we can

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temptation. For many advocates of retrenchment, the mere possession of peerless, globe-girdling military capabilities leads inexorably to a dangerous expansion of U.S. definitions of national interest that then drag the country into expensive wars. 64 For example, sustaining ramified, long-standing alliances such as NATO leads to mission creep: the search for new roles to keep the alliance alive. Hence, critics allege that NATO’s need to “go out of area or out of business” led to reckless expansion that alienated Russia and then to a heedless broadening of interests to encompass interventions such as those in Bosnia, Kosovo, and Libya. In addition, peerless military power creates the temptation to seek total, non-Clausewitzian solutions to security problems, as allegedly occurred in Iraq and Afghanistan. 65 Only a country in possession of such awesome military power and facing no serious geopolitical rival would fail to be satisfied with partial solutions such as containment and instead embark on wild schemes of democracy building in such unlikely places. In addition, critics contend, the United States’ outsized military creates a sense of obligation to use it if it might do good, even in cases where no U.S. interests are engaged. As Madeleine Albright famously asked Colin Powell, “What’s the point of having this superb military you’re always talking about, if we can’t use it?” Undoubtedly, possessing global military intervention capacity expands opportunities to use force. If it were truly to “come home,” the United States would be tying itself to the mast like Ulysses, rendering itself incapable of succumbing to temptation. Any defense of deep engagement must acknowledge that it increases the opportunity and thus the logical probability of U.S. use of force compared to a grand strategy of true strategic disengagement. Of course, if the alternative to deep engagement is an over-the-horizon intervention stance, then the temptation risk would persist after retrenchment. The main problem with the interest expansion argument, however, is that it essentially boils down to one case: Iraq. Sixty-seven percent of all the casualties and 64 percent of all the budget costs of all the wars the United States has fought since 1990 were caused by that war. Twenty-seven percent of the causalities and 26 percent of the costs were related to Operation Enduring Freedom in Afghanistan. All the other interventions—the 1990–91 Persian Gulf War, the subsequent airstrike campaigns in Iraq, Somalia, Bosnia, Haiti, Kosovo, Libya, and so on—account for 3 percent of the casualties and 10 percent of the costs. 66 Iraq is the outlier not only in terms of its human and material cost, but also in terms of the degree to which the overall burden was shouldered by the United States alone. As Beckley has shown, in the other interventions allies either spent more than the United States, suffered greater relative casualties, or both. In the 1990–91 Persian Gulf War, for example, the United States ranked fourth in overall casualties (measured relative to population size) and fourth in total expenditures (relative to GDP). In Bosnia, European Union (EU) budget outlays and personnel deployments ultimately swamped those of the United States as the Europeans took over postconflict peacebuilding operations. In Kosovo, the United States suffered one combat fatality, the sole loss in the whole operation, and it ranked sixth in relative monetary contribution. In Afghanistan, the United States is the number one financial contributor (it achieved that status only after the 2010 surge), but its relative combat losses rank fifth. 67 In short, the interest expansion argument would look much different without Iraq in the picture. There would be no evidence for the United States shouldering a disproportionate share of the burden, and the overall pattern of intervention would look “unrestrained” only in terms of frequency, not cost, with the debate hinging on whether the surge in Afghanistan was recklessly unrestrained. 68 How emblematic of the deep engagement strategy is the U.S. experience in Iraq? The strategy’s supporters insist that Iraq was a Bush/neoconservative aberration; certainly, there are many supporters of deep engagement who strongly opposed the war, most notably Barack Obama. Against this view, opponents claim that it or something close to it was inevitable given the grand strategy. Regardless, the more important question is whether continuing the current grand strategy condemns the United States to more such wars. The Cold War experience suggests a negative answer. After the United States suffered a major disaster in Indochina (to be sure, dwarfing Iraq in its human toll), it responded by waging the rest of the Cold War using proxies and highly limited interventions. Nothing changed in the basic structure of the international system, and U.S. military power recovered by the 1980s, yet the United States never again undertook a large expeditionary operation until after the Cold War had ended. All indications are that Iraq has generated a similar effect for the post–Cold War era. If there is an Obama doctrine, Dominic Tierney argues, it can be reduced to “No More Iraqs.” 69 Moreover, the president’s thinking is reflected in the Defense Department’s current strategic guidance, which asserts that “U.S. forces will no longer be sized to conduct large-scale, prolonged stability operations.” 70 Those developments in Washington are also part of a wider rejection of the Iraq experience across the American body politic, which political scientist John Mueller dubbed the “Iraq Syndrome.” 71 Retrenchment advocates would need to present much more argumentation and evidence to support their pessimism on this subject.

#### 3. Other nations won’t get drawn in – Friedman doesn’t say anything about other nations getting drawn into conflicts that the US initiates – he just says that Congressional authorization limits some of what the president can do – no risk that conflicts will escalate

### SOP

#### 1. The political process of friendly nations means they screen out harmful US norms – and authoritarian states ignore them anyway

McGinnis and Somin 7, John O. McGinnis is a Professor of Law, Northwestern University School of Law and Ilya Somin is Assistant Professor of Law, George Mason University School of Law, “SYMPOSIUM: GLOBAL CONSTITUTIONALISM: GLOBAL INFLUENCE ON U.S. JURISPRUDENCE: Should International Law Be Part of Our Law?” 59 Stan. L. Rev. 1175

The second benefit to foreigners of distinctive U.S. legal norms is information. The costs and benefits of our norms will be visible for all to see. n268 Particularly in an era of increased empirical social science testing, over time we will be able to analyze and identify the effects of differences in norms between the United States and other nations. n269 Such diversity benefits foreigners as foreign nations can decide to adopt our good norms and avoid our bad ones. The only noteworthy counterargument is the claim that U.S. norms will have more harmful effects than those of raw international law, yet other nations will still copy them. But both parts of this proposition seem doubtful. First, U.S. law emerges from a democratic process that creates a likelihood that it will cause less harm than rules that emerge from the nondemocratic processes [\*1235] that create international law. Second, other democratic nations can use their own political processes to screen out American norms that might cause harm if copied. Of course, many nations remain authoritarian. n270 But our norms are not likely to have much influence on their choice of norms. Authoritarian states are likely to select norms that serve the interests of those in power, regardless of the norms we adopt. It is true that sometimes they might cite our norms as cover for their decisions. But the crucial word here is "cover." They would have adopted the same rules, anyway. The cover may bamboozle some and thus be counted a cost. But this would seem marginal compared to the harm of allowing raw international law to trump domestic law.

#### 2. No modeling – their Sloane card is talking about other countries modeling the US doctrine of preventive warfare and allowing things like torture – there’s no warrant for modeling a US policy of less executive authority

#### 3. SoP useless – pres powers too big

Posner and Vermeule, 10 – Eric Posner is a professor of law at the University of Chicago AND Adrian Vermeule is a professor of law at Harvard “The Executive Unbound” p.17-18

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

#### 4. If they were right, it would be way too late to solve

Posner and Vermeule, 7 – \*Kirkland and Ellis Professor of Law at the University of Chicago Law School AND \*\*professor at Harvard Law School (Eric and Adrian, Terror in the Balance: Security, Liberty, and the Courts p. 39)

More generally, Weimar has received too much attention in this setting. Civil libertarians invoke the shadow of Weimar to imply, and occasionally say, that expanding government’s powers during emergencies will produce another Hitler. It will not, in today’s liberal democracies anyway; and if it did, there would be nothing that civil libertarian judges could do about it. Emergencies always pose novel challenges; information about the new post-emergency conditions is at a premium, so the value of historical analogies is low. Weimar was an unconsolidated and institutionally shaky transitional democracy extant some three-quarters of a century ago; its relevance for emergency politics in consolidated modern democracies is not obvious, and we will see evidence that transferring large chunks of power to the executive during emergencies need not, and usually does not, end in dictatorship. The real risk is that civil libertarian panic about the specter of authoritarianism will constrain government’s ability to adopt cost-justified security measures. We return to these points throughout.

#### 5. Tyranny is absurd to the point of disingenuous—de facto constraints are easily sufficient

**Posner and Vermeule, 9** - \* University of Chicago – Law School AND \*\*Harvard University – Harvard Law School (Eric and Adrian, “Tyrannophobia” 9/15, SSRN)

Demography and the Administrative State. The best explanation for the lack of dictatorship in America – at least in America today, as opposed to the 19th century – is neither psychological nor institutional, but demographic. Part III examined the strong comparative evidence that wealth is the best safeguard for democracy. Equality, homogeneity, and education matter as well. How does the United States, circa 2009, fare on these dimensions? Ethnic, religious and linguistic homogeneity have declined, but because of its high performance on other margins, there is little cause for concern about American democracy. The United States has an enormously rich, relatively well-educated population and multiple overlapping cleavages of class, race, religion and geography. Simply by virtue of its high per capita income, the likelihood of dictatorship in the United States is almost nil, at least if the historical pattern reflects causation. The highwater mark of the modern presidency’s approach to domestic dictatorship – Nixon’s “third-rate burglary” of the offices of his political opponents – was pathetic stuff in historical and comparative perspective, and immediately put Nixon on a slippery slope to disgrace. Likewise, comparisons between Weimar Germany and the United States of the Bush administration87 were worse than irresponsible; they were ignorant.

We add a less obvious point. Legal scholars, especially those of a libertarian or civil-libertarian bent, often express concern that the formal separation of powers has atrophied over the course of the 20th century. On this account, economic and security crises, the rise of the administrative state, the death of the nondelegation doctrine, the imperial presidency, the ineffectual character of the War Powers Resolution and the other framework statutes of the 1970s, all mean that in many domains presidents operate without substantial legal checks, although they have political incentives to cooperate with Congress and to seek statutory authorization for their actions. Among the framer’s miscalculations was their failure to understand the “presidential power of unilateral action”88 – the president’s power to take action in the real world, with debatable legal authority or none at all, creating a new status quo that then constrains the response of other institutions. In the most overheated version of this view, such developments are taken to pose a real risk of executive tyranny in the United States.89

We suggest, however, that the same large-scale economic and political developments that have caused a relaxation of the legal checks on the executive have simultaneously strengthened the nonlegal checks. Legal checks on the presidency have been relaxed largely because of the need for centralized, relatively efficient government under the complex conditions of a modern dynamic economy and a highly interrelated international order. Yet those economic and political conditions have themselves helped to create de facto constraints on presidential power that make democracy in the United States extremely stable.

The modern economy, whose complexity creates the demand for administrative governance, also creates wealth, leisure, education and broad political information, all of which strengthen democracy and make a collapse into authoritarian rule nearly impossible. Modern presidents are substantially constrained, not by old statutes or even by Congress and the courts, but by the tyranny of public and (especially) elite opinion. Every action is scrutinized, leaks from executive officials come in a torrent, journalists are professionally hostile, and potential abuses are quickly brought to light. The modern presidency is a fishbowl, in large part because the costs of acquiring political information have fallen steadily in the modern economy, and because a wealthy, educated and leisured population has the time to monitor presidential action and takes an interest in doing so. This picture implies that modern presidents are both more accountable than their predecessors and more responsive to gusts of elite sentiment and mass opinion, but they are not dictators in any conventional sense.

More tentatively, we also suggest that the relaxation of legal checks may itself have contributed to the growth of the political checks, rather than both factors simply being the common result of a complex modern economy. On this hypothesis, the administrative and presidential state of the New Deal and later has, despite all its inefficiencies, plausibly supplied efficiency-enhancing regulation, political stability, and a measure of redistribution, and these policies have both added to national economic and cultural capital and dampened political conflict. The administrative state has thus helped to create a wealthy, educated population and a super-educated elite whose members have the leisure and affluence to care about matters such as civil liberties, who are politically engaged to a fault, and who help to check executive abuses. While the direct effects of wealth, education and other factors on the stability of democracy are clear in comparative perspective, there is more dispute about the overall economic effects of regulation and the administrative state,90 so we offer this as a hypothesis for further research.

#### 6. Their claim is political misinformation

**Posner and Vermeule, 9** - \* University of Chicago – Law School AND \*\*Harvard University – Harvard Law School (Eric and Adrian, “Tyrannophobia” 9/15, SSRN)

Tyrannophobia is a central element of American political culture, and has been since the founding. We have offered several claims and hypotheses to illuminate its origins and importance. We suggest that tyrannophobia arises from the interaction between history and the quirks of political psychology, or from the differential costs of information about legal and political checks on the executive; that dictatorship, at least in any strong sense, is not a real possibility in the United States today, due to demographic factors; and that tyrannophobia therefore has little social utility in modern circumstances.

Whatever its possible utility in the past, a question on which we are agnostic, tyrannophobia today is just another misperception of risk, akin to a fear of genetically modified foods. Indeed, in light of the current evidence on the determinants of democratic stability, tyranny should be at the very bottom of the scale of public concern. The modern entrepreneurs of tyrannophobia – from George Orwell to George Lucas – ought not be lionized as defenders of the liberal state, but instead shunned, as purveyors of political misinformation.

# 2NC

## Cp

### A2 “Future Prez Rollback”

#### Will be enforced

**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.

### A2 “Object Fiat”

#### No link: Object of the resolution is “authority” not “war powers”--restricting authority requires reducing the permission to act, not the ability to act.

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

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

#### This is a core legal distinction

Rob Jenkins.—associate professor of English at Georgia Perim¶ 27-year veteran of higher education, as both a faculty member and an administrator April 3, 2012, 12:22 pm¶ How Much Do You Work? <http://chronicle.com/blogs/onhiring/author/rjenkins/page/5>. Gender edited

Anytime the President of the United States sends American servicemen and women into harm’s way, politicians and pundits are sure to argue over whether or not [s]he has the authority to do so. I’m not qualified to participate in that kind of constitutional debate. But I can offer the following observation: whether or not the President has the authority to deploy troops in a given situation, [s]he certainly has the power to do so. That’s because authority and power are not the same thing, even though many leaders fail to grasp the distinction. In particular, an alarming number of academic administrators these days don’t seem to understand the difference between exercising duly constituted authority and merely wielding power. Authority is essentially the capacity to carry out one’s duties and responsibilities. Faculty members have the authority to assign final grades, because doing so is one of their responsibilities. Likewise, department chairs have authority to evaluate faculty members, deans have authority to assign faculty lines, presidents have authority to determine budgets, and so on. For authority to be valid, it must be ceded, which is to say derived from something larger than itself. The officers of a college, for instance, typically derive their authority from elected or appointed boards. At an institution that truly embraces the principles of shared governance, other stakeholders are also ceded authority in certain areas by the properly constituted bylaws and policies of the institution–for example, the faculty’s authority over curricular issues. Even a college president does not have the authority, outside of the policies by which all are bound, to tell faculty members how to teach, how to conduct research, or what to write. However, this does not mean that presidents and other administrators do not sometimes take such authority upon themselves. They can do so, even if illegitimately, because of the enormous power they wield. Power is something quite different from authority. It tends to be seized rather than ceded. It is essentially the ability to force others to conform to one’s wishes, whether they want to or not, because of what might happen to them if they don’t. People with power can make other people’s lives miserable, prevent them from getting promotions and raises, perhaps cost them their jobs–even when such actions are not strictly within their properly ceded authority.

### A2 “Perm do the CP”

#### Statutory restriction

Black’s Law

[“statutory restriction”, <http://thelawdictionary.org/statutory-restriction/>, accessed 6-2-13]

Limits or controls that have been place on activities by its ruling legislation.

### Con-Cong NB: IBC--Key to Leadership

#### The interbranch relationship is a critical determinant of effective foreign policy

Jamison 1993 [Linda S., Deputy Director of Government Relations at the Center for Strategic and International Studies, (“Executive-Legislative Relations after the Cold War” – The Washington Quarterly) p. lexis]

The character of the executive-legislative relationship on foreign affairs will be a critical determinant of the U.S. world role in the years ahead and of the credibility and effectiveness of U.S. foreign policy. An optimist might look at current circumstances and project a smooth relationship, noting the declining domestic political importance of foreign and defense policy and the dominance by one party of the House of Representatives, the Senate, and the White House. Pessimists will no doubt recall the frequency with which divided government has led to interbranch conflicts as well as the past failures of the executive to solicit congressional support for policy initiatives.

## Warfighting

### 1nc 1

#### Congressional restrictions fail

William G. Howell and Jon C. Pevehouse, University of Chicago, “When Congress Stops Wars,” September/October 2007, http://home.uchicago.edu/~whowell/papers/WhenCongress.htm

Still, it is important not to overstate the extent of congressional influence. Even when Congress is most aggressive, the executive branch retains a tremendous amount of power when it comes to military matters. Modern presidents enjoyextraordinary advantages **in** times of **war**, not least of which the ability to act unilaterally on military matters and thereby place on Congress (and everyone else) the onus of coordinating a response. Once troops enter a region, members of Congress face the difficult choice of either cutting funds and then facing the charge of undermining the troops or keeping the public coffers open and thereby aiding a potentially ill-advised military operation.¶ On this score, Ornstein **and Mann** effectively illustrate Bush's efforts to expand his influenceover the war in Iraq and the war on terrorism by refusing to disclose classified information, regularly circumventing the legislative process, and resisting even modest efforts at oversight. Similarly, they note that Republican congressional majorities failed to take full advantage of their institution's formal powers to monitor and influence either the formulation or the implementation of foreign policy during the first six years of Bush's presidency. Ornstein and Mann, however, mistakenly attribute such lapses in congressional oversight to a loss of an "institutional identity" that was ostensibly forged during a bygone era when "tough oversight of the executive was common, whether or not different parties controlled the White House and Congress" and when members' willingness to challenge presidents had less to do with partisan allegiances and more to do with a shared sense of institutional responsibility. In the modern era, foreign-policy making has rarely worked this way. On the contrary, partisan competition has contributed to nearly every foreign policy clash between Capitol Hill and the White House for the past six decades.

### 1nc 2

#### Obama will bypass congressional limits

Charlie Savage, “Shift on Executive Power Lets Obama Bypass Rivals,” NEW YORK TIMES, 4—22—12,

<http://www.nytimes.com/2012/04/23/us/politics/shift-on-executive-powers-let-obama-bypass-congress.htmll>

WASHINGTON — One Saturday last fall, President Obama interrupted a White House strategy meeting to raise an issue not on the agenda. He declared, aides recalled, that the administration needed to more aggressively use executive power to govern in the face of Congressional obstructionism. “We had been attempting to highlight the inability of Congress to do anything,” recalled William M. Daley, who was the White House chief of staff at the time. “The president expressed frustration, saying we have got to scour everything and push the envelope in finding things we can do on our own.” For Mr. Obama, that meeting was a turning point. As a senator and presidential candidate, he had criticized George W. Bush for flouting the role of Congress. And during his first two years in the White House, when Democrats controlled Congress, Mr. Obama largely worked through the legislative process to achieve his domestic policy goals. But increasingly in recent months, the administration has been seeking ways to act without Congress. Branding its unilateral efforts “We Can’t Wait,” a slogan that aides said Mr. Obama coined at that strategy meeting, the White House has rolled out dozens of new policies — on creating jobs for veterans, preventing drug shortages, raising fuel economy standards, curbing domestic violence and more. Each time, Mr. Obama has emphasized the fact that he is bypassing lawmakers. When he announced a cut in refinancing fees for federally insured mortgages last month, for example, he said: “If Congress refuses to act, I’ve said that I’ll continue to do everything in my power to act without them.”

#### Obama will circumvent Congress

Cheryl Chumley, “Forget Executive Orders: Obama Finds Create Ways to Bypass Congress,” WASHINGTON TIMES, 3—28—13, http://www.washingtontimes.com/news/2013/mar/28/forget-executive-orders-obama-finds-creative-means/#ixzz2eWxS0lVE

Move over executive orders. President Obama has another tool to push policy absent congressional stamp — and it’s far less known and controversial. It’s called executive action. The beauty of the action is that it avoids Republican criticisms and conservative charges that Mr. Obama acts like a “monarch” when issuing executive orders, The Hill reports. So while on paper, Mr. Obama may actually appear as if he’s issuing fewer executive orders than many other presidents who have served two terms, the reality is he’s still finding plenty of ways to bypass [**Congress**](http://www.washingtontimes.com/topics/congress/). He’s just not calling those ways executive orders. “He’s actually been pretty aggressive on a number of fronts,” said [Kenneth Mayer](http://www.washingtontimes.com/topics/kenneth-mayer/), a [University of Wisconsin](http://www.washingtontimes.com/topics/university-of-wisconsin-madison/) political science professor quoted by The Hill. Mr. Obama has disdained the executive order label for “executive actions,” [Mr. Mayer](http://www.washingtontimes.com/topics/kenneth-mayer/) said. And he’s used that action to push his own policy on a variety of issues, from gun control to immigration to overseas drone strikes, The Hill reports. For example, in 2011, the president put a stop to the deportation of thousands of illegal immigrants via a memo to Homeland Security Secretary Janet Napolitano, The Hill reports. “Clearly, she was acting as an instrument of the president,” [Mr. Mayer](http://www.washingtontimes.com/topics/kenneth-mayer/) said. And [Congress](http://www.washingtontimes.com/topics/congress/) wasn’t pleased. The president’s action was “an affront to the process of representative government,” said Republican Sen. Chuck Grassley, in The Hill. “He’s circumventing [**Congress**](http://www.washingtontimes.com/topics/congress/) with a directive he may not have the authority to execute.”

## Intervention

### Stuff

#### Miscalc is impossible

Quinlan ‘9 (Sir Michael, visiting professor at King's College London, Permanent Under-Secretary at the Ministry of Defence and former senior fellow at the International Institute of Strategic Studies, “Thinking About Nuclear Weapons: Principles, Problems, Prospects,” Oxford University Press)

One special form of miscalculation appeared sporadically in the speculations of academic commentators, though it was scarcely ever to be encountered—at least so far as my own observation went—in the utterances of practical planners within government. This is the idea that nuclear war might be erroneously triggered, or erroneously widened, through a state under attack misreading either what sort of attack it was being subjected to, or where the attack came from. The postulated misreading of the nature of the attack referred in particular to the hypothesis that if a delivery system—normally a missile—that was known to be capable of carrying either a nuclear or a conventional warhead was launched in a conventional role, the target country might, on detecting the launch through its early warning systems, misconstrue the mission as an imminent nuclear strike and immediately unleash a nuclear counter-strike of its own. This conjecture was voiced, for example, as a criticism of the proposals for giving the US Trident SLBM, long associated with nuclear missions, a capability to deliver conventional warheads. Whatever the merit of those proposals (it is not explored here), it is hard to regard this particular apprehension as having any real-life credibility. The ﬂight time of a ballistic missile would not exceed about thirty minutes, and that of a cruise missile a few hours, before arrival on target made its character—conventional or nuclear—unmistakable. No government will need, and no nonlunatic government could wish, to take within so short a span of time a step as enormous and irrevocable as the execution of a nuclear strike on the basis of early-warning information alone without knowing the true nature of the incoming attack. The speculation tends moreover to be expressed without reference either to any realistic political or conﬂict-related context thought to render the episode plausible, or to the manifest interest of the launching country, should there be any risk of doubt, in ensuring—by explicit communication if necessary—that there was no misinterpretation of its conventionally armed launch.

## SOP

### Model

**Modeling fails – different cultures and resources**

**Rabkin 13** [Jeremy, professor of law @ George Mason School of Law, “Model, Resource, or Outlier? What Effect Has the U.S. Constitution Had on the Recently Adopted Constitutions of Other Nations?” 29 May 2013, [www.heritage.org/research/lecture/2013/05/model-resource-or-outlier-what-effect-has-the-us-constitution-had-on-the-recently-adopted-constitutions-of-other-nations](http://www.heritage.org/research/lecture/2013/05/model-resource-or-outlier-what-effect-has-the-us-constitution-had-on-the-recently-adopted-constitutions-of-other-nations)]

Even when people are not ambivalent in their desire to embrace American practices, they may not have the wherewithal to do so, given their own resources. That is true even for constitutional arrangements. You might think it is enviable to have an old, well-established constitution, but that doesn’t mean you can just grab it off the shelf and enjoy it in your new democracy. You might think it is enviable to have a broad respect for free debate and tolerance of difference, but that doesn’t mean you can wave a wand and supply it to your own population. We can’t think of most constitutional practices as techniques or technologies which can be imported into different cultures as easily as cell phones or Internet connections.

### Cred

#### No impact to credibility---allies won’t abandon us and adversaries can’t exploit it

Stephen M. Walt 11 the Robert and Renée Belfer professor of international relations at Harvard University, December 5, 2011, “Does the U.S. still need to reassure its allies?,” online: <http://walt.foreignpolicy.com/posts/2011/12/05/us_credibility_is_not_our_problem>

A perennial preoccupation of U.S. diplomacy has been the perceived need to reassure allies of our reliability. Throughout the Cold War, U.S. leaders worried that any loss of credibility might cause dominoes to fall, lead key allies to "bandwagon" with the Soviet Union, or result in some form of "Finlandization." Such concerns justified fighting so-called "credibility wars" (including Vietnam), where the main concern was not the direct stakes of the contest but rather the need to retain a reputation for resolve and capability. Similar fears also led the United States to deploy thousands of nuclear weapons in Europe, as a supposed counter to Soviet missiles targeted against our NATO allies.

The possibility that key allies would abandon us was almost always exaggerated, but U.S. leaders remain overly sensitive to the possibility. So Vice President Joe Biden has been out on the road this past week, telling various U.S. allies that "the United States isn't going anywhere." (He wasn't suggesting we're stuck in a rut, of course, but saying that the imminent withdrawal from Iraq doesn't mean a retreat to isolationism or anything like that.)

There's nothing really wrong with offering up this sort of comforting rhetoric, but I'venever really understood why U.S. leaders were so worried about the credibility of our commitments to others. For starters, given our remarkably secure geopolitical position, whether U.S. pledges are credible is first and foremost a problem for those who are dependent on U.S. help. We should therefore take our allies' occasional hints about realignment or neutrality with some skepticism; they have every incentive to try to make us worry about it, but in most cases little incentive to actually do it.

# 1NR

### Debt: Overview 2NC

#### collapse by November if we don’t raise the debt ceiling

Sahadi 9/10 Jeanne, “Debt ceiling 'X date' could hit Oct. 18”, <http://money.cnn.com/2013/09/10/news/economy/debt-ceiling-bills-coming-due/index.html>, MCR

A new analysis by a think tank shows that **Washington's drop-dead deadline for the debt ceiling could hit as soon as Oct. 18**.¶ Estimating exactly when the Treasury Department will be unable to pay all the bills coming due if Congress fails to raise the nation's legal borrowing limit is notoriously difficult.¶ That's why, in an analysis released Tuesday, the Bipartisan Policy Center put the "X date" between Oct. 18 and Nov. 5.¶ Treasury Secretary Jack Lew has warned that **by mid-October the agency will have only $50 billion in cash on top of incoming revenue.**¶That may sound like a lot. But, as the Bipartisan Policy Center details, **it won't last very long**.¶ If the "X" date turns out to be Oct. 18, Treasury would run about $106 billion short of the money it owes between then and Nov.15. That means it wouldn't be able to pay the equivalent of a third of all the bills due during that period.¶ Here's why: Treasury handles about 80 million payments a month. Those payments are not evenly spaced out so on some days more is owed than on others. And the revenue flowing into federal coffers is unpredictable and varies from day to day.¶ Payments include IRS refunds, Social Security and veterans benefits, Medicare reimbursements for doctors and hospitals, bond interest owed investors, payments to contractors and paychecks for federal workers and military personnel.¶ If Congress fails to act in time, Treasury will have to make difficult -- and legally questionable -- decisions about who should get paid and who should be stiffed. It may decide to pay some bills in full and on time and not others.¶ Or it may decide to delay all payments due on a given day until it has sufficient revenue on hand to pay in full. in a Treasury Inspector General's report that this might be the most plausible and least harmful approach.¶ But under that scenario, **delays would grow over time from a day or two to several weeks**. For example, the payments due to seniors, veterans and active duty military personnel on Nov. 1 wouldn't go out until Nov. 13.¶ In any case, the expectation is that the agency will try to prioritize payments to bond investors over everyone else, lest the financial markets go haywire. Politically, of course, that carries risk, said Steve Bell, the senior director of the Bipartisan Policy Center's economic policy project.¶ "There's a political danger you'll be accused of paying bondholders over Social Security recipients," Bell said.¶ On both Oct. 23 and Nov. 14, $12 billion in Social Security benefits come due, while another $25 billion comes due on Nov. 1, according to the analysis.¶ Meanwhile, on Oct. 24, Treasury will have to roll over $57 billion in outstanding debt and another $115 billion on Oct. 31. Normally that's not a problem, because U.S. Treasury auctions attract a lot of buyers willing to purchase bonds at low rates.¶ But if those rollover dates come after the "X" date, and **the perception is that the United States is defaulting on some of its obligations, Treasury could have trouble finding enough buyers or investors could demand higher interest rates**.¶ The debt ceiling is currently set at $16.7 trillion. That ceiling was reached on May 19, and ever since Treasury has been using a host of special measures to keep the country's borrowing at or below that ceiling. But those measures will be exhausted by mid-October, according to Treasury.¶ If lawmakers want to raise the ceiling enough to get past the 2014 midterm elections in November, the Bipartisan Policy Center estimates they will have to raise it by $1.1 trillion to $17.8 trillion. To top of page

#### C. Controlling impact --- only economic collapse can make major war fashionable again.

Donald Kagan, Senior Associate @ Carnegie Endowment for International Peace, Summer 1999 [“Is Major War obsolete? An Exchange," Survival]

There is yet another more critical factor that cannot be taken for granted: the continuous prosperity that underlies the current situation. It is 70 years since the last world-wide depression began. Will this prosperous condition without such world-wide depressions last forever? What will happen if it does not? Europe and the world had trouble sin the 1920s, but it took the Great Depression to blow away liberal regimes in Germany and Japan, and to unleash monstrous bellicose forces. Are we sure that would not happen again? Since we cannot be sure that it will not, we must face the real possibility that major war may yet again come into fashion, and that it will take considerable effort, especially by the US, to keep it at bay.

#### Failure to raise debt ceiling collapses military effectiveness and heg

Masters 1/2/13 (Jonathan, Deputy Editor for the Council on Foreign Relations, “US Debt Ceiling Costs Consequences,” <http://www.cfr.org/international-finance/us-debt-ceiling-costs-consequences/p24751>)

The government must be able to issue new debt as long as it continues to run a budget deficit. The debt limit, or "ceiling," sets the maximum amount of outstanding federal debt the U.S. government can incur by law. As of January 2013, this number stands at $16.39 trillion. Increasing the debt limit does not enlarge the nation's financial commitments, but allows the government to fund obligations already legislated by Congress. Hitting the debt ceiling would hamstring the government's ability to finance its operations, like providing for the national defense or funding entitlements such as Medicare or Social Security. Under normal circumstances, the government is able to auction off new debt (typically in the form of U.S. Treasury securities) in order to finance annual deficits. However, the debt limit places an absolute cap on this borrowing, requiring congressional approval for any increase (or decrease) from this statutory level.

#### Turns their allies internal link – signals perception of weakness

Kagan ‘09 (Robert, senior associate at the Carnegie Endowment for International Peace, 2/3/09, “No Time To Cut Defense,”)

A reduction in defense spending this year would unnerve American allies and undercut efforts to gain greater cooperation. There is already a sense around the world, fed by irresponsible pundits here at home, that the United States is in terminal decline. Many fear that the economic crisis will cause the United States to pull back from overseas commitments. The announcement of a defense cutback would be taken by the world as evidence that the **American retreat has begun.**

#### Shutdown results in vital national security vulnerabilities, kills readiness

Clinton T. **Brass**, expert in Government organization and management, 8-6-**2013**, “Shutdown of the Federal Government: Causes, Processes, and Effects”, Congressional Research Service, http://www.fas.org/sgp/crs/misc/RL34680.pdf

A federal **government shutdown could have possible negative security implications**,88 as some **entities wishing to take actions harmful to U.S. interests may see the nation as physically and politically vulnerable**.89 The Antideficiency Act is silent regarding which specific organizations would be excepted in whole or part from a government shutdown. The act’s provisions and historical guidance from OMB, however, suggest that entities that perform a national security function may be allowed to continue many of their operations.90 Historically, individuals responsible for supporting the nation’s global security activities, public safety efforts, and foreign relations pursuits have been excepted from furloughs that accompany a government shutdown.91 The actions that are taken in anticipation of a government shutdown may lessen the negative effects of an incident of national security significance occurring during this period. **How agencies and OMB prepare for a government shutdown may have short- and long-term consequences if an incident occurs during a period of reduction in government services or soon after a resumption of all government activities**. **Should** federal **government organizations traditionally not viewed as an excepted part of the security apparatus be shut down**, **and subsequently become needed during a crisis or emerging situation, the nation’s ability to respond to an incident could be delayed**. Such a situation could result in increased risk to the nation and a longer recovery time as services and support activities normally provided to non-federal entities may not be available when needed. Some security observers may offer concerns that **the longer the duration of a government shutdown, the more at-risk the nation becomes as enemies of the U.S. may seek to exploit perceived vulnerabilities**. 87

### Debt Uq: Will Pass 2NC

#### Will pass now—Obama

Newsvine, 9/15, (“Obama Humiliates John Boehner By Laughing At His Debt Ceiling Threat

Obama has upper hand—refusing to negotiate ensures bill will pass calls republicans on their bluff”, 9/15/2013,

<http://redsfan.newsvine.com/_news/2013/09/15/20510516-obama-humiliates-john-boehner-by-laughing-at-his-debt-ceiling-threat>)

Republicans might want to rethink this whole scare Obama into spending cuts with a threat not to raise the debt ceiling plan, because the president isn’t looking scared. The only person who should be scared here is Speaker John Boehner, because Obama clearly has the upper hand. The president has been around the block more than a few times with Boehner and his House Republicans. He knows how this drama plays out. Despite all of their huffy warnings of doom, everyone knows that the wealthy billionaires who fund many Republican campaigns do not want their party to crash the economy (again). President Obama was burned by Boehner the first time that he tried to negotiate, and he learned a valuable lesson. Unless Obama will negotiate with them, all Republicans have are empty threats. When Obama waits the House Republicans out, he wins. The president has nothing to lose. The pressure is all on the House Republicans. They are up for reelection next year. Paying the nation’s bills is their constitutional duty. House Republicans will feel the wrath of the voters if they hurt the economy. The president knows that Boehner’s threats are meaningless. He can laugh them off because they are nothing more than hot air from an empty suit. House Republicans keep trying the same crisis creating tactics and failing. President Obama already knows how the debt ceiling issue is going to end, and whether they’ll admit it or not, Republicans do too.

#### Will Pass—using health care as a bargaining chip won’t work

National Review, 9/19, (“Lowry: House Will Pass Clean Debt Limit Raise”, 9/19/2013, <http://www.nationalreview.com/corner/359030/lowry-house-will-pass-clean-debt-limit-raise-nro-staff>)

The effort to use the debt ceiling as leverage to defund Obamacare will come to naught, National Review editor Rich Lowry said tonight. During an appearance on Special Report’s All-Star Panel, Lowry predicted that the House would eventually pass a “clean” debt limit raise despite drama in the Senate related to the effort to defund Obamacare. “It goes to the Senate, there’ll be some theatrics, Harry Reid will strip out the defunding from the [continuing resolution], it’ll go back to the House and probably end up passed in a clean version,” Lowry said.

#### Their uniqueness ev says that one route to success is if Republicans cave – here’s ev saying they will –

Allen 9/12 Jonathan, Politico, White House determined not to give ground on Obamacare, 9/12/13, http://dyn.politico.com/printstory.cfm?uuid=73E5268E-11F6-4056-B961-28B3CE23A8B2

Don’t blink first.¶ That’s the strategy President Barack Obama and Capitol Hill Democrats are pursuing as the nation faces a government shutdown, a historic default on its debt and the final phase of Obamacare.¶ Obama’s domestic agenda — headed up by infrastructure spending, gun control and immigration reform — has long since stalled. Now, with the basic functions of government on the line again, he’s defining his goal as not giving any more ground to House Republicans — no budget cuts and no concessions on the Affordable Care Act or the debt limit.¶ Obamacare, the crown jewel of the president’s legislative legacy, is truly non-negotiable for the administration, according to Democrats privy to conversations behind closed doors at the White House and on Capitol Hill.¶ Rob Nabors, Obama’s deputy chief of staff for policy, told that to House Democratic leaders during a closed-door session on Thursday, according to a Democratic source on Capitol Hill.¶ “They’re willing to negotiate, but not on ACA,” the source said of Nabors’s message. The bigger problem, the source said, is that “Republicans can’t get their s—t together to sit down and talk.”¶ With the exception of a Wednesday meeting on the debt limit with Treasury Secretary Jack Lew, Boehner and his aides haven’t talked fiscal matters with the White House recently, according to Boehner spokesman Brendan Buck. Nabors told House Democrats that there have been no back channel conversations with the speaker.¶ The White House position is a defensive posture struck as much out of necessity as from choice, and one that remains unchanged after Washington lost more than two weeks on domestic matters while it was fixated on the Syria crisis. The idea is to prevent further damage to party priorities. Administration officials also believe that Republicans will back down to avoid economic catastrophe and the ensuing political fallout.¶ “The combination of those two incentives will compel them to come up with a solution,” White House press secretary Jay Carney said Thursday. “We have drawn the lines we have drawn, and we’ll see what they produce.”\

### Pol Cap Debate

#### Syria deal saved Obama’s capital- foreign policy issues trade off with Obama’s negotiating clout and push the debt ceiling out of priority position- undermines market confidence

Bohan 9-11[Caren, Writer for Reuters, “Delay in Syria vote frees Obama to shift to hefty domestic agenda” http://www.reuters.com/article/2013/09/11/us-usa-obama-agenda-idUSBRE98A0Z920130911]

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

#### History proves that capital is effective --- backroom negotiations can produce agreements

Mandel, 12 --- Assistant Editor of Commentary magazine (Seth, 3/23/2012, “Contentions Lessons of Presidential Persuasion: Be the Commander-In-Chief,” http://www.commentarymagazine.com/2012/03/23/presidential-persuasion-commander-in-chief-obama-reagan-clinton/)

I want to offer Klein one more note of optimism. He writes:

Back-room bargains and quiet negotiations do not, however, present an inspiring vision of the Presidency. And they fail, too. Boehner and Obama spent much of last summer sitting in a room together, but, ultimately, the Speaker didn’t make a private deal with the President for the same reason that Republican legislators don’t swoon over a public speech by him: he is the leader of the Democratic Party, and if he wins they lose. This suggests that, as the two parties become more sharply divided, it may become increasingly difficult for a President to govern—and there’s little that he can do about it.

I disagree. The details of the deal matter, not just the party lines about the dispute. There is no way the backroom negotiations Clinton conducted with Gingrich over social security reform could have been possible if we had prime ministers, instead of presidents. Thepresident possesses political capital Congress doesn’t. History tells us there are effective ways to use that capital. One lesson: quiet action on domestic policy, visible and audible leadership on national security.

### No spillover

#### Political capital key to coalition building, horse-trading

Steven E. **Schier**, Professor, Political Science, Carleton College, “Understanding the Obama Presidency,” THE FORUM v. 7 n. 1, 20**09**.

At the heart of any presidency lie events and the political skills of the president and his administration. Presidents have discretion to create some events, but they also are subject to nondiscretionary events that just happen to them. Such events create positive and negative political impact for presidents. Presidents must demonstrate their personal skills in response to such events. ‘Professional reputation” is an important aspect of a president’s political capital (Neustadt 1990, 50-55). What are the component skills that create a strong presidential reputation? • A president’s rhetorical skills can buoy public support and facilitate his dominance of national politics. Ronald Reagan, the “great communicator,” developed a public persona attractive to many Americans through his skilled use of rhetorical occasions. Obama is definitely in Reagan’s rhetorical league. • Coalitional skills require a president to maintain the support of fellow partisans while occasionally reaching beyond them to build broader public and congressional support for his initiatives. Coalitional skills involve both partisan maintenance and situational outreach beyond fellow partisans. Obama’s brief legislative record yields little advance indication about his coalitional skills in practice. Internationally, major initiatives on matters as diverse as military action in Afghanistan and international environmental protection require ability at coalition formation and maintenance. The international goodwill greeting Obama’s election gives him an opportunity to develop coalitional skills in an internationally supportive public environment. • A related bargaining skill allows a president to bring together rival power holders to gain necessary support. This can involve splitting differences among lawmakers over taxation and spending or hammering out consensus language among differing nations about U.N resolutions or international treaties. Obama demonstrated occasional ability to strike bipartisan bargains as a legislator. He will need to do much more of that as president. • Managerial skills require clear lines of organization and accountability within the executive branch. The effective implementation of foreign and domestic policy is the consequence of able management. Obama, with no executive experience, will have to rely on skilled appointees to help him exercise such skills. • Finally, heresthetic skills involve a “deliberate attempt to structure political situations so that opponents will either have to submit or be trapped. There is also the possibility of redefining political conflicts to permit new coalitions to be created. . . [this is] the science of manipulation and strategy of winning” (Hargrove 1998, 32; Riker 1986).

#### They are wrong—capital drives the agenda

Matthew N. **Beckermann**, Associate Professor, Political Science, UC-Irvine and Vimal Kumar, “How Presidents Push, When Presidents Win: A Model of Positive Presidential Power in US Lawmaking,” JOURNAL OF THEORETICAL POLITICS v. 23 n. 3, 20**11**, Ebsco.

Agreeing that presidents’ strategic options in Congress do indeed depend heavily on factors beyond their control, our model’s first insight is explicating the two systematic strategies presidents have available for exerting influence in Congress: they can target marginal voters to shift the preference distribution on roll-call votes and they can target congressional leaders to censor the policy alternatives making it that far. While the first of these is widely recognized and studied, the second is not. By detailing the actual mechanisms of president-led coalition building on Capitol Hill, ours is a theory that puts positive presidential power on a firmer conceptual footing; legislative opportunities are predictable (if not controllable) and capitalizing on them depends on nothing more heroic than the normal grist of legislative politics: arm-twisting, brow-beating, and horse-trading. In this way, we subscribe to President Eisenhower’s observation: ‘I’ll tell you what leadership is: it’s persuasion, and conciliation, and education, and patience. It’s long, slow, tough work’ (Hughes, 1963: 124).